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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 STATE OF CALIFORNIA,
16 *et al.*

Plaintiffs,

17 v.

18 BUREAU OF ALCOHOL, TOBACCO,
19 FIREARMS, and EXPLOSIVES (“ATF”),
20 *et al.*,

Defendants.

) Case No. 3:20-cv-06761-EMC

) **DEFENDANTS’ ANSWER TO PLAINTIFFS’**
) **FIRST AMENDED COMPLAINT FOR**
) **DECLARATORY AND INJUNCTIVE RELIEF**

1 Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Steven Dettelbach,
2 Director of ATF, in his official capacity; Daniel Hoffman, Chief of the Firearms Technology Industry
3 Services Branch of ATF, in his official capacity; the United States Department of Justice; and Merrick
4 Garland, in his official capacity as Attorney General of the United States (collectively, Defendants),
5 hereby answer Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief, ECF No. 122,
6 as follows.

7 The first unnumbered paragraph consists of Plaintiffs' characterization of this action, to which no
8 response is required. To the extent a response is deemed required, the allegations in this paragraph are
9 denied.

10 1. This paragraph consists of legal conclusions and of Plaintiffs' characterization of a statute,
11 to which no response is required. To the extent a response is deemed required, Defendants respectfully
12 refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the
13 allegations in this paragraph are denied.

14 2. The first sentence of this paragraph consists of Plaintiffs' characterization of a statute, to
15 which no response is required; to the extent a response is deemed required, Defendants respectfully refer
16 the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations
17 in this paragraph are denied. Defendants deny the allegations in the second sentence to the extent that
18 privately made firearms¹ are already fully operable firearms or to the extent that such firearms cannot be
19 created, assembled, or otherwise produced within minutes. Defendants deny the allegations in the third
20 sentence, except to admit that privately made firearms that lack serial numbers are generally not traceable
21 by law enforcement authorities when used in a crime. Defendants deny the allegations in the remainder
22 of this paragraph.

23 3. Defendants deny the allegations in the first and second sentences of this paragraph.
24 Defendants admit the allegation in the third sentence that a frame or receiver is the principal structural

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26 ¹ In this Answer, Defendants use the term "privately made firearm" to mean a firearm, including
27 a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed
28 manufacturer, and without a serial number placed by a licensed manufacturer at the time the firearm was
produced. The term does not include a firearm identified and registered in the National Firearms
Registration and Transfer Record pursuant to chapter 53, title 26, United States Code, or any firearm
manufactured or made before October 22, 1968 (unless remanufactured after that date). *See* 27 C.F.R. §
478.11 (defining "privately made firearm").

1 component of any firearm but otherwise deny the remaining factual allegations in this sentence. The
2 remainder of the third sentence, as well as the fourth sentence, consist of legal conclusions and of
3 Plaintiffs' characterization of a statute, