

1 XAVIER BECERRA  
Attorney General of California  
2 TAMAR PACHTER  
Supervising Deputy Attorney General  
3 NELSON R. RICHARDS  
Deputy Attorney General  
4 State Bar No. 246996  
2550 Mariposa Mall, Room 5090  
5 Fresno, CA 93721  
Telephone: (559) 705-2324  
6 Fax: (559) 445-5106  
E-mail: Nelson.Richards@doj.ca.gov  
7 *Attorneys for Defendant Attorney General*  
*Xavier Becerra*

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
11

12  
13 **Kim Rhode et al.,**

14 Plaintiffs,

15 **v.**

16 **Xavier Becerra, in his official**  
17 **capacity as Attorney General of the**  
18 **State of California, et al.,**

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

3:18-cv-00802-BEN-JLB

**ANSWER TO THE FIRST  
AMENDED COMPLAINT**

Judge: The Honorable Roger T.  
Benitez

Action Filed: 4/27/2018

1 Defendant Xavier Becerra, in his official capacity as Attorney General of  
2 California, answers the First Amended Complaint, ECF No. 9, in paragraphs that  
3 correspond to the First Amended Complaint's, as follows:

4 1. Denies.

5 2. Denies.

6 3. The allegations contained in Paragraph 3 constitute conclusions of law  
7 to which no answer is required; to the extent they may be deemed allegations of  
8 fact, they are denied.

9 4. The allegations contained in Paragraph 4 constitute conclusions of law  
10 to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12 5. The allegations contained in Paragraph 5 constitute conclusions of law  
13 to which no answer is required; to the extent they may be deemed allegations of  
14 fact, they are denied.

15 6. The Attorney General lacks information or belief sufficient to answer  
16 the allegations contained in Paragraph 6, and basing his denial on this ground,  
17 denies each and every allegation thereof.

18 7. The allegations contained in Paragraph 7 are Plaintiffs'  
19 characterization of their case, to which no answer is required; to the extent they  
20 may be deemed allegations of fact, they are denied.

21 8. The allegations contained in Paragraph 8 constitute conclusions of law  
22 to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24 9. The allegations contained in Paragraph 9 constitute conclusions of law  
25 to which no answer is required; to the extent they may be deemed allegations of  
26 fact, they are denied.

27 10. The allegations contained in Paragraph 10 constitute conclusions of  
28 law to which no answer is required; to the extent they may be deemed allegations of

1 fact, they are denied.

2 11. The Attorney General lacks information or belief sufficient to answer  
3 the allegations contained in Paragraph 11, and basing his denial on this ground,  
4 denies each and every allegation thereof.

5 12. The Attorney General lacks information or belief sufficient to answer  
6 the allegations contained in Paragraph 12, and basing his denial on this ground,  
7 denies each and every allegation thereof.

8 13. The Attorney General lacks information or belief sufficient to answer  
9 the allegations contained in Paragraph 13, and basing his denial on this ground,  
10 denies each and every allegation thereof.

11 14. The Attorney General lacks information or belief sufficient to answer  
12 the allegations contained in Paragraph 14, and basing his denial on this ground,  
13 denies each and every allegation thereof.

14 15. The Attorney General lacks information or belief sufficient to answer  
15 the allegations contained in Paragraph 15, and basing his denial on this ground,  
16 denies each and every allegation thereof.

17 16. The Attorney General lacks information or belief sufficient to answer  
18 the allegations contained in Paragraph 16, and basing his denial on this ground,  
19 denies each and every allegation thereof.

20 17. The Attorney General lacks information or belief sufficient to answer  
21 the allegations contained in Paragraph 17, and basing his denial on this ground,  
22 denies each and every allegation thereof.

23 18. The Attorney General lacks information or belief sufficient to answer  
24 the allegations contained in Paragraph 18, and basing his denial on this ground,  
25 denies each and every allegation thereof.

26 19. The Attorney General lacks information or belief sufficient to answer  
27 the allegations contained in Paragraph 19, and basing his denial on this ground,  
28 denies each and every allegation thereof.

1           20.     The Attorney General lacks information or belief sufficient to answer  
2 the allegations contained in Paragraph 20, and basing his denial on this ground,  
3 denies each and every allegation thereof.

4           21.     The Attorney General lacks information or belief sufficient to answer  
5 the allegations contained in Paragraph 21, and basing his denial on this ground,  
6 denies each and every allegation thereof.

7           22.     The Attorney General lacks information or belief sufficient to answer  
8 the allegations contained in Paragraph 22, and basing his denial on this ground,  
9 denies each and every allegation thereof.

10          23.     Admits that he is the Attorney General of California; otherwise the  
11 allegations in Paragraph 23 constitute conclusions of law to which no answer is  
12 required; to the extent they may be deemed allegations of fact, they are denied.

13          24.     The Attorney General lacks information or belief sufficient to answer  
14 the allegations contained in Paragraph 24, and basing his denial on this ground,  
15 denies each and every allegation thereof.

16          25.     Admits that he is carrying out his statutory duties under the Safety for  
17 All Act (Proposition 63) and that he intends to carry out any additional duties as  
18 they take effect; otherwise the allegations contained in Paragraph 25 constitute  
19 conclusions of law to which no answer is required; to the extent they may be  
20 deemed allegations of fact, they are denied.

21          26.     The allegations contained in Paragraph 26 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24          27.     Admits that the Safety for All Act (Proposition 63) was adopted in  
25 2016; otherwise the allegations contained in Paragraph 27 constitute conclusions of  
26 law to which no answer is required; to the extent they may be deemed allegations of  
27 fact, they are denied.

28          28.     The allegations contained in Paragraph 28 constitute conclusions of

1 law to which no answer is required; to the extent they may be deemed allegations of  
2 fact, they are denied.

3 29. The allegations contained in Paragraph 29 constitute conclusions of  
4 law to which no answer is required; to the extent they may be deemed allegations of  
5 fact, they are denied.

6 30. The allegations contained in Paragraph 30 constitute conclusions of  
7 law to which no answer is required; to the extent they may be deemed allegations of  
8 fact, they are denied.

9 31. The allegations contained in Paragraph 31 constitute conclusions of  
10 law to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12 32. The allegations contained in Paragraph 32 constitute conclusions of  
13 law to which no answer is required; to the extent they may be deemed allegations of  
14 fact, they are denied.

15 33. The allegations contained in Paragraph 33 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18 34. The allegations contained in Paragraph 34 constitute conclusions of  
19 law to which no answer is required; to the extent they may be deemed allegations of  
20 fact, they are denied.

21 35. The allegations contained in Paragraph 35 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24 36. The allegations contained in Paragraph 36 constitute conclusions of  
25 law to which no answer is required; to the extent they may be deemed allegations of  
26 fact, they are denied.

27 37. The allegations contained in Paragraph 37 constitute conclusions of  
28 law to which no answer is required; to the extent they may be deemed allegations of

1 fact, they are denied.

2 38. The allegations contained in Paragraph 38 constitute conclusions of  
3 law to which no answer is required; to the extent they may be deemed allegations of  
4 fact, they are denied.

5 39. Admits that the Department of Justice began issuing licenses on  
6 January 2, 2018; otherwise the remaining allegations contained in Paragraph 39  
7 constitute conclusions of law to which no answer is required; to the extent they may  
8 be deemed allegations of fact, they are denied.

9 40. The allegations contained in Paragraph 40 constitute conclusions of  
10 law to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12 41. The allegations contained in Paragraph 41 constitute conclusions of  
13 law to which no answer is required; to the extent they may be deemed allegations of  
14 fact, they are denied.

15 42. The allegations contained in Paragraph 42 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18 43. The allegations contained in Paragraph 43 constitute conclusions of  
19 law to which no answer is required; to the extent they may be deemed allegations of  
20 fact, they are denied.

21 44. The allegations contained in Paragraph 44 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24 45. The allegations contained in Paragraph 45 constitute conclusions of  
25 law to which no answer is required; to the extent they may be deemed allegations of  
26 fact, they are denied.

27 46. The Attorney General lacks information or belief sufficient to answer  
28 the allegations contained in Paragraph 46, and basing his denial on this ground,

1 denies each and every allegation thereof.

2 47. The allegations contained in Paragraph 47 constitute conclusions of  
3 law to which no answer is required; to the extent they may be deemed allegations of  
4 fact, they are denied.

5 48. The allegations contained in Paragraph 48 constitute conclusions of  
6 law to which no answer is required; to the extent they may be deemed allegations of  
7 fact, they are denied.

8 49. The allegations contained in Paragraph 49 constitute conclusions of  
9 law to which no answer is required; to the extent they may be deemed allegations of  
10 fact, they are denied.

11 50. The allegations contained in Paragraph 50 constitute conclusions of  
12 law to which no answer is required; to the extent they may be deemed allegations of  
13 fact, they are denied.

14 51. The allegations contained in Paragraph 51 constitute conclusions of  
15 law to which no answer is required; to the extent they may be deemed allegations of  
16 fact, they are denied.

17 52. The allegations contained in Paragraph 52 constitute conclusions of  
18 law to which no answer is required; to the extent they may be deemed allegations of  
19 fact, they are denied.

20 53. The allegations contained in Paragraph 53 constitute conclusions of  
21 law to which no answer is required; to the extent they may be deemed allegations of  
22 fact, they are denied.

23 54. The allegations contained in Paragraph 54 constitute conclusions of  
24 law to which no answer is required; to the extent they may be deemed allegations of  
25 fact, they are denied.

26 55. The allegations contained in Paragraph 55 constitute conclusions of  
27 law to which no answer is required; to the extent they may be deemed allegations of  
28 fact, they are denied.

1           56.     The allegations contained in Paragraph 56 constitute conclusions of  
2 law to which no answer is required; to the extent they may be deemed allegations of  
3 fact, they are denied.

4           57.     The allegations contained in the first and third sentences of  
5 Paragraph 57 constitute conclusions of law to which no answer is required; to the  
6 extent they may be deemed allegations of fact, they are denied. Denies the second  
7 sentence of paragraph 57.

8           58.     The allegations contained in Paragraph 58 constitute conclusions of  
9 law to which no answer is required; to the extent they may be deemed allegations of  
10 fact, they are denied.

11          59.     The allegations contained in Paragraph 59 constitute conclusions of  
12 law to which no answer is required; to the extent they may be deemed allegations of  
13 fact, they are denied.

14          60.     The allegations contained in Paragraph 60 constitute conclusions of  
15 law to which no answer is required; to the extent they may be deemed allegations of  
16 fact, they are denied.

17          61.     The allegations contained in Paragraph 61 constitute conclusions of  
18 law to which no answer is required; to the extent they may be deemed allegations of  
19 fact, they are denied.

20          62.     The allegations contained in Paragraph 62 constitute conclusions of  
21 law to which no answer is required; to the extent they may be deemed allegations of  
22 fact, they are denied.

23          63.     The allegations contained in Paragraph 63 constitute conclusions of  
24 law to which no answer is required; to the extent they may be deemed allegations of  
25 fact, they are denied.

26          64.     The allegations contained in Paragraph 64 constitute conclusions of  
27 law to which no answer is required; to the extent they may be deemed allegations of  
28 fact, they are denied.



1           65.     The allegations contained in Paragraph 65 constitute conclusions of  
2 law to which no answer is required; to the extent they may be deemed allegations of  
3 fact, they are denied.

4           66.     The allegations contained in Paragraph 66 constitute conclusions of  
5 law to which no answer is required; to the extent they may be deemed allegations of  
6 fact, they are denied.

7           67.     The allegations contained in Paragraph 67 constitute conclusions of  
8 law to which no answer is required; to the extent they may be deemed allegations of  
9 fact, they are denied.

10          68.     The allegations contained in Paragraph 68 constitute conclusions of  
11 law to which no answer is required; to the extent they may be deemed allegations of  
12 fact, they are denied.

13          69.     The allegations contained in Paragraph 69 constitute conclusions of  
14 law to which no answer is required; to the extent they may be deemed allegations of  
15 fact, they are denied.

16          70.     The allegations contained in Paragraph 70 constitute conclusions of  
17 law to which no answer is required; to the extent they may be deemed allegations of  
18 fact, they are denied.

19          71.     The allegations contained in Paragraph 71 constitute conclusions of  
20 law to which no answer is required; to the extent they may be deemed allegations of  
21 fact, they are denied.

22          72.     The allegations contained in Paragraph 72 constitute conclusions of  
23 law to which no answer is required; to the extent they may be deemed allegations of  
24 fact, they are denied.

25          73.     The allegations contained in Paragraph 73 constitute conclusions of  
26 law to which no answer is required; to the extent they may be deemed allegations of  
27 fact, they are denied.

28          74.     The allegations contained in Paragraph 74 constitute conclusions of

1 law to which no answer is required; to the extent they may be deemed allegations of  
2 fact, they are denied.

3 75. The allegations contained in Paragraph 75 constitute conclusions of  
4 law to which no answer is required; to the extent they may be deemed allegations of  
5 fact, they are denied.

6 76. The allegations contained in Paragraph 76 constitute conclusions of  
7 law to which no answer is required; to the extent they may be deemed allegations of  
8 fact, they are denied.

9 77. The allegations contained in Paragraph 77 constitute conclusions of  
10 law to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12 78. The allegations contained in Paragraph 78 constitute conclusions of  
13 law to which no answer is required; to the extent they may be deemed allegations of  
14 fact, they are denied.

15 79. The allegations contained in Paragraph 79 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18 80. The allegations contained in Paragraph 80 constitute conclusions of  
19 law to which no answer is required; to the extent they may be deemed allegations of  
20 fact, they are denied.

21 81. The allegations contained in Paragraph 81 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24 82. The Attorney General incorporates his answers to Paragraphs 1  
25 through 81 in answer to Paragraph 82.

26 83. The allegations contained in Paragraph 83 constitute conclusions of  
27 law to which no answer is required; to the extent they may be deemed allegations of  
28 fact, they are denied.

1           84.     The allegations contained in Paragraph 84 constitute conclusions of  
2 law to which no answer is required; to the extent they may be deemed allegations of  
3 fact, they are denied.

4           85.     The allegations contained in Paragraph 85 constitute conclusions of  
5 law to which no answer is required; to the extent they may be deemed allegations of  
6 fact, they are denied.

7           86.     The allegations contained in Paragraph 86 constitute conclusions of  
8 law to which no answer is required; to the extent they may be deemed allegations of  
9 fact, they are denied.

10          87.     Denies.

11          88.     The allegations contained in the first and third sentences of  
12 Paragraph 88 constitute conclusions of law to which no answer is required; to the  
13 extent they may be deemed allegations of fact, they are denied. Denies the second  
14 sentence of paragraph 88.

15          89.     The allegations contained in Paragraph 89 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18          90.     The allegations contained in Paragraph 90 constitute conclusions of  
19 law to which no answer is required; to the extent they may be deemed allegations of  
20 fact, they are denied.

21          91.     The allegations contained in Paragraph 91 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24          92.     The Attorney General incorporates his answers to Paragraphs 1  
25 through 91 in answer to Paragraph 92.

26          93.     The allegations contained in Paragraph 93 constitute conclusions of  
27 law to which no answer is required; to the extent they may be deemed allegations of  
28 fact, they are denied.

