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15
 16 **IN THE UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

19 NATIONAL URBAN LEAGUE, *et al.*,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., *et al.*,

23 Defendants.
 24
 25
 26
 27
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Case No. 5:20-cv-05799-LHK

**DEFENDANTS' ANSWER TO
 PLAINTIFFS' SECOND AMENDED
 COMPLAINT**

1 Defendants hereby answer Plaintiffs' Second Amended Complaint, ECF No. 352 ("SAC").
2 Responding to each paragraph of the SAC paragraph by paragraph, using the same paragraph
3 numbering as Plaintiffs use in their SAC, Defendant states:

4 1. This paragraph contains Plaintiffs' characterization of this lawsuit, to which no
5 response is required. To the extent a response is deemed required, the allegations are denied.

6 2. This paragraph contains Plaintiffs' characterization of the SAC, to which no
7 response is required. To the extent a response is deemed required, the allegations are denied.

8 3. The first two sentences of this paragraph contain Plaintiffs' characterization of the
9 original Complaint and SAC, to which no response is required. To the extent a response is deemed
10 required, the allegations are denied. The allegations of the third and fourth sentences are denied.

11 4. The allegations of this paragraph are denied.

12 5. The allegations of this paragraph are admitted.

13 6. Defendants admit that the COVID-19 pandemic disrupted census field operations,
14 including the Nonresponse Followup ("NRFU") operation. The remaining allegations of the first
15 sentence are denied. Defendants admit that the purpose of the NRFU operation is to determine
16 housing unit status for nonresponding addresses that do not self-respond to the 2020 Census and
17 to enumerate households that are determined to have a housing unit status of occupied. The
18 remaining allegations of the second sentence are denied. Defendants admit the allegations in the
19 third sentence.

20 7. Defendants admit that the COVID-19 Plan, which included, conditional on
21 congressional approval, changes to the timing of the 2020 Census, such as ending field operations
22 in October 2020, was issued as a press release on April 13, 2020 in response to the COVID-19
23 pandemic (the "COVID-19 Plan"). The remaining allegations of this paragraph are denied.

24 8. The first sentence of this paragraph is denied, except to admit that the COVID-19
25 Plan provided, conditional on congressional approval, additional time for data processing than did
26 the 2020 Census Operational Plan. The second sentence of this paragraph is denied, except to
27 admit that the COVID-19 pandemic posed challenges to census operations.

1 9. The first sentence is denied. The second sentence is admitted. The remainder of
2 the paragraph quotes a news report; Defendants respectfully refer the Court to that document for
3 its complete and accurate contents, and deny any allegations inconsistent with that document.

4 10. The first sentence is denied. The second sentence is admitted. The third sentence
5 is denied, except to admit that the Census Bureau publicized the COVID-19 Plan to the public, as
6 well as to partners to encourage public participation in the 2020 Census.

7 11. Defendants lack knowledge or information sufficient to form a belief about the
8 allegations of the first sentence. The second sentence is denied.

9 12. The first sentence is denied. The second sentence is denied, except to admit that
10 certain Census Bureau employees made statements during the alleged time period questioning the
11 ability to complete the census by the end of 2020. The third and fourth sentences are denied.

12 13. The allegations of this paragraph are denied, except to admit that Secretary Ross
13 and Director Dillingham announced the Replan, which was designed to allow the Census Bureau
14 and Commerce Department to meet their obligations to deliver the census results by the end-of-
15 year deadline set forth in 13 U.S.C. § 141, as a press release on August 3, 2020 (the “Replan”).

16 14. This paragraph contains Plaintiffs’ characterization of the Replan; Defendants
17 respectfully refer the Court to that document and other public documents describing the Replan
18 for a full and accurate statement of the Replan’s contents, and deny any allegations inconsistent
19 with those documents.

20 15. The allegations of this paragraph are denied.

21 16. The allegations in this paragraph are denied.

22 17. The first sentence purports to summarize a document; Defendants respectfully refer
23 the Court to that document for its complete and accurate contents, and deny any allegations
24 inconsistent with that document. The allegations in the second sentence are denied.

25 18. The first sentence is admitted. The second sentence is denied. The third sentence
26 is a legal conclusion to which no response is required; to the extent a response is deemed required,
27 the third sentence is denied. The allegations of the fourth sentence are denied, except to admit that
28 the Census Bureau is aware of the statutory deadline in 13 U.S.C. § 141 to deliver census results.

1 The allegations of the fifth sentence are denied, except to admit that an honest debate arose among
2 Census Bureau officials regarding whether differing circumstances and evolving developments
3 would affect the Bureau’s ability to complete the census by the end of 2020.

4 19. The first sentence is denied. The second sentence is denied, except to admit that
5 on July 21, 2020, President Trump issued a Presidential Memorandum entitled “Memorandum on
6 Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census.” Defendants
7 lack knowledge sufficient to form a belief about the allegations of the third sentence, and on that
8 basis deny.

9 20. The allegations in this paragraph are denied.

10 21. The allegations in this paragraph is denied.

11 22. The first sentence is denied. The second sentence references a document;
12 Defendants respectfully refer the Court to that document for its complete and accurate contents,
13 and deny any allegations inconsistent with that document.

14 23. The allegations of this paragraph are denied.

15 24. The first full sentence is denied. The remaining allegations of this paragraph are
16 Plaintiffs’ characterizations of a document; Defendants respectfully refer the Court to that
17 document for its complete and accurate contents, and deny any allegations inconsistent with that
18 document.

19 25. The first full sentence is denied, except to admit that the Census Bureau had set
20 September 11, 2020, as a date when census offices could enter the Closeout Phase of the NRFU
21 operation. The second sentence is admitted. The third sentence is admitted. The remaining
22 allegations in this paragraph are denied.

23 26. The first full sentence is denied. The remaining allegations of this paragraph are
24 Plaintiffs’ characterizations of a Census Bureau Enumeration Progress report; Defendants
25 respectfully refer the Court to that document for its complete and accurate contents, and deny any
26 allegations inconsistent with that document.

1 27. The first and second sentences are denied. The third and fourth sentences are
2 admitted to the extent the figures reflected are derived from the Census Bureau’s website. The
3 fifth sentence is denied.

4 28. The allegations of this paragraph are denied.

5 29. The first sentence of this paragraph is Plaintiffs’ characterization of a Census
6 Bureau Office of Inspector General Report; Defendants respectfully refer the Court to that
7 document for its complete and accurate contents, and deny any allegations inconsistent with that
8 document. The remaining allegations of this paragraph are admitted.

9 30. The first sentence of this paragraph is Plaintiffs’ characterization of a Census
10 Bureau report; Defendants respectfully refer the Court to that document for its complete and
11 accurate contents, and deny any allegations inconsistent with that document. The second sentence
12 is denied.

13 31. Defendants deny the allegation that the NRFU operation was “squeezed” and that
14 the number of enumerators increased as a result of the COVID-19 pandemic; the remaining
15 allegations in this paragraph are admitted.

16 32. The first sentence is denied, except to admit that the Census Bureau hired and
17 trained over 330,000 enumerators. The second and third sentences are denied, except to admit that
18 average enumerator productivity was 1.92 cases per hour.

19 33. The allegations of this paragraph are denied.

20 34. The allegations of this paragraph are denied.

21 35. The first and second sentences of this paragraph are denied. The third sentence of
22 this paragraph is Plaintiffs’ characterization of unspecified internal spreadsheets; Defendants refer
23 to those documents for their complete and accurate contents, and deny any allegations inconsistent
24 with those documents. The remaining allegations of this paragraph are denied.

25 36. The first sentence of this paragraph is Plaintiffs’ characterization of unspecified
26 comments during a press briefing; Defendants refer to the transcript of that briefing for its complete
27 and accurate contents, and deny any allegations inconsistent with that document. The second and
28 third sentences are denied.

1 37. The allegations of this paragraph, including the allegations in the bullet points, are
2 denied.

3 38. The allegations of this paragraph are denied.

4 39. The allegations of this paragraph are denied.

5 40. The first sentence of this paragraph is Plaintiffs' characterization of an op-ed by
6 Secretary Ross published on August 14, 2020; Defendants respectfully refer the Court to that
7 document for its complete and accurate contents, and deny any allegations inconsistent with that
8 document. The remaining allegations of this paragraph are denied.

9 41. The first sentence is denied. The second and third sentences purport to characterize
10 Defendants' various filings in this lawsuit; Defendants refer to those documents for their complete
11 and accurate contents, and deny any allegations inconsistent with those documents. The fourth
12 sentence is admitted.

13 42. The first sentence is denied. The second sentence of this paragraph is Plaintiffs'
14 characterization of unspecified statements by unspecified individuals, and Defendants respectfully
15 refer the Court to those statements for a full and accurate statement of their contents; to the extent
16 a response is deemed required, the second sentence is denied

17 43. The first sentence is admitted. The second sentence is denied, except to admit that
18 compliance with 13 U.S.C. § 141's end-of-year deadline was a reason for following the Replan.

19 44. The first sentence of this paragraph is Plaintiffs' characterization of unspecified
20 statements, and Defendants respectfully refer the Court to those statements for a full and accurate
21 statement of their contents; to the extent a response is deemed required, the first sentence is denied.
22 The second sentence is denied. Defendants lack knowledge or information sufficient to form a
23 belief about the allegations of the third sentence. The fourth and fifth sentences are denied.

24 45. The allegations of this paragraph are denied, except to admit that Plaintiffs
25 represent themselves to be local governments and civil rights and civic organizations.

26 46. The first and second sentence contain Plaintiffs' characterization of the relief
27 sought in this lawsuit, to which no response is required. To the extent a response is deemed
28 required, the allegations are denied. The third sentence is denied.

1 47. The allegations of this paragraph are denied.

2 48. This paragraph is a legal conclusion to which no response is required; to the extent
3 a response is deemed required, the paragraph is denied.

4 49. This paragraph is a legal conclusion to which no response is required; to the extent
5 a response is deemed required, the paragraph is denied, except to admit that Defendants are officers
6 and agencies of the United States sued in their official capacities only.

7 50. This paragraph is a legal conclusion to which no response is required; to the extent
8 a response is deemed required, the paragraph is denied.

9 51. This paragraph is a legal conclusion to which no response is required; to the extent
10 a response is deemed required, the paragraph is denied.

11 52. Defendants lack knowledge or information sufficient to form a belief about the
12 allegations of this paragraph.

13 53. Defendants lack knowledge or information sufficient to form a belief about the
14 allegations of this paragraph.

15 54. Defendants lack knowledge or information sufficient to form a belief about the
16 allegations of this paragraph.

17 55. Defendants lack knowledge or information sufficient to form a belief about the
18 allegations of this paragraph.

19 56. Defendants lack knowledge or information sufficient to form a belief about the
20 allegations of this paragraph.

21 57. Defendants lack knowledge or information sufficient to form a belief about the
22 allegations of this paragraph.

23 58. Defendants lack knowledge or information sufficient to form a belief about the
24 allegations of the first, second, and third sentences of this paragraph, but the second and third
25 sentences are admitted to the extent the figures reflected are derived from the Census Bureau's
26 website. The fourth and fifth sentences are admitted. The sixth sentence is denied.

27 59. Defendants lack knowledge or information sufficient to form a belief about the
28 allegations of this paragraph.

1 60. Defendants lack knowledge or information sufficient to form a belief about the
2 allegations of the first, second, fourth, and fifth sentences of this paragraph, but the second and
3 third sentences are admitted to the extent the figures reflected are derived from the Census
4 Bureau's website. The third sentences is admitted.

5 61. Defendants lack knowledge or information sufficient to form a belief about the
6 allegations of this paragraph.

7 62. Defendants lack knowledge or information sufficient to form a belief about the
8 allegations of the first, second, and third sentences of this paragraph, except to admit that Los
9 Angeles County is recognized as a difficult county to count. The fourth sentence is denied, except
10 to admit that as of August 14, 2020, before the 2020 Census was completed, 53.8% of households
11 in the City of Los Angeles had responded to the 2020 Census, and that in 2010 the City's final
12 self-response rate was 68%.

13 63. Defendants lack knowledge or information sufficient to form a belief about the
14 allegations of this paragraph.

15 64. Defendants lack knowledge or information sufficient to form a belief about the
16 allegations of the first and second sentences of this paragraph, but the second sentence is admitted
17 to the extent the allegation is derived from the Census Bureau's website. Defendants lack
18 knowledge or information sufficient to form a belief about the third sentence, except to admit that
19 as of August 14, 2020, before the 2020 Census was completed, 57.2% of households in the City
20 of Salinas had responded to the 2020 Census. The fourth sentence is admitted.

21 65. Defendants lack knowledge or information sufficient to form a belief about the
22 allegations of this paragraph.

23 66. Defendants lack knowledge or information sufficient to form a belief about the
24 allegations of the first, second, third, fifth, sixth, and seventh sentences, but the second and third
25 sentences are admitted to the extent the figures reflected are derived from the Census Bureau's
26 website. Defendants lack knowledge or information sufficient to form a belief about the fourth
27 sentence, except to admit the allegation to the extent the figures reflected are derived from the
28 Census Bureau's website.

1 67. Defendants lack knowledge or information sufficient to form a belief about the
2 allegations of this paragraph.

3 68. Defendants lack knowledge or information sufficient to form a belief about the
4 allegations of this paragraph.

5 69. Defendants lack knowledge or information sufficient to form a belief about the
6 allegations of this paragraph.

7 70. Defendants lack knowledge or information sufficient to form a belief about the
8 allegations of this paragraph, except to admit that as of August 28, 2020, before the 2020 Census
9 was completed, the self-response rates in Detroit, Cleveland, and Newark were as alleged to the
10 extent the figures reflected are derived from the Census Bureau's website.

11 71. Defendants lack knowledge or information sufficient to form a belief about the
12 allegations of this paragraph.

13 72. Defendants lack knowledge or information sufficient to form a belief about the
14 allegations of the first, second, and third sentences, but the second and third sentences are admitted
15 to the extent the figures reflected are derived from the Census Bureau's website. The fourth and
16 fifth sentences are admitted. The sixth sentence is denied, except to admit that 58.1% is a lower
17 percentage than 64.7%.

18 73. Defendants lack knowledge or information sufficient to form a belief about the
19 allegations of this paragraph.

20 74. Defendants lack knowledge or information sufficient to form a belief about the first,
21 second, and third sentences. The fourth and sixth sentences are admitted, but Defendants deny
22 that 62.2% is well below 66.9% or 64.7%. The fifth sentence is denied, except to admit that Los
23 Angeles County is recognized as a difficult county to count.

24 75. Defendants lack knowledge or information sufficient to form a belief about the
25 allegations of this paragraph.

26 76. Defendants lack knowledge or information sufficient to form a belief about the
27 allegations of the first, fifth, and sixth sentences, except to admit that most households in the
28 Navajo Nation are enumerated through census field operations and to admit the stated figures to

1 the extent they are derived from the Census Bureau’s website. The second, third, and fourth
2 sentences are admitted to the extent the figures reflected are derived from the Census Bureau’s
3 website.

4 77. Defendants lack knowledge or information sufficient to form a belief about the
5 allegations of this paragraph.

6 78. Defendants lack knowledge or information sufficient to form a belief about the
7 allegations of this paragraph, except to admit that as of August 28, 2020, before the 2020 Census
8 was completed, 9.5% of households in the Gila River Indian Community had self-responded to the
9 2020 Census to the extent the figures reflected are derived from the Census Bureau’s website.

10 79. Defendants lack knowledge or information sufficient to form a belief about the
11 allegations of this paragraph.

12 80. The first two sentences are admitted. The third sentence is Plaintiffs’
13 characterization of a federal statute, 13 U.S.C. § 141(a), and Defendants respectfully refer the
14 Court to that statute for a full and accurate statement of its contents; to the extent a response is
15 deemed required, the third sentence is admitted.

16 81. This paragraph is admitted.

17 82. This paragraph is admitted.

18 83. This paragraph is admitted.

19 84. This paragraph is a legal conclusion to which no response is required, and is
20 Plaintiffs’ characterization of a constitutional provision, U.S. Const., art. I, § 2; Defendants refer
21 to that provision for a full and accurate statement of its contents, and deny any allegations
22 inconsistent with that provision.

23 85. This paragraph is admitted.

24 86. This paragraph is a legal conclusion to which no response is required, and is
25 Plaintiffs’ characterization of a judicial decision, *Wisconsin v. City of New York*, 517 U.S. 1 (1996);
26 Defendants respectfully refer the Court to that decision for a full and accurate statement of its
27 contents, and deny any allegations inconsistent with that decision.

1 87. This paragraph is a legal conclusion to which no response is required, and is
2 Plaintiffs' characterization of a judicial decision, *Department of Commerce v. New York*, 139 S.
3 C.t 2551 (2019); Defendants respectfully refer the Court to that decision for a full and accurate
4 statement of its contents, and deny any allegations inconsistent with that decision.

5 88. This paragraph is a legal conclusion to which no response is required. To the extent
6 a response is deemed required, this paragraph is denied.

7 89. Defendants deny that the Census Bureau had a constitutional and statutory mandate
8 to undertake all of the steps described in this paragraph; the allegations are otherwise admitted.

9 90. Defendants deny that the Census Bureau had a constitutional and statutory mandate
10 to undertake all of the steps described in this paragraph; Defendants admit that they created an
11 operational plan to, among other things, collect data from census respondents and to process that
12 data.

13 91. The first sentence is admitted. The second sentence is Plaintiffs' characterization
14 of Version 4.0 of the 2020 Census Operational Plan ("Final Operational Plan"); Defendants admit
15 that the quoted language appears in the document and respectfully refer the Court to that document
16 for a full and accurate statement of its contents, and deny any allegations inconsistent with that
17 document.

18 92. This paragraph is a legal conclusion to which no response is required, and is
19 Plaintiffs' characterization of a federal statute, the Paperwork Reduction Act, 44 U.S.C.
20 § 3504(c), and Defendants respectfully refer the Court to that statute for a full and accurate
21 statement of its contents. To the extent a response is required, Defendants admit that OMB
22 approves certain materials related to census operations.

23 93. Defendants lack knowledge or information sufficient to form a belief about the
24 allegation that the Office of Management and Budget formally reviewed all pre-COIVD-19 plans
25 for the decennial census. Defendants admit that the Office of Management and Budget issued
26 certain approvals under the Paperwork Reduction Act related to the 2020 Census.

1 94. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
2 Defendants respectfully refer the Court to that document for a full and accurate statement of its
3 contents, and deny any allegations inconsistent with that document.

4 95. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
5 Defendants respectfully refer the Court to that document for a full and accurate statement of its
6 contents, and deny any allegations inconsistent with that document.

7 96. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
8 Defendants respectfully refer the Court to that document for a full and accurate statement of its
9 contents, and deny any allegations inconsistent with that document.

10 97. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
11 Defendants respectfully refer the Court to that document for a full and accurate statement of its
12 contents, and deny any allegations inconsistent with that document.

13 98. This paragraph is admitted.

14 99. This paragraph is admitted.

15 100. This paragraph is Plaintiffs' characterization of unspecified detailed operational
16 plans, and Defendants respectfully refer the Court to those documents for a full and accurate
17 statement of their contents; to the extent a response is deemed required, Defendants admit that the
18 Census Bureau produced detailed operational plans to supplement the Final Operational Plan.

19 101. This paragraph is Plaintiffs' characterization of unspecified detailed operational
20 plans, and Defendants respectfully refer the Court to those documents for a full and accurate
21 statement of their contents; to the extent a response is deemed required, Defendants admit that the
22 detailed operational plans are generally based in substantial part on the work of officials possessing
23 relevant expertise.

24 102. The first sentence of this paragraph is Plaintiffs' characterization of the Final
25 Operational Plan; Defendants respectfully refer the Court to that document for a full and accurate
26 statement of its contents, and deny any allegations inconsistent with that document. The second
27 sentence is Plaintiffs' characterization of this lawsuit, to which no response is required; to the
28 extent a response is deemed required, the allegation is denied.

1 103. This paragraph is Plaintiffs’ definition of “data-collection,” to which no response
2 is required; to the extent a response is deemed required, the allegation is denied.

3 104. This paragraph is Plaintiffs’ definition of “data-processing,” to which no response
4 is required; to the extent a response is deemed required, the allegation is denied.

5 105. This paragraph is denied, except to admit that both data collection and data
6 processing must occur in order to achieve the Census Bureau’s stated goal alleged in this
7 paragraph.

8 106. This paragraph is admitted.

9 107. The allegations of this paragraph consist of Plaintiffs’ characterization of the 2020
10 Census Operational Plan and the supplemental detailed operational plans; Defendants refer to
11 those documents for a full and accurate statement of their contents, and deny any allegations
12 inconsistent with those documents.

13 108. This paragraph is admitted.

14 109. This paragraph is admitted.

15 110. Defendants deny that Update Leave is an enumeration method; the remaining
16 allegations of this paragraph is admitted.

17 111. This paragraph is denied.

18 112. This paragraph is admitted.

19 113. The fourth sentence is denied; the remaining allegations of this paragraph are
20 admitted.

21 114. The first sentence of this paragraph is Plaintiffs’ characterization of the 2020
22 Census Detailed Operational Plan for Nonresponse Followup Operation; Defendants respectfully
23 refer the Court to that document for a full and accurate statement of its contents and deny any
24 allegations inconsistent with that document.

25 115. This paragraph consists of Plaintiffs’ characterizations of the 2020 Census
26 Detailed Operational Plan for Nonresponse Followup Operation; Defendants respectfully refer the
27 Court to that document for a full and accurate statement of its contents, and deny any allegations
28 inconsistent with that document. Defendants further aver that the 2020 Census Detailed

1 Operational Plan for Nonresponse Followup Operation states “a goal of reducing the number of
2 contact attempts on each household.”

3 116. This paragraph is Plaintiffs’ characterization of the 2020 Census Detailed
4 Operational Plan for Nonresponse Followup Operation; Defendants respectfully refer the Court to
5 that document for a full and accurate statement of its contents, and deny any allegations
6 inconsistent with that document.

7 117. This paragraph is Plaintiffs’ characterization of the 2020 Census Detailed
8 Operational Plan for Nonresponse Followup Operation, and Defendants respectfully refer the
9 Court to that document for a full and accurate statement of its contents; to the extent a response is
10 deemed required, the allegations are admitted, except to deny that it has collected data from the
11 nonexistent Department of Housing and Urban Renewal.

12 118. This paragraph is Plaintiffs’ characterization of the 2020 Census Detailed
13 Operational Plan for Nonresponse Followup Operation; Defendants respectfully refer the Court to
14 that document for a full and accurate statement of its contents, and deny any allegations
15 inconsistent with that document.

16 119. This paragraph is Plaintiffs’ characterization of the 2020 Census Detailed
17 Operational Plan for Nonresponse Followup Operation; Defendants respectfully refer the Court to
18 that document for a full and accurate statement of its contents, and deny any allegations
19 inconsistent with that document.

20 120. The first, second, and fourth sentences are admitted. The third sentence is denied.

21 121. This paragraph is denied, except to admit that if the Census Bureau is unable to
22 enumerate a household after six contact attempts, it will use other methods to do so.

23 122. This paragraph is admitted.

24 123. This paragraph is admitted.

25 124. The allegations of this paragraph are denied.

26 125. The first sentence is admitted. The second sentence is denied, except to admit that
27 the Nonresponse Followup operation involves both collecting information and attempting to
28

1 improve accuracy where possible. The third sentence is denied; Defendants respectfully refer the
2 Court to the Final Operational Plan for what is entailed to “get a fair and accurate account.”

3 126. This paragraph is Plaintiffs’ characterization of the 2020 Census Detailed
4 Operational Plan for Nonresponse Followup Operation; Defendants respectfully refer the Court to
5 that document for a full and accurate statement of its contents, and deny any allegations
6 inconsistent with that document.

7 127. This paragraph is admitted to the extent the figures reflected are derived from the
8 Census Bureau’s website.

9 128. This paragraph is admitted.

10 129. This paragraph is admitted.

11 130. This paragraph is Plaintiffs’ characterization of the Final Operational Plan;
12 Defendants respectfully refer the Court to that document for a full and accurate statement of its
13 contents, and deny any allegations inconsistent with that document.

14 131. The allegations of this paragraph are denied, except to admit that hard-to-count
15 populations have lower self-response rates than the general population and make up a larger
16 proportional share of Nonresponse Followup contact attempts.

17 132. This paragraph is Plaintiffs’ characterization of the Final Operational Plan;
18 Defendants respectfully refer the Court to that document for a full and accurate statement of its
19 contents, and deny any allegations inconsistent with that document.

20 133. This paragraph is Plaintiffs’ characterization of the Final Operational Plan;
21 Defendants respectfully refer the Court to that document for a full and accurate statement of its
22 contents, and deny any allegations inconsistent with that document.

23 134. This paragraph is Plaintiffs’ characterization of the Final Operational Plan;
24 Defendants respectfully refer the Court to that document for a full and accurate statement of its
25 contents, and deny any allegations inconsistent with that document.

26 135. The allegations of this paragraph are denied except to admit that census data has a
27 variety of uses, including in congressional reapportionment, redistricting, civil-rights enforcement,
28 and research.

1 136. This paragraph is admitted.

2 137. This paragraph is admitted.

3 138. This paragraph is admitted.

4 139. This paragraph is admitted.

5 140. This paragraph is admitted.

6 141. This paragraph is admitted.

7 142. This paragraph is admitted.

8 143. This paragraph is admitted.

9 144. The first sentence is denied, except to admit that administrative records and
10 imputation are used for population and demographic data on housing units not enumerated during
11 field operations. The second sentence is denied.

12 145. The first and second sentences are denied. The third sentence is denied, except to
13 admit that the use of lower-quality data is likelier to result in inaccurate information than the use
14 of higher-quality data.

15 146. The first sentence is admitted. The second sentence is denied, except to admit that
16 imputation involves the use of data collected through methods other than imputation. The third
17 sentence is denied except to admit that the Census Bureau designed its imputation methodology to
18 work together with its other forms of data gathering to produce a complete enumeration.

19 147. This paragraph is admitted.

20 148. This paragraph is admitted.

21 149. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
22 Defendants respectfully refer the Court to that document for a full and accurate statement of its
23 contents, and deny any allegations inconsistent with that document.

24 150. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
25 Defendants respectfully refer the Court to that document for a full and accurate statement of its
26 contents, and deny any allegations inconsistent with that document.

1 151. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
2 Defendants respectfully refer the Court to that document for a full and accurate statement of its
3 contents, and deny any allegations inconsistent with that document.

4 152. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
5 Defendants respectfully refer the Court to that document for a full and accurate statement of its
6 contents, and deny any allegations inconsistent with that document.

7 153. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
8 Defendants respectfully refer the Court to that document for a full and accurate statement of its
9 contents, and deny any allegations inconsistent with that document.

10 154. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
11 Defendants respectfully refer the Court to that document for a full and accurate statement of its
12 contents, and deny any allegations inconsistent with that document.

13 155. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
14 Defendants respectfully refer the Court to that document for a full and accurate statement of its
15 contents, and deny any allegations inconsistent with that document.

16 156. This paragraph is admitted.

17 157. This paragraph is admitted; Defendants further state that the Census Bureau
18 commenced a soft launch of its self-response website shortly before March 10, 2020.

19 158. Defendants lack knowledge or information sufficient to form a belief about the
20 allegations of this paragraph, but admit the COVID-19 pandemic resulted in limitations on
21 ordinary activity in many parts of the nation.

22 159. This paragraph is Plaintiffs' characterization of a March 18, 2020 statement by
23 Census Bureau Director Dillingham; Defendants respectfully refer the Court to that document for
24 a full and accurate statement of its contents, and deny any allegations inconsistent with that
25 document.

26 160. This paragraph is Plaintiffs' characterization of a March 28, 2020 statement by the
27 Census Bureau, and Defendants respectfully refer the Court to that document for a full and accurate
28

1 statement of its contents; to the extent a response is deemed required, Defendants admit that the
2 Census Bureau suspended field operations on March 28, 2020, for two additional weeks.

3 161. This paragraph is admitted.

4 162. Defendants deny the allegations in the first sentence except to admit that the
5 suspension of field operations announced on March 18, 2020 resulted in limitations on the hiring
6 and training of enumerators for field operations. Defendants deny the allegations in the second
7 sentence except to admit that the suspension of field operations announced on March 18, 2020
8 resulted in limitations on background checks and fingerprinting for enumerators.

9 163. This paragraph is denied.

10 164. This paragraph is Plaintiffs' characterization of an April 13, 2020 statement by the
11 Census Bureau; Defendants respectfully refer the Court to that document for a full and accurate
12 statement of its contents, and deny any allegations inconsistent with that document.

13 165. The first sentence is a legal conclusion to which no response is required, and is
14 Plaintiffs' characterization of a federal statute, the Paperwork Reduction Act, 44 U.S.C.
15 § 3507(h)(3); Defendants respectfully refer the Court to that statute for a full and accurate
16 statement of its contents. The second and third sentences are admitted.

17 166. This paragraph is Plaintiffs' characterization of an April 27, 2020 statement by the
18 Census Bureau; Defendants respectfully refer the Court to that document for a full and accurate
19 statement of its contents, and deny any allegations inconsistent with that document.

20 167. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
21 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
22 full and accurate statement of its contents, and deny any allegations inconsistent with that
23 document.

24 168. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
25 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
26 full and accurate statement of its contents, and deny any allegations inconsistent with that
27 document.

1 169. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
2 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
3 full and accurate statement of its contents, and deny any allegations inconsistent with that
4 document.

5 170. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
6 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
7 full and accurate statement of its contents, and deny any allegations inconsistent with that
8 document.

9 171. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
10 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
11 full and accurate statement of its contents, and deny any allegations inconsistent with that
12 document.

13 172. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
14 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
15 full and accurate statement of its contents, and deny any allegations inconsistent with that
16 document.

17 173. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
18 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
19 full and accurate statement of its contents, and deny any allegations inconsistent with that
20 document.

21 174. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
22 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
23 full and accurate statement of its contents, and deny any allegations inconsistent with that
24 document.

25 175. This paragraph is admitted.

26 176. This paragraph is Plaintiffs' characterization of an April 14, 2020 statement by
27 former Census Bureau officials; Defendants respectfully refer the Court to that document for a full
28 and accurate statement of its contents, and deny any allegations inconsistent with that document.

1 177. This paragraph is Plaintiffs' characterization of an April 14, 2020 statement by
2 former Census Bureau officials; Defendants respectfully refer the Court to that document for a full
3 and accurate statement of its contents, and deny any allegations inconsistent with that document.

4 178. This paragraph is Plaintiffs' characterization of an April 13, 2020 statement by
5 Vanita Gupta; Defendants respectfully refer the Court to that document for a full and accurate
6 statement of its contents, and deny any allegations inconsistent with that document.

7 179. This paragraph is Plaintiffs' characterization of an April 13, 2020 statement by
8 Secretary Ross and Director Dillingham; Defendants respectfully refer the Court to that document
9 for a full and accurate statement of its contents, and deny any allegations inconsistent with that
10 document.

11 180. This paragraph contains a sentence fragment to which no response is required; to
12 the extent a response is deemed required, the paragraph is denied.

13 181. This paragraph is Plaintiffs' characterization of an April 13, 2020 news article
14 quoting President Trump; Defendants respectfully refer the Court to that document for a full and
15 accurate statement of its contents, and deny any allegations inconsistent with that document.

16 182. This paragraph is denied, except to admit that the Census Bureau began
17 implementing the COVID-19 plan after the plan's announcement.

18 183. This paragraph is denied, except to admit that the Census Bureau sought statutory
19 deadline relief from Congress.

20 184. This paragraph is denied.

21 185. This paragraph is Plaintiffs' characterization of a May 26, 2020 YouTube video;
22 Defendants respectfully refer the Court to that video for a full and accurate statement of its
23 contents, and deny any allegations inconsistent with that video.

24 186. This paragraph is Plaintiffs' characterization of a July 8, 2020 press briefing
25 transcript; Defendants respectfully refer the Court to that document for a full and accurate
26 statement of its contents, and deny any allegations inconsistent with that document.

27 187. This paragraph is admitted.
28

1 188. This paragraph is denied, except to admit that Nonresponse Followup operations
2 were more limited between May 13, 2020 and July 31, 2020 than originally anticipated.

3 189. This paragraph is Plaintiffs' characterization of the COVID-19 Plan, which is
4 available at ECF No. 37-2, Ex. 4; Defendants respectfully refer the Court to that document for a
5 full and accurate statement of its contents, and deny any allegations inconsistent with that
6 document.

7 190. This paragraph is denied.

8 191. This paragraph is denied, except to admit that 161 stateside offices reopened on or
9 around August 9, 2020.

10 192. This paragraph is denied, except to admit that the Census Bureau for a certain
11 period through on or about July 31, 2020 communicated that self-responses would be accepted
12 until October 31, 2020.

13 193. Defendants lack knowledge or information sufficient to form a belief about the
14 allegations of this paragraph.

15 194. Defendants lack knowledge or information sufficient to form a belief about the
16 allegations of this paragraph.

17 195. Defendants lack knowledge or information sufficient to form a belief about the
18 allegations of this paragraph.

19 196. Defendants lack knowledge or information sufficient to form a belief about the
20 allegations of this paragraph.

21 197. Defendants lack knowledge or information sufficient to form a belief about the
22 allegations of this paragraph.

23 198. This paragraph is denied.

24 199. This paragraph is denied.

25 200. The first sentence is denied. The remaining allegations of this paragraph are
26 Plaintiffs' characterization of an August 3, 2020 Census Bureau press release, which is available
27 at [https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-](https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html)
28 [count.html](https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html) ("August 3 Press Release"); Defendants respectfully refer the Court to that document

1 for a full and accurate statement of its contents, and deny any allegations inconsistent with that
2 document.

3 201. The first statement is Plaintiffs' characterization of the August 3 Press Release;
4 Defendants respectfully refer the Court to that document for a full and accurate statement of its
5 contents, and deny any allegations inconsistent with that document. Defendants deny the second
6 sentence except to admit that the August 3 Press Release announcing updates to the Census
7 Bureau's plan to complete the census by the statutory deadline of December 21, 2020 consisted of
8 a statement by Director Dillingham, not Secretary Ross.

9 202. The allegations of this paragraph are Plaintiffs' characterization of the August 3
10 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
11 statement of its contents, and deny any allegations inconsistent with that document.

12 203. The allegations of this paragraph are Plaintiffs' characterization of the August 3
13 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
14 statement of its contents, and deny any allegations inconsistent with that document.

15 204. The allegations of this paragraph are Plaintiffs' characterization of the August 3
16 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
17 statement of its contents, and deny any allegations inconsistent with that document.

18 205. The allegations of this paragraph are Plaintiffs' characterization of the Final
19 Operational Plan and the August 3 Press Release; Defendants refer to those documents for a full
20 and accurate statement of their contents, and deny any allegations inconsistent with those
21 documents.

22 206. The allegations of this paragraph are Plaintiffs' characterization of the August 3
23 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
24 statement of its contents, and deny any allegations inconsistent with that document.

25 207. The allegations of this paragraph are Plaintiffs' characterization of the August 3
26 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
27 statement of its contents, and deny any allegations inconsistent with that document.

1 208. The allegations of this paragraph are Plaintiffs’ characterization of the August 3
2 Press Release; Defendants respectfully refer the Court to that document for a full and accurate
3 statement of its contents, and deny any allegations inconsistent with that document.

4 209. This paragraph is denied.

5 210. This paragraph is denied, except to admit that certain Census Bureau employees
6 made statements during the alleged time period questioning the ability to complete the census by
7 the end of 2020.

8 211. This paragraph is denied, except to admit that certain Census Bureau employees
9 made statements during the alleged time period questioning the ability to complete the census by
10 the end of 2020.

11 212. The allegations of this paragraph are Plaintiffs’ characterization of an excerpt from
12 an unspecified statement by an unspecified individual; Defendants respectfully refer the Court to
13 that statement for a full and accurate statement of its contents and deny any allegations inconsistent
14 with that statement.

15 213. The allegations of this paragraph are Plaintiffs’ characterization of excerpts from
16 unspecified statements by unspecified individuals; Defendants refer to those statements for a full
17 and accurate statement of their contents, and deny any allegations inconsistent with those
18 statements.

19 214. The allegations of this paragraph are Plaintiffs’ characterization of a document
20 entitled “Elevator Speech”; Defendants respectfully refer the Court to that document for a full and
21 accurate statement of its contents, and deny any allegations inconsistent with that document.

22 215. The allegations of this paragraph are Plaintiffs’ characterization of an email by Tim
23 Olson; Defendants respectfully refer the Court to that document for a full and accurate statement
24 of its contents, and deny any allegations inconsistent with that document.

25 216. The allegations of this paragraph are Plaintiffs’ characterization of a document
26 entitled “Elevator Speech”; Defendants respectfully refer the Court to that document for a full and
27 accurate statement of its contents, and deny any allegations inconsistent with that document.

1 217. The allegations of this paragraph are denied, except to admit that the Census Bureau
2 website was modified on or about July 31, 2020 to omit references to Nonresponse Followup and
3 self-response operations continuing through October 31, 2020.

4 218. The allegations of this paragraph are Plaintiffs' characterization of an August 11,
5 2020 NPR news report; Defendants respectfully refer the Court to that document for a full and
6 accurate statement of its contents, and deny any allegations inconsistent with that document.

7 219. This paragraph is admitted.

8 220. This paragraph is denied.

9 221. The allegations of this paragraph are Plaintiffs' characterization of an August 4,
10 2020 press release; Defendants respectfully refer the Court to that document for a full and accurate
11 statement of its contents, and deny any allegations inconsistent with that document.

12 222. The allegations of this paragraph are Plaintiffs' characterization of an August 4,
13 2020 press release; Defendants respectfully refer the Court to that document for a full and accurate
14 statement of its contents, and deny any allegations inconsistent with that document.

15 223. The allegations of this paragraph are Plaintiffs' characterization of an August 5,
16 2020 letter; Defendants respectfully refer the Court to that document for a full and accurate
17 statement of its contents, and deny any allegations inconsistent with that document.

18 224. The allegations of this paragraph are Plaintiffs' characterization of an August 5,
19 2020 letter; Defendants respectfully refer the Court to that document for a full and accurate
20 statement of its contents, and deny any allegations inconsistent with that document.

21 225. The allegations of this paragraph are Plaintiffs' characterization of a July 31, 2020
22 press release; Defendants respectfully refer the Court to that document for a full and accurate
23 statement of its contents, and deny any allegations inconsistent with that document.

24 226. The first sentence is denied. The remaining allegations of this paragraph are
25 Plaintiffs' characterization of an August 11, 2020 NPR news report; Defendants respectfully refer
26 the Court to that document for a full and accurate statement of its contents, and deny any
27 allegations inconsistent with that document.

1 227. The first sentence is denied. The remaining allegations are Plaintiffs’
2 characterization of their later allegations, to which no response is required; to the extent a response
3 is deemed required, the allegations are denied.

4 228. This paragraph is denied.

5 229. The allegations of this paragraph are denied, except to admit that the period for
6 Nonresponse Followup in the Replan is not as lengthy as that in the Final Operational Plan.

7 230. This paragraph is admitted.

8 231. The allegations of this paragraph are denied, except to admit that Nonresponse
9 Followup began in mid-July 2020 and on August 9, 2020 in New Mexico, South Carolina, Texas,
10 and Georgia, and that the Census Bureau’s determination of which Area Census Offices to open
11 during the soft-launch phase was based on the state of the pandemic in a given area according to
12 CDC data, as well as state and local restrictions.

13 232. The first, second, third, and fifth sentences are denied. Defendants admit that the
14 self-response rate in Los Angeles on August 18, 2020, before the census was completed, was lower
15 than the final self-response rate for Los Angeles in the 2010 Census.

