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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

NATIONAL IMMIGRATION LAW CENTER, ACLU FOUNDATION OF SOUTHERN CALIFORNIA, and NATIONAL LAWYERS' GUILD LOS ANGELES CHAPTER	)	Case No. CV-08-07092 DDP(VBKx)
	)	<b>ANSWER</b>
	)	DATE: Dec. 1, 2008
	)	TIME: 4:00 p.m.
	)	COURTROOM: 3
Plaintiffs,	)	
v.	)	Honorable Dean D. Pregerson
U.S. DEPARTMENT OF HOMELAND SECURITY and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,	)	
Defendants.	)	

Defendants United States Department of Homeland Security (“DHS”) and  
United States Immigration and Customs Enforcement (“ICE”) hereby answer  
Plaintiffs’ Complaint in the above-captioned matter as follows:

1 **FIRST AFFIRMATIVE DEFENSE**

2 Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

3 **SECOND AFFIRMATIVE DEFENSE**

4 The Court lacks subject matter jurisdiction over Plaintiffs' Complaint  
5 because Defendants have not improperly withheld information within the meaning  
6 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

7 **THIRD AFFIRMATIVE DEFENSE**

8 The FOIA request that is the subject of this lawsuit implicates certain  
9 information that is protected from disclosure by one or more statutory exemptions.  
10 Disclosure of such information is not required.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 Defendants deny each and every allegation contained in Plaintiffs'  
13 Complaint except as hereinafter may be expressly admitted.

14 Defendants answer the numbered paragraphs of plaintiffs' complaint as  
15 follows:

16 1. This paragraph contains plaintiffs' characterization of this lawsuit,  
17 not allegations of fact, and thus no response is required. To the extent a response  
18 is required, defendant admits that plaintiffs filed this action for injunctive and  
19 other relief pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

20 2. Admitted as to the first sentence; DHS acknowledged receipt of  
21 plaintiff National Immigration Law Center's March 4, 2008 request by letter dated  
22 March 20, 2008. The second sentence contains a statement of plaintiffs' opinion  
23 and characterization of their record request, not fact, and thus no response is  
24 required.

25 3. This paragraph contains allegations that are not relevant to the  
26 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
27 which no response is required. To the extent a response is required, admitted only  
28 to the extent that ICE agents executed a federal search warrant at a Los

1 Angeles-area computer printer cartridge manufacturing plant in February 2008,  
2 arresting eight current and former company workers on criminal charges and  
3 another 130 employees on administrative immigration violations; the search  
4 warrant was executed at the Van Nuys, California, headquarters of Micro  
5 Solutions Enterprises.

6 4. This paragraph contains allegations that are not relevant to the  
7 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
8 which no response is required. To the extent a response is required, admitted only  
9 to the extent that ICE agents executed a federal search warrant at a Los  
10 Angeles-area computer printer cartridge manufacturing plant in February 2008,  
11 arresting eight current and former company workers on criminal charges and  
12 another 130 employees on administrative immigration violations; the search  
13 warrant was executed at the Van Nuys, California, headquarters of Micro  
14 Solutions Enterprises.

15 5. This paragraph contains statements of plaintiffs' opinion, not fact,  
16 and therefore no response is required.

17 6. This paragraph contains statements of plaintiffs' opinion and  
18 characterization of the lawsuit, not fact, and therefore no response is required.  
19 Furthermore, to the extent that this paragraph states a legal conclusion based on  
20 plaintiffs' interpretation of federal law, no response is required.

21 7. This paragraph contains plaintiffs' characterizations of their FOIA  
22 request, not fact, and thus no response is required.

23 8. Admitted only to the extent that defendants have not produced  
24 documents in response to plaintiffs' FOIA requests in this case. To the extent that  
25 the rest of this paragraph states a legal conclusion based on plaintiffs'  
26 interpretation of federal law, no response is required.

27 9. This paragraph contains conclusions and characterizations of law, not  
28 allegations of fact, and thus no response is required.

1           10. The first sentence of this paragraph states conclusions and  
2 characterizations of law, not allegations of fact, and thus no response is required.  
3 Defendants lack sufficient knowledge or information to form a belief as to the  
4 truth of the allegations made in the second sentence.

5           11. Defendants lack sufficient knowledge or information to form a belief  
6 as to the truth of the allegations in this paragraph.

7           12. Defendants lack sufficient knowledge or information to form a belief  
8 as to the truth of the allegations in this paragraph.

9           13. Defendants lack sufficient knowledge or information to form a belief  
10 as to the truth of the allegations in this paragraph.

11           14. Admit.

12           15. This paragraph contains conclusions and characterizations of law, not  
13 allegations of fact, and thus no response is required.

14           16. This paragraph contains conclusions and characterizations of law, not  
15 allegations of fact, and thus no response is required.

16           17. This paragraph contains conclusions and characterizations of law, not  
17 allegations of fact, and thus no response is required.

18           18. This paragraph contains conclusions and characterizations of law, not  
19 allegations of fact, and thus no response is required.

20           19. This paragraph contains conclusions and characterizations of law, not  
21 allegations of fact, and thus no response is required.

22           20. This paragraph contains conclusions and characterizations of law, not  
23 allegations of fact, and thus no response is required.

24           21. This paragraph contains conclusions and characterizations of law, not  
25 allegations of fact, and thus no response is required.

26           22. This paragraph contains allegations that are not relevant to the  
27 underlying FOIA claim. To the extent that an answer is required, defendants  
28 admit in part as to the first sentence of paragraph 22, that as part of ICE's

1 homeland security mission, ICE is responsible for enforcing immigration laws at  
2 U.S. worksites. Admit, in part, as to the second sentence, that ICE has guidelines,  
3 policies, and procedures governing its worksite enforcement operations. Admit, in  
4 part, as to the third sentence that ICE has developed "Guidelines for Identifying  
5 Humanitarian Concerns among Administrative Arrestees When Conducting  
6 Worksite Enforcement Operations." Defendants deny that DHS has guidelines,  
7 memoranda, policies and procedures governing the execution of worksite  
8 enforcement operations, other than those issued and implemented by ICE. The  
9 remainder of paragraph 22 contains plaintiffs' characterizations of ICE guidelines  
10 and operations, to which no response is required. To the extent a response is  
11 required, denied.

12 23. This paragraph contains allegations that are not relevant to the  
13 underlying FOIA claim and are plaintiffs' characterizations of ICE operations,  
14 thus no response is required. To the extent a response is required, admitted only to  
15 the extent that ICE agents executed a federal search warrant at a Los Angeles-area  
16 computer printer cartridge manufacturing plant in February 2008, arresting eight  
17 current and former company workers on criminal charges and another 130  
18 employees on administrative immigration violations; the search warrant was  
19 executed at the Van Nuys, California, headquarters of Micro Solutions  
20 Enterprises. To the extent that a further response is required, denied as to the  
21 remainder of paragraph 23.

22 24. This paragraph contains allegations that are not relevant to the  
23 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
24 which no response is required. To the extent that a response is required, admitted  
25 only to the extent that ICE agents executed a federal search warrant at a Los  
26 Angeles-area computer printer cartridge manufacturing plant in February 2008,  
27 arresting eight current and former company workers on criminal charges and  
28 another 130 employees on administrative immigration violations; the search

1 warrant was executed at the Van Nuys, California, headquarters of Micro  
2 Solutions Enterprises. To the extent that a further response is required, denied as  
3 to the remainder of paragraph 24.

4 25. This paragraph contains allegations that are not relevant to the  
5 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
6 which no response is required. To the extent that a response is required, admitted  
7 only to the extent that ICE agents executed a federal search warrant at a Los  
8 Angeles-area computer printer cartridge manufacturing plant in February 2008,  
9 arresting eight current and former company workers on criminal charges and  
10 another 130 employees on administrative immigration violations; the search  
11 warrant was executed at the Van Nuys, California, headquarters of Micro  
12 Solutions Enterprises. To the extent that a further response is required, denied as  
13 to the remainder of paragraph 25.

14 26. This paragraph contains allegations that are not relevant to the  
15 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
16 which no response is required. To the extent that a response is required, admitted  
17 only to the extent that ICE agents executed a federal search warrant at a Los  
18 Angeles-area computer printer cartridge manufacturing plant in February 2008,  
19 arresting eight current and former company workers on criminal charges and  
20 another 130 employees on administrative immigration violations; the search  
21 warrant was executed at the Van Nuys, California, headquarters of Micro  
22 Solutions Enterprises. To the extent that a further response is required, denied as  
23 to the remainder of paragraph 26.

24 27. This paragraph contains allegations that are not relevant to the  
25 underlying FOIA claim and are plaintiffs' characterizations of ICE operations, to  
26 which no response is required. To the extent that a response is required, admitted  
27 only to the extent that ICE agents executed a federal search warrant at a Los  
28 Angeles-area computer printer cartridge manufacturing plant in February 2008,

1 arresting eight current and former company workers on criminal charges and  
2 another 130 employees on administrative immigration violations; the search  
3 warrant was executed at the Van Nuys, California, headquarters of Micro  
4 Solutions Enterprises. To the extent that a further response is required, denied as  
5 to the remainder of paragraph 27.

6 28. Admit. The DHS acknowledged receipt of plaintiffs' FOIA request  
7 letter on March 5, 2008 by letter dated March 24, 2008.

8 29. Admit.

9 30. Admit.

10 31. Admitted as to the first three sentences. To the extent that the final  
11 sentence states plaintiffs' opinion or a legal conclusion based on plaintiffs'  
12 interpretation of federal law, no response is required.

13 32. Admitted as to the first two sentences. The remainder of the  
14 paragraph contains plaintiffs' characterization of DHS' response, to which no  
15 answer is required, and defendants respectfully refer the Court to that response for  
16 a full and complete statement of its content.

17 33. Admitted, in part, as to the first sentence of paragraph 33. Admitted  
18 that by letter dated April 8, 2008, plaintiffs appealed ICE's initial response to  
19 plaintiffs' FOIA request. Defendants lack sufficient knowledge or information on  
20 which to confirm or deny the allegations contained in the penultimate sentence of  
21 paragraph 33. The remainder of paragraph 33 contains plaintiffs'  
22 characterizations of their administrative appeal, to which no response is required.  
23 For the accuracy of those characterizations, defendants respectfully refer the Court  
24 to the document referenced as Exhibit D of plaintiffs' Complaint.

25 34. The first three sentences of this paragraph contain plaintiffs'  
26 characterization of their administrative appeal and legal conclusions based on  
27 plaintiffs' interpretation of federal law, to which no response is required. The  
28 final three sentences are admitted.

1           35. Admit, in part. Admitted that no decision has been issued with  
2 respect to plaintiffs' appeal of ICE's initial FOIA response.

3           36. This paragraph contains conclusions and characterizations of law, not  
4 allegations of fact, and thus no response is required.

5           37. Defendants repeat and re-allege the responses contained in  
6 paragraphs 1–36 inclusive.

7           38. This paragraph contains conclusions of law and thus no response is  
8 required. To the extent a response is required, this paragraph is denied.

9           39. This paragraph contains conclusions of law and thus no response is  
10 required. To the extent a response is required, this paragraph is denied.

11           40. This paragraph contains conclusions of law and thus no response is  
12 required. To the extent a response is required, this paragraph is denied.

13           41. This paragraph contains conclusions of law and thus no response is  
14 required. To the extent a response is required, this paragraph is denied.

15           The remaining paragraphs of the Complaint contain plaintiffs' requested  
16 relief, to which no response is required. To the extent a response is deemed  
17 necessary, defendants deny the allegations contained in the remaining paragraphs  
18 of the Complaint and further aver that plaintiffs are not entitled to any relief. Any  
19 allegation not specifically addressed is denied.

20           WHEREFORE, defendants respectfully request that the Court enter  
21 judgment dismissing this action with prejudice and awarding defendants costs and  
22 such other relief as the Court may deem just.

23           Respectfully submitted this 1st day of December, 2008.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

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