1           94.     The allegations contained in Paragraph 94 constitute conclusions of  
2 law to which no answer is required; to the extent they may be deemed allegations of  
3 fact, they are denied.

4           95.     The allegations contained in Paragraph 95 constitute conclusions of  
5 law to which no answer is required; to the extent they may be deemed allegations of  
6 fact, they are denied.

7           96.     The Attorney General incorporates his answers to Paragraphs 1  
8 through 95 in answer to Paragraph 96.

9           97.     The allegations contained in Paragraph 97 constitute conclusions of  
10 law to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12           98.     The allegations contained in Paragraph 98 constitute conclusions of  
13 law to which no answer is required; to the extent they may be deemed allegations of  
14 fact, they are denied.

15           99.     The allegations contained in Paragraph 99 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18           100.    The Attorney General incorporates his answers to Paragraphs 1  
19 through 99 in answer to Paragraph 100.

20           101.    The allegations contained in Paragraph 101 constitute conclusions of  
21 law to which no answer is required; to the extent they may be deemed allegations of  
22 fact, they are denied.

23           102.    The allegations contained in Paragraph 102 constitute conclusions of  
24 law to which no answer is required; to the extent they may be deemed allegations of  
25 fact, they are denied.

26           103.    The allegations contained in Paragraph 103 constitute conclusions of  
27 law to which no answer is required; to the extent they may be deemed allegations of  
28 fact, they are denied.

1           104. The Attorney General incorporates his answers to Paragraphs 1  
2 through 103 in answer to Paragraph 104.

3           105. The allegations contained in Paragraph 105 constitute conclusions of  
4 law to which no answer is required; to the extent they may be deemed allegations of  
5 fact, they are denied.

6           106. The allegations contained in Paragraph 106 constitute conclusions of  
7 law to which no answer is required; to the extent they may be deemed allegations of  
8 fact, they are denied.

9           107. The allegations contained in Paragraph 107 constitute conclusions of  
10 law to which no answer is required; to the extent they may be deemed allegations of  
11 fact, they are denied.

12           108. Denies.

13           109. The allegations contained in Paragraph 109 constitute conclusions of  
14 law to which no answer is required; to the extent they may be deemed allegations of  
15 fact, they are denied.

16           110. The allegations contained in Paragraph 110 constitute conclusions of  
17 law to which no answer is required; to the extent they may be deemed allegations of  
18 fact, they are denied.

19           111. The Attorney General incorporates his answers to Paragraphs 1  
20 through 110 in answer to Paragraph 111.

21           112. The allegations contained in Paragraph 112 constitute conclusions of  
22 law to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24           113. The allegations contained in Paragraph 113 constitute conclusions of  
25 law to which no answer is required; to the extent they may be deemed allegations of  
26 fact, they are denied.

27           114. The Attorney General incorporates his answers to Paragraphs 1  
28 through 113 in answer to Paragraph 114.

1           115. The allegations contained in Paragraph 115 constitute conclusions of  
2 law to which no answer is required; to the extent they may be deemed allegations of  
3 fact, they are denied.

4           116. The allegations contained in Paragraph 116 constitute conclusions of  
5 law to which no answer is required; to the extent they may be deemed allegations of  
6 fact, they are denied.

7           117. The allegations contained in Paragraph 117 constitute conclusions of  
8 law to which no answer is required; to the extent they may be deemed allegations of  
9 fact, they are denied.

10          118. The allegations contained in Paragraph 118 constitute conclusions of  
11 law to which no answer is required; to the extent they may be deemed allegations of  
12 fact, they are denied.

13          119. The allegations contained in Paragraph 119 constitute conclusions of  
14 law to which no answer is required; to the extent they may be deemed allegations of  
15 fact, they are denied.

16          120. The allegations contained in Paragraph 120 constitute conclusions of  
17 law to which no answer is required; to the extent they may be deemed allegations of  
18 fact, they are denied.