16 233. Defendants lack knowledge or information sufficient to form a belief about the
17 allegations of this paragraph.

18 234. The allegations of this paragraph are Plaintiffs’ characterization of an August 11,
19 2020 press release and the 2020 Census Final Operational Plan; Defendants respectfully refer the
20 Court to those documents for a full and accurate statement of their contents, and deny any
21 allegations inconsistent with those documents.

22 235. This paragraph is denied.

23 236. The first sentence is denied. The remaining allegations of this paragraph are
24 Plaintiffs’ characterization of the Household Pulse Survey, a description and results of which are
25 available at [https://www.census.gov/data/experimental-data-products/household-pulse-](https://www.census.gov/data/experimental-data-products/household-pulse-survey.html)
26 [survey.html](https://www.census.gov/data/experimental-data-products/household-pulse-survey.html); Defendants respectfully refer the Court to that document for a full and accurate
27 statement of its contents, and deny any allegations inconsistent with that document.

28 237. This paragraph is denied.

1 238. This paragraph is denied, except to admit that the Census Bureau encountered
2 retention issues with enumerators.

3 239. Defendants lack knowledge or information sufficient to form a belief about the
4 allegations of this paragraph.

5 240. The allegations of this paragraph are Plaintiffs' characterization of a July 8, 2020
6 press briefing; Defendants respectfully refer the Court to that document for a full and accurate
7 statement of its contents, and deny any allegations inconsistent with that document.

8 241. The allegations of this paragraph are Plaintiffs' characterization of an August 8,
9 2020 news report; Defendants respectfully refer the Court to that document for a full and accurate
10 statement of its contents, and deny any allegations inconsistent with that document.

11 242. The allegations of this paragraph are Plaintiffs' characterization of an August 8,
12 2020 news report; Defendants respectfully refer the Court to that document for a full and accurate
13 statement of its contents, and deny any allegations inconsistent with that document.

14 243. The allegations of this paragraph are Plaintiffs' characterization of an August 11,
15 2020 news report; Defendants respectfully refer the Court to that document for a full and accurate
16 statement of its contents, and deny any allegations inconsistent with that document.

17 244. The allegations of this paragraph are denied.

18 245. The allegations of this paragraph are Plaintiffs' characterization of a June 2020
19 GAO report; Defendants respectfully refer the Court to that document for a full and accurate
20 statement of its contents, and deny any allegations inconsistent with that document.

21 246. The allegations of this paragraph are Plaintiffs' characterization of a June 2020
22 GAO report; Defendants respectfully refer the Court to that document for a full and accurate
23 statement of its contents, and deny any allegations inconsistent with that document.

24 247. The first sentence is denied. Defendants lack knowledge or information sufficient
25 to form a belief about the allegations of the second sentence.

26 248. This paragraph is denied.

27 249. This paragraph is denied.

28 250. This paragraph is denied.

1 251. This paragraph is denied.

2 252. This paragraph is denied.

3 253. This paragraph is Plaintiffs' characterization of the Final Operational Plan;
4 Defendants respectfully refer the Court to that document for a full and accurate statement of its
5 contents, and deny any allegations inconsistent with that document.

6 254. This paragraph is denied.

7 255. This paragraph is denied.

8 256. This paragraph is Plaintiffs' characterization of the Final Operational Plan and the
9 Replan; Defendants respectfully refer the Court to those documents for a full and accurate
10 statement of their contents, and deny any allegations inconsistent with that document.

11 257. The first two sentences of this paragraph is Plaintiffs' characterization of the Final
12 Operational Plan; Defendants respectfully refer the Court to that document for a full and accurate
13 statement of its contents, and deny any allegations inconsistent with that document. Defendants
14 deny the allegations in the third and fourth sentences except to admit that, under the Replan, Non-
15 Response Follow Up was scheduled to be completed by September 20, 2020.

16 258. This paragraph is denied.

17 259. This paragraph is denied.

18 260. This paragraph is denied.

19 261. This paragraph is Plaintiffs' characterization of the Final Operational Plan and the
20 COVID-19 plan; Defendants respectfully refer the Court to those documents for a full and accurate
21 statement of their contents, and deny any allegations inconsistent with those documents.

22 262. This paragraph is denied.

23 263. The first sentence is denied. The second sentence is Plaintiffs' characterization of
24 a July 23 communication by Timothy Olson; Defendants respectfully refer the Court to that
25 document for a full and accurate statement of its contents, and deny any allegations inconsistent
26 with that document.

1 264. This paragraph is Plaintiffs' characterization of a communication by Kathleen
2 Styles; Defendants respectfully refer the Court to that document for a full and accurate statement
3 of its contents, and deny any allegations inconsistent with that document.

4 265. The first sentence is denied. The second sentence is Plaintiffs' characterization of
5 a communication by James Treat; Defendants respectfully refer the Court to that document for a
6 full and accurate statement of its contents, and deny any allegations inconsistent with that
7 document.

8 266. This paragraph is Plaintiffs' characterization of an unspecified document;
9 Defendants respectfully refer the Court to that document for a full and accurate statement of its
10 contents, and deny any allegations inconsistent with that document.

11 267. The first sentence is denied. The remaining allegations are Plaintiffs'
12 characterization of their later allegations, to which no response is required; to the extent a response
13 is deemed required, the allegations are denied.

14 268. This paragraph is Plaintiffs' characterization of the Final Operational Plan and the
15 COVID-19 Plan; Defendants respectfully refer the Court to those documents for a full and accurate
16 statement of their contents, and deny any allegations inconsistent with those documents.

17 269. Defendants lack knowledge or information sufficient to form a belief about the
18 allegations of this paragraph.

19 270. Defendants lack knowledge or information sufficient to form a belief about the
20 allegations of this paragraph.

21 271. Defendants lack knowledge or information sufficient to form a belief about the
22 allegations of this paragraph.

23 272. This paragraph is denied.

24 273. This paragraph is denied, except to admit that the Census Bureau uses information
25 from Internal Revenue Service administrative records.

26 274. This paragraph is denied.
27
28

1 275. The first sentence is denied. The second sentence is Plaintiffs' characterization of
2 an unspecified document; Defendants respectfully refer the Court to that document for a full and
3 accurate statement of its contents, and deny any allegations inconsistent with that document.

4 276. This paragraph is Plaintiffs' characterization of the Court's preliminary injunction
5 order and the documents quoted in that order; Defendants respectfully refer the Court to those
6 documents for a full and accurate statement of their contents, and deny any allegations inconsistent
7 with those documents.

8 277. This paragraph is Plaintiffs' characterization of a report by the Commerce
9 Department Office of Inspector General; Defendants respectfully refer the Court to that document
10 for a full and accurate statement of its contents, and deny any allegations inconsistent with that
11 document.

12 278. This paragraph is denied.

13 279. This paragraph is denied.

14 280. This paragraph is a legal conclusion to which no response is required, and is
15 Plaintiffs' characterization of a federal statute, the Paperwork Reduction Act, 44 U.S.C. § 3504,
16 and Defendants respectfully refer the Court to that statute for a full and accurate statement of its
17 contents.

18 281. This paragraph is a legal conclusion to which no response is required, and is
19 Plaintiffs' characterization of a federal statute, the Consolidated Appropriations Act, FY 2001,
20 Pub. L. No. 106-554, and Defendants respectfully refer the Court to that statute for a full and
21 accurate statement of its contents.

22 282. This paragraph is a legal conclusion to which no response is required, and is
23 Plaintiffs' characterization of an OMB guideline, OMB, Standards and Guidelines for Statistical
24 Surveys § 2 (2006), and Defendants respectfully refer the Court to that guideline for a full and
25 accurate statement of its contents.

26 283. This paragraph is a legal conclusion to which no response is required, and is
27 Plaintiffs' characterization of an OMB guideline, OMB, Standards and Guidelines for Statistical
28

1 Surveys § 2 (2006), and Defendants respectfully refer the Court to that guideline for a full and
2 accurate statement of its contents.

3 284. This paragraph is denied.

4 285. This paragraph is a legal conclusion to which no response is required, and is
5 Plaintiffs' characterization of an OMB guideline, OMB, Standards and Guidelines for Statistical
6 Surveys § 2 (2006), and Defendants respectfully refer the Court to that guideline for a full and
7 accurate statement of its contents.

8 286. The first sentence is denied. The second sentence is Plaintiffs' characterization of
9 the Final Operational Plan and of the COVID-19 Plan, and Defendants respectfully refer the Court
10 to that document for a full and accurate statement of its contents, and deny any allegations
11 inconsistent with those documents. The third sentence is denied.

12 287. This paragraph is a legal conclusion to which no response is required, and is
13 Plaintiffs' characterization of an OMB guideline, OMB, Standards and Guidelines for Statistical
14 Surveys § 2 (2006), and Defendants respectfully refer the Court to that guideline for a full and
15 accurate statement of its contents.

16 288. This paragraph is denied.

17 289. This paragraph is denied.

18 290. Defendants lack knowledge or information sufficient to form a belief about the
19 allegations of this paragraph.

20 291. Defendants lack knowledge or information sufficient to form a belief about the
21 allegations of this paragraph.

22 292. Defendants lack knowledge or information sufficient to form a belief about the
23 allegations of this paragraph.

24 293. Defendants lack knowledge or information sufficient to form a belief about the
25 allegations of this paragraph.

26 294. Defendants lack knowledge or information sufficient to form a belief about the
27 allegations of this paragraph.

28 295. This paragraph is denied.

1 296. This paragraph is denied.

2 297. The first sentence is denied. The second sentence is Plaintiffs' characterization of
3 a 2010 GAO report, and Defendants respectfully refer the Court to that document for a full and
4 accurate statement of its contents, and deny any allegations inconsistent with that document.

5 298. This paragraph is denied.

6 299. This paragraph is denied.

7 300. The first sentence is Plaintiffs' characterization of the Final Operational Plan, and
8 Defendants respectfully refer the Court to that document for a full and accurate statement of its
9 contents, and deny any allegations inconsistent with that document. The second and third
10 sentences are denied.

11 301. The first sentence is denied. The second sentence is admitted insofar as it generally
12 describes imputation and describes one possible use of an imputation method, and the allegation
13 is otherwise denied.

14 302. The first sentence is admitted. The second sentence is denied. Defendants lack
15 knowledge or information sufficient to form a belief about the allegations of the third sentence.
16 The fourth sentence is a hypothetical argument to which no response is required, and is otherwise
17 denied.

18 303. This paragraph is denied.

19 304. The first sentence is denied. The second sentence is Plaintiffs' characterization of
20 a statement by Secretary Ross and Director Dillingham, and Defendants respectfully refer the
21 Court to that document for a full and accurate statement of its contents, and deny any allegations
22 inconsistent with that document.

23 305. This paragraph is Plaintiffs' characterization of a statement by Director Dillingham,
24 and Defendants respectfully refer the Court to that document for a full and accurate statement of
25 its contents, and deny any allegations inconsistent with that document.

26 306. This paragraph is denied.

27 307. This paragraph is denied.

28 308. The first sentence is admitted. The second sentence is denied.

1 309. This paragraph is admitted.

2 310. This paragraph is admitted.

3 311. This paragraph is denied.

4 312. This paragraph is denied.

5 313. Defendants lack knowledge or information sufficient to form a belief about the
6 allegations of this paragraph.

7 314. This paragraph is denied.

8 315. This paragraph is denied.

9 316. The first sentence is Plaintiffs' characterization of the Louis Declaration, and
10 Defendants respectfully refer the Court to that document for a full and accurate statement of its
11 contents, and deny any allegations inconsistent with that document. The second sentence is denied.

12 317. The first sentence is denied. The second and third sentences are Plaintiffs'
13 characterization of the Thompson Declaration and the Louis Declaration, and Defendants
14 respectfully refer the Court to those documents for a full and accurate statement of their contents,
15 and deny any allegations inconsistent with those documents.

16 318. This paragraph is Plaintiffs' characterization of the Hillygus Declaration and the
17 Louis Declaration, and Defendants respectfully refer the Court to those documents for a full and
18 accurate statement of their contents, and deny any allegations inconsistent with those documents.

19 319. This paragraph is denied.

20 320. This paragraph is Plaintiffs' characterization of *Carey v. Klutznick*, 637 F. 2d 834,
21 837 (2d Cir. 1980), and Defendants respectfully refer the Court to that decision for a full and
22 accurate statement of their contents, and deny any allegations inconsistent with that decision.

23 321. This paragraph is Plaintiffs' characterization of *Utah v. Evans*, 536 U.S. 452, 462
24 (2002), and Defendants respectfully refer the Court to that decision for a full and accurate
25 statement of their contents, and deny any allegations inconsistent with that decision.

26 322. The first sentence is denied. The second sentence is admitted. The third sentence
27 is denied, except Defendants admit that they sought an extension from Congress and closely
28

1 monitored congressional actions on the deadline extension request in order to decide whether to
2 adopt a new plan.

3 323. This paragraph is denied.

4 324. This paragraph is denied.

5 325. This paragraph is denied.

6 326. The first sentence is admitted. The second sentence is denied.

7 327. The first sentence is denied. The second sentence is a hypothetical argument to
8 which no response is required, and is otherwise denied. The third sentence is denied.

9 328. This paragraph is denied.

10 329. The allegations of this paragraph are denied, except to admit that two individuals
11 joined the Census Bureau in political (*i.e.*, non-career) positions in or around late June 2020.

12 330. This paragraph is denied, except to admit that in or around mid-July 2020, the
13 Office of Management and Budget submitted a supplemental funding request of \$1 billion for the
14 2020 Census for, among other things, timely delivery of quality data.

15 331. The first sentence is denied. The second sentence is admitted.

16 332. This paragraph comprises hypothetical arguments about the future that incorporate
17 unstated assumptions, and to which no response is required. To the extent that a response is
18 deemed required, Defendants lack knowledge or information sufficient to form a belief about any
19 allegations in this paragraph and therefore deny them.

20 333. This paragraph is denied.

21 334. This paragraph is denied.

22 335. This paragraph is denied.

23 336. The first and second sentences are admitted. The third sentence is Plaintiffs'
24 characterization of *Dep't of Commerce v. New York*, 139 S. Ct. 2551 (2019), and Defendants
25 respectfully refer the Court to that decision for a full and accurate statement of its contents, and
26 deny any allegations inconsistent with that decision.

1 337. This paragraph is Plaintiffs' characterization of remarks by President Trump, and
2 Defendants respectfully refer the Court to those remarks for a full and accurate statement of their
3 contents, and deny any allegations inconsistent with those remarks.

4 338. The first sentence is denied. The remaining allegations are Plaintiffs'
5 characterization of a study by Thomas Hofeller, and Defendants respectfully refer the Court to that
6 document for a full and accurate statement of its contents, and deny any allegations inconsistent
7 with that document.

8 339. This paragraph is Plaintiffs' characterization of filings in litigation in the Southern
9 District of New York, and Defendants respectfully refer the Court to those documents for a full
10 and accurate statement of their contents, and deny any allegations inconsistent with those
11 documents.

12 340. This paragraph is Plaintiffs' characterization of Executive Order No. 13,880, and
13 Defendants respectfully refer the Court to that document for a full and accurate statement of its
14 contents, and deny any allegations inconsistent with that document.

15 341. This paragraph is denied.

16 342. This paragraph is denied.

17 343. The first sentence is denied. The remaining allegations are Plaintiffs'
18 characterization of statements by Secretary Ross, and Defendants respectfully refer the Court to
19 those statements for a full and accurate statement of their contents, and deny any allegations
20 inconsistent with those statements.

21 344. The first sentence is denied. The remaining allegations are Plaintiffs'
22 characterization of AR DOC_10275, and Defendants respectfully refer the Court to that document
23 for a full and accurate statement of its contents, and deny any allegations inconsistent with that
24 document.

25 345. This paragraph is denied.

26 346. This paragraph is denied.

27 347. This paragraph is denied.

28 348. This paragraph is denied.

1 349. This paragraph is denied.

2 350. This paragraph is denied.

3 351. This paragraph is denied.

4 352. This paragraph is Plaintiffs' characterization of an op-ed by Secretary Ross and
5 Defendants' Opposition to Plaintiffs' request for a TRO, and Defendants respectfully refer the
6 Court to those documents for a full and accurate statement of their contents, and deny any
7 allegations inconsistent with those documents.

8 353. This paragraph is admitted.

9 354. This paragraph is denied.

10 355. This paragraph is Plaintiffs' characterization of Al Fontenot's September 5, 2020
11 declaration, and Defendants respectfully refer the Court to that document for a full and accurate
12 statement of its contents, and deny any allegations inconsistent with that document.

13 356. This paragraph is denied.

14 357. This paragraph is denied.

15 358. The first sentence is Plaintiffs' characterization of an unspecified subject, and
16 Defendants lack knowledge or information sufficient to form a belief about the allegation. To the
17 extent a response is deemed required, denied. The second sentence is admitted.

18 359. The first and second sentences are admitted. The third sentence is denied.

19 360. The first sentence is denied. The remaining allegations are Plaintiffs'
20 characterization of the Hillygus Declaration and the Thompson Declaration, and Defendants
21 respectfully refer the Court to those documents for a full and accurate statement of their contents,
22 and deny any allegations inconsistent with those documents.

23 361. Defendants lack knowledge or information sufficient to form a belief about the
24 allegations of this paragraph.

25 362. Defendants lack knowledge or information sufficient to form a belief about the
26 allegations of the first sentence. The second sentence is denied.

27 363. This paragraph is denied.

1 364. This paragraph is a hypothetical argument to which no response is required, and is
2 otherwise denied.

3 365. The first sentence is denied. The second sentence is admitted. The remaining
4 allegations of this paragraph, including Plaintiffs' chart, are denied, except to the extent the figures
5 reflected are derived from the Census Bureau's website.

6 366. This paragraph is Plaintiffs' characterization of a 2010 Census Bureau chart, and
7 Defendants respectfully refer the Court to that document for a full and accurate statement of its
8 contents, and deny any allegations inconsistent with that document.

9 367. This paragraph is denied.

10 368. The first sentence is denied. The second, third, fourth, fifth, sixth, and seventh
11 sentences are Plaintiffs' characterization of unspecified internal Census Bureau documents, and
12 Defendants respectfully refer the Court to those documents for a full and accurate statement of
13 their contents, and deny any allegations inconsistent with those documents. The eight sentence is
14 denied.

15 369. This paragraph is denied.

16 370. This paragraph is Plaintiffs' characterization of a 2010 OIG report and the Final
17 Operational Plan, and Defendants respectfully refer the Court to those documents for a full and
18 accurate statement of their contents, and deny any allegations inconsistent with those documents.

19 371. This paragraph is Plaintiffs' characterization of a 2010 OIG report and the Final
20 Operational Plan, and Defendants respectfully refer the Court to those documents for a full and
21 accurate statement of their contents, and deny any allegations inconsistent with those documents.

22 372. This paragraph is Plaintiffs' characterization of the Final Operational Plan, and
23 Defendants respectfully refer the Court to that document for a full and accurate statement of its
24 contents, and deny any allegations inconsistent with that document.

25 373. The first sentence is Plaintiffs' characterization of declarations by Al Fontenot, and
26 Defendants respectfully refer the Court to those documents for a full and accurate statement of
27 their contents, and deny any allegations inconsistent with those documents. The second sentence
28 is Plaintiffs' characterization of a 2018 Census Bureau statement, and Defendants respectfully

1 refer the Court to that document for a full and accurate statement of its contents, and deny any
2 allegations inconsistent with that document. The third sentence is denied.

3 374. The first sentence is denied. The second sentence is Plaintiffs' characterization of
4 the 2020 Census Detailed Operation Plan for NRFU, and Defendants respectfully refer the Court
5 to that document for a full and accurate statement of its contents, and deny any allegations
6 inconsistent with that document.