19          121. The allegations contained in Paragraph 121 constitute conclusions of  
20 law to which no answer is required; to the extent they may be deemed allegations of  
21 fact, they are denied.

22          122. The allegations contained in Paragraph 122 constitute conclusions of  
23 law to which no answer is required; to the extent they may be deemed allegations of  
24 fact, they are denied.

25          123. The Attorney General incorporates his answers to Paragraphs 1  
26 through 122 in answer to Paragraph 123.

27          124. No response to Paragraph 124 is required because it is made in support  
28 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

1           125. No response to Paragraph 125 is required because it is made in support  
2 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

3           126. No response to Paragraph 126 is required because it is made in support  
4 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

5           127. No response to Paragraph 127 is required because it is made in support  
6 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

7           128. No response to Paragraph 128 is required because it is made in support  
8 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

9           129. No response to Paragraph 129 is required because it is made in support  
10 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

11           130. No response to Paragraph 130 is required because it is made in support  
12 of a claim that the Court dismissed in its October 17, 2018 Order, ECF No. 16.

13           131. The Attorney General incorporates his answers to Paragraphs 1  
14 through 130 in answer to Paragraph 131.

15           132. The allegations contained in Paragraph 132 constitute conclusions of  
16 law to which no answer is required; to the extent they may be deemed allegations of  
17 fact, they are denied.

18           133. The allegations contained in Paragraph 133 constitute conclusions of  
19 law to which no answer is required; to the extent they may be deemed allegations of  
20 fact, they are denied.

21           The Attorney General denies each and every allegation not previously  
22 admitted or otherwise qualified.

23           The Attorney General denies that Plaintiffs are entitled to the relief set forth in  
24 the prayer for relief immediately following Paragraph 133, or to any relief  
25 whatsoever.

26  
27           In addition, without admitting any allegations contained in the First Amended  
28 Complaint, the Attorney General asserts the following defenses based on

1 information and belief:

2 **FIRST DEFENSE**

3 The First Amended Complaint, and the claims for relief alleged therein, fails  
4 to state facts sufficient to constitute a cause of action.

5 **SECOND DEFENSE**

6 Plaintiffs' claims in this action are barred in that they do not have standing to  
7 bring them.

8 **THIRD DEFENSE**

9 The Attorney General has not knowingly or intentionally waived any  
10 applicable defense or affirmative defense. The Attorney General reserves the right  
11 to assert and rely upon other such defenses as may become available or apparent  
12 during discovery proceedings or as may be raised or asserted by others in this case,  
13 and to amend the Answer, defenses, and/or affirmative defenses accordingly. The  
14 Attorney General further reserves the right to amend the Answer to delete defenses  
15 and/or affirmative defenses that he determines are not applicable after subsequent  
16 discovery.



1 WHEREFORE, the Attorney General prays that:

2 1. Plaintiffs take nothing by reason of their complaint;

3 2. Judgment be entered in favor of the Attorney General;

4 3. The Attorney General be awarded his costs incurred in defending this  
5 action; and

6 4. The Attorney General be awarded such further relief that the Court may  
7 deem just and proper.

8 Dated: October 31, 2018

Respectfully submitted,

9 XAVIER BECERRA  
10 Attorney General of California  
11 TAMAR PACHTER  
Supervising Deputy Attorney General

12  
13 /s/ Nelson Richards  
NELSON R. RICHARDS  
14 Deputy Attorney General  
Attorneys for Defendant Attorney  
15 General Xavier Becerra  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Case ***Rhode v. Becerra*** No. **3:18-cv-00802-BEN-JLB**  
Name: \_\_\_\_\_

I hereby certify that on October 31, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**ANSWER TO THE FIRST AMENDED COMPLAINT**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 31, 2018, at Fresno, California.

\_\_\_\_\_  
Nelson R. Richards  
Declarant

\_\_\_\_\_  
/s/ Nelson R. Richards  
Signature