7 375. The first sentence is Plaintiffs' characterization of a declaration by Al Fontenot,
8 and Defendants respectfully refer the Court to that document for a full and accurate statement of
9 its contents, and deny any allegations inconsistent with that document. The second sentence is
10 denied.

11 376. The first and second sentences are denied. The third sentence is Plaintiffs'
12 characterization of an August 2020 Census Bureau press statement, and Defendants respectfully
13 refer the Court to that document for a full and accurate statement of its contents, and deny any
14 allegations inconsistent with that document. The fourth sentence is Plaintiffs' characterization of
15 an August 2020 memorandum for Steven Dillingham, and Defendants respectfully refer the Court
16 to that document for a full and accurate statement of its contents, and deny any allegations
17 inconsistent with that document. The fifth and sixth sentences are Plaintiffs' characterization of
18 an AR DOC_0007737, and Defendants respectfully refer the Court to that document for a full and
19 accurate statement of its contents, and deny any allegations inconsistent with that document.

20 377. The first sentence is denied. The remaining allegations are Plaintiffs'
21 characterization of a declaration by Al Fontenot, and Defendants respectfully refer the Court to
22 that document for a full and accurate statement of its contents, and deny any allegations
23 inconsistent with that document.

24 378. This paragraph is denied.

25 379. This paragraph is denied.

26 380. Defendants lack knowledge or information sufficient to form a belief about the
27 allegations of this paragraph.

28 381. This paragraph is denied.

1 382. This paragraph is Plaintiffs’ characterization of the cited documents filed on the
2 docket in this case, and Defendants respectfully refer the Court to those documents for a full and
3 accurate statement of their contents, and deny any allegations inconsistent with those documents.

4 383. This paragraph is Plaintiffs’ characterization of the cited documents filed on the
5 docket in this case, and Defendants respectfully refer the Court to those documents for a full and
6 accurate statement of their contents, and deny any allegations inconsistent with those documents.

7 384. Defendants lack knowledge or information sufficient to form a belief about the
8 allegations of this paragraph.

9 385. This paragraph is denied.

10 386. This paragraph is denied.

11 387. This paragraph is denied, except to admit the existence of reports describing
12 allegations and complaints from enumerators about census field managers.

13 388. This paragraph characterizes an email to the Court filed at ECF No. 222;
14 Defendants respectfully refer the Court to that document for full and accurate statements of its
15 contents. Defendants filed a declaration addressing that document at ECF No. 244, and deny any
16 allegations in this paragraph inconsistent with that declaration.

17 389. This paragraph characterizes an anonymized email to the Court filed at ECF No.
18 238, and Defendants respectfully refer the Court to that anonymized email for a full and accurate
19 statement of its contents, and deny any allegations inconsistent with that document.

20 390. This paragraph is denied. *See* ECF No. 326–1 ¶¶ 5–6.

21 391. This paragraph characterizes an enumerator’s supposed “report[s],” and
22 Defendants respectfully refer the Court to those reports for a full and accurate statement of their
23 contents, and deny any allegations inconsistent with those contents.

24 392. This paragraph is denied.

25 393. With regard to the first sentence in this paragraph, Defendants lack knowledge or
26 information sufficient to form a belief as to the allegations in the first sentence in this paragraph
27 and therefore deny the allegations in that sentence. The second sentence characterize “the
28 relevant ACO’s completion rate” and the completion rates of “the area,” and Defendants

1 respectfully refer the Court to the ACO completion rates for a full and accurate statement of
2 those completion rates, and deny any allegations inconsistent with that information.

3 394. Defendants lack knowledge or information sufficient to form a belief as to the
4 allegations in this paragraph and therefore deny them.

5 395. Defendants lack knowledge or information sufficient to form a belief as to the
6 allegations in this paragraph and therefore deny them.

7 396. This paragraph is denied.

8 397. Defendants lack knowledge or information sufficient to form a belief as to the
9 allegations in this paragraph and therefore deny them.

10 398. This paragraph is denied.

11 399. This paragraph is denied.

12 400. Defendants lack knowledge or information sufficient to form a belief as to the
13 allegations in this paragraph and therefore deny them.

14 401. Defendants lack knowledge or information sufficient to form a belief as to the
15 allegations in this paragraph and therefore deny them.

16 402. Defendants lack knowledge or information sufficient to form a belief as to the
17 allegations in this paragraph and therefore deny them.

18 403. Defendants lack knowledge or information sufficient to form a belief as to the
19 allegations in this paragraph and therefore deny them.

20 404. Defendants lack knowledge or information sufficient to form a belief as to the
21 allegations in this paragraph and therefore deny them.

22 405. Defendants filed a declaration addressing the allegations in this paragraph and
23 ECF No. 244, and deny any allegations in this paragraph inconsistent with that declaration.

24 406. This paragraph is denied.

25 407. This paragraph is denied.

26 408. Defendants admit that “[m]any people were displaced or relocated for various
27 reasons during the 2020 Census.” Defendants deny the remaining allegations in this paragraph.
28

1 409. Defendants admit that “many students who normally would have been at locations
2 close to college and university campuses returned to their parents’ homes in light of school
3 closures due to the COVID-19 pandemic.” Defendants deny the remaining allegations in this
4 paragraph.

5 410. Defendants admit that “in New York City, many people left their city addresses
6 and relocated.” Defendants lack knowledge or information sufficient to form a belief as to the
7 remaining allegations in this paragraph and therefore deny them.

8 411. This paragraph characterizes the contents of a certain report made by an
9 enumerator in Northern California, and Defendants respectfully refer the Court to that report for
10 a full and accurate statement of its contents, and deny any allegations inconsistent with those
11 contents.

12 412. Defendants admit that the completion rates in the 2020 Census was “better than
13 previous censuses” and that there are certain “differences between the 2020 Census and previous
14 censuses.” Defendants deny the remaining allegations in this paragraph.

15 413. This paragraph is denied.

16 414. The first sentence of this paragraph characterizes the contents of a certain October
17 21, 2020, media call, and Defendants respectfully refer the Court to the transcript of that call for
18 a full and accurate statement of its contents, and deny any allegations inconsistent with those
19 contents. The remaining allegations in this paragraph are denied.

20 415. This paragraph is denied.

21 416. Defendants deny the allegations in this paragraph, except to admit that a
22 smattering of individuals, have communicated with the Court, and Defendants respectfully refer
23 the Court to those communications for full and accurate statements of their contents.

24 417. This paragraph characterizes certain representations made in the course of this
25 litigation, and Defendants respectfully refer the Court to those representations for a full and
26 accurate statement of their contents, and deny any allegations inconsistent with those contents.

27 418. This paragraph characterizes certain representations made by Associate Director
28 Fontenot and Defendants (through counsel), and Defendants respectfully refer the Court to those

1 representations for a full and accurate statement of their contents, and deny any allegations
2 inconsistent with those contents.

3 419. This paragraph characterizes certain representations made by Defendants (through
4 counsel), Secretary Ross, and Deputy Director Jarmin, and Defendants respectfully refer the
5 Court to those representations for a full and accurate statement of their contents, and deny any
6 allegations inconsistent with those contents.

7 420. Defendants deny the allegations in this paragraph, except to admit that data-
8 processing operations did not begin on October 6, 2020.

9 421. Defendants deny the allegations in this paragraph except to admit: (i) that 13
10 U.S.C. § 141(b) contains a statutory deadline, and Defendants respectfully refer the Court to that
11 statute for a full and accurate statement of its contents; and (ii) Defendants relied on this
12 statutory deadline as a reason for adopting the Replan.

13 422. The first sentence of this paragraph characterizes certain statements made by
14 Defendants, and Defendants respectfully refer the Court to those representations for a full and
15 accurate statement of their contents, and deny any allegations inconsistent with those contents.
16 Defendants lack knowledge or information sufficient to form a belief as to what “Plaintiffs
17 believe,” and therefore deny the allegations in the third sentence of this paragraph. Defendants
18 deny the remaining allegations in this paragraph.

19 423. This paragraph is denied.

20 424. This paragraph characterizes census response rates of the City of Los Angeles and
21 the State of California as of August 9, 2020, and Defendants respectfully refer the Court to the
22 census response rates for those locations on that date for a full and accurate statement of their
23 contents. Defendants admit that a 53.1% rate is lower than a 64.5% rate. Any remaining
24 allegations in this paragraph are denied.

25 425. This paragraph characterizes census response rates of various cities and states as
26 of “the first day of Non-Response Follow Up,” and Defendants respectfully refer the Court to the
27 census response rates for those locations on the respective dates for a full and accurate statement
28 of their contents. Defendants lack knowledge or information sufficient to form a belief as to

1 whether certain of the Plaintiffs have affiliates, constituents, and/or members, and, if so, where
2 those affiliates, constituents, and/or members are located, and accordingly deny those
3 allegations. Any remaining allegations in this paragraph are denied.

4 426. Defendants lack knowledge or information sufficient to form a belief as to where
5 Plaintiffs Ellis and Garcia reside, and therefore deny the first sentence of this paragraph. The
6 second sentence of this paragraph characterizes census response rates of Houston and Texas “at
7 the beginning of Non-Response Follow Up,” and Defendants respectfully refer the Court to the
8 census response rates for those locations on that date for a full and accurate statement of their
9 contents. Defendants admit that a 54% rate is lower than a 58.2% rate. Any remaining
10 allegations in this paragraph are denied.

11 427. This paragraph is denied.

12 428. This paragraph is denied.

13 429. This paragraph is denied.

14 430. This paragraph is denied.

15 431. Defendants lack knowledge or information sufficient to form a belief as to the
16 total number of programs and money allocated to states and localities on the basis of “census-
17 derived information” (which programs and monies may not necessarily be federal in origin), and
18 therefore deny the allegations in the first sentence of this paragraph. The second sentence
19 characterizes vague “funding to states for federal transportation planning purposes, education,
20 and healthcare,” and Defendants respectfully refer the Court to federal law and regulations
21 regarding federal funding mechanisms for a full and accurate statement of their contents, and
22 deny any allegations inconsistent with those contents. Any remaining allegations in this
23 paragraph are denied.

24 432. This paragraph characterizes certain requirements of the Every Student Succeeds
25 Act, and Defendants respectfully refer the Court to the Every Student Succeeds Act and its
26 implementing regulations for a full and accurate statement of their contents, and deny any
27 allegations inconsistent with those contents. Defendants lack knowledge or information
28

1 sufficient to form a belief as to what they consider to be “important federal programs,” and
2 therefore deny the remaining allegations in this paragraph.

3 433. This paragraph characterizes certain requirements of the Every Student Succeeds
4 Act, and Defendants respectfully refer the Court to the Every Student Succeeds Act and its
5 implementing regulations for a full and accurate statement of their contents, and deny any
6 allegations inconsistent with those contents. Any remaining allegations in this paragraph are
7 denied.

8 434. This paragraph is denied.

9 435. This paragraph characterizes certain requirements of certain named and unnamed
10 federal programs, and Defendants respectfully refer the Court to federal law and regulations
11 regarding those named and unnamed federal programs for a full and accurate statement of their
12 contents, and deny any allegations inconsistent with those contents. Any remaining allegations
13 in this paragraph are denied.

14 436. Defendants lack knowledge or information sufficient to form a belief as to what
15 Plaintiff mean by the phrase “these programs” in the first sentence of this paragraph, and
16 therefore deny the allegations in the first sentence of this paragraph. The allegations in the
17 second sentence of this paragraph are denied.

18 437. This paragraph characterizes certain requirements of certain named and unnamed
19 federal programs, and Defendants respectfully refer the Court to federal law and regulations
20 regarding those named and unnamed federal programs for a full and accurate statement of their
21 contents, and deny any allegations inconsistent with those contents. Any remaining allegations
22 in this paragraph are denied.

23 438. The first sentence of this paragraph characterizes responses rates of cities with
24 over 500,000 people, and Defendants respectfully refer the Court to those response rates for a
25 full and accurate statement of their contents, and deny any allegations inconsistent with those
26 contents. The allegations in the second sentence of this paragraph are denied.

27 439. Defendants lack knowledge or information sufficient to form a belief as to
28 whether Plaintiff non-profits have members, and, if so, where those members live, and

1 accordingly deny the allegations in the first sentence of this paragraph. The allegations in the
2 second sentence of this paragraph are denied.

3 440. This paragraph characterizes “the allocation of federal transportation,” and
4 Defendants respectfully refer the Court to federal law and regulations regarding the “allocation
5 of federal transportation” for a full and accurate statement of their contents, and deny any
6 allegations inconsistent with those contents. Any remaining allegations in this paragraph are
7 denied.

8 441. Defendants lack knowledge or information sufficient to form a belief as to
9 whether Plaintiffs Ellis and Garcia regularly drive on highways and roads in Texas and therefore
10 deny the allegations in the first paragraph of this sentence. The allegations in the second
11 sentence of this paragraph are denied.

12 442. This paragraph is denied.

13 443. Defendants lack knowledge or information sufficient to form a belief as to where
14 Plaintiffs Ellis and Garcia reside, and therefore deny the first sentence of this paragraph. The
15 second and third sentences of this paragraph characterize self-response rates and the number of
16 Texas households in the Non-Response Follow Up universe, and Defendants respectfully refer
17 the Court to that data for a full and accurate statement of their contents, and deny any allegations
18 inconsistent with those contents. Any remaining allegations in this paragraph are denied.

19 444. This paragraph is denied.

20 445. This paragraph is denied.

21 446. Defendants lack knowledge or information sufficient to form a belief as to what
22 an unspecified study has predicted, and therefore denies the allegations in this paragraph.

23 447. This paragraph is denied.

24 448. This paragraph is denied.

25 449. The allegations in the first sentence of this paragraph are denied. Defendants lack
26 knowledge or information sufficient to form a belief as to the allegations in the second sentence
27 of this paragraph and therefore deny them.

1 450. Defendants lack knowledge or information sufficient to form a belief as to the
2 allegations in this paragraph and therefore deny them.

3 451. Defendants lack knowledge or information sufficient to form a belief as to the
4 allegations in this paragraph and therefore deny them.

5 452. Defendants lack knowledge or information sufficient to form a belief as to the
6 allegations in this paragraph and therefore deny them.

7 453. The allegations in the first sentence of this paragraph are denied. Defendants lack
8 knowledge or information sufficient to form a belief as to the remaining allegations in this
9 paragraph and therefore deny them.

10 454. This paragraph is denied.

11 455. Defendants lack knowledge or information sufficient to form a belief as to the
12 allegations in this paragraph and therefore deny them.

13 456. Defendants deny the characterization of the Replan. Defendants lack knowledge
14 or information sufficient to form a belief as to the remaining allegations in this paragraph and
15 therefore deny them.

16 457. This paragraph is denied.

17 458. Defendants lack knowledge or information sufficient to form a belief as to the
18 allegations in this paragraph and therefore deny them.

19 459. Defendants lack knowledge or information sufficient to form a belief as to the
20 allegations in this paragraph and therefore deny them.

21 460. This paragraph does not contain any allegations that require a response. To the
22 extent that a response is required, Defendants incorporate by reference the responses set forth in
23 the preceding paragraphs.

24 461. This paragraph comprises legal conclusions that do not require a response.

25 462. This paragraph is admitted.

26 463. Defendants admit that the Census Bureau took certain actions in light of the
27 COVID-19 pandemic that were necessary at the time, as outlined in the COVID-19 Plan, and
28 Defendants respectfully refer the Court to that document for a full and accurate statement of its

1 contents, and deny any allegations inconsistent with that document. Defendants deny the
2 remaining allegations in this paragraph.

3 464. This paragraph is denied.

4 465. This paragraph is denied.

5 466. This paragraph is denied.

6 467. This paragraph does not contain any allegations that require a response. To the
7 extent that a response is required, Defendants incorporate by reference the responses set forth in
8 the preceding paragraphs.

9 468. This first sentence of this paragraph comprises legal conclusions that do not
10 require a response. The allegations in the second sentence of this paragraph are denied.

11 469. This paragraph comprises legal conclusions that do not require a response.

12 470. Defendants admit the allegations in the first sentence. The remainder of the
13 paragraph is Plaintiffs' characterization of the Final Operational Plan for the 2020 Census;
14 Defendants respectfully refer the Court to that document for a full and accurate statement of its
15 contents, and deny any allegations inconsistent with that document.

16 471. Defendants admit that the COVID-19 pandemic has impacted certain census
17 operations. The remaining allegations in this paragraph characterize the COVID-19 Plan, and
18 Defendants respectfully refer the Court to the COVID-19 Plan for a full and accurate statement
19 of its contents, and deny any allegations inconsistent with those contents. Any remaining
20 allegations in this paragraph are denied.

21 472. Defendants admit that the COVID-19 pandemic has impacted certain census
22 operations. The second sentence of this paragraph characterizes certain statements of Census
23 Bureau officials, and Defendants respectfully refer the Court to those statements for a full and
24 accurate statement of their contents, and deny any allegations inconsistent with those contents.
25 Any remaining allegations in this paragraph are denied.

26 473. Defendants admit that the Census Bureau modified operations in light of the
27 COVID-19 pandemic. All remaining allegations in this paragraph are denied.

28 474. This paragraph is denied.

1 475. This paragraph is denied.

2 476. This paragraph is denied.

3 477. This paragraph does not contain any allegations that require a response. To the
4 extent that a response is required, Defendants incorporate by reference the responses set forth in
5 the preceding paragraphs.

6 478. This paragraph comprises legal conclusions that do not require a response.

7 479. Defendants deny the allegations in this paragraph except to admit: (i) that 13
8 U.S.C. § 141(b) contains a statutory deadline, and Defendants respectfully refer the Court to that
9 statute for a full and accurate statement of its contents; and (ii) Defendants relied on this
10 statutory deadline as a reason for adopting the Replan.

11 480. This paragraph is denied.

12 481. Defendants admit that they implemented the COVID-19 Plan for a period of time,
13 and that the Census Bureau modified operations in light of the COVID-19 pandemic. All
14 remaining allegations in this paragraph are denied.

15 482. This paragraph is denied.

16 483. This paragraph is denied.

17 484. This paragraph is denied.

18 485. This paragraph does not contain any allegations that require a response. To the
19 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
20 that Plaintiffs are entitled to any relief.

21 486. This paragraph does not contain any allegations that require a response. To the
22 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
23 that Plaintiffs are entitled to any relief.

24 487. This paragraph does not contain any allegations that require a response. To the
25 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
26 that Plaintiffs are entitled to any relief.

1 488. This paragraph does not contain any allegations that require a response. To the
2 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
3 that Plaintiffs are entitled to any relief.

4 489. This paragraph does not contain any allegations that require a response. To the
5 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
6 that Plaintiffs are entitled to any relief.

7 490. This paragraph does not contain any allegations that require a response. To the
8 extent that a response is required, Defendants deny any allegations in this paragraph, and deny
9 that Plaintiffs are entitled to any relief.

10 The section headings and paragraph headings used in Plaintiffs' Second Amended
11 Complaint are Plaintiffs' characterizations of their claims to which no response is required, but
12 to the extent a response is deemed required, those headings are denied.

13 Defendants hereby deny all allegations in Plaintiffs' Second Amended Complaint not
14 expressly answered or qualified herein, and respectfully request that Plaintiffs' Second Amended
15 Complaint be dismissed.

16 **DEFENSES**

- 17 1. The Court lacks subject-matter jurisdiction over this action.
- 18 2. Plaintiffs lack standing.
- 19 3. Plaintiffs' claims are not ripe.
- 20 4. Plaintiffs' claims comprise non-justiciable political questions.
- 21 5. Plaintiffs' claims are moot.
- 22 6. Plaintiffs do not challenge "final agency action" under the Administrative
23 Procedure Act.
- 24 7. The timing and conduct of the census is committed to agency discretion by law
25 under the Administrative Procedure Act.
- 26 8. Plaintiffs fail to state a claim upon which relief can be granted under the
27 Enumeration Clause.

1 9. Plaintiffs fail to state a claim upon which relief can be granted under the
2 Administrative Procedure Act.

3
4 DATED: December 30, 2020

Respectfully submitted,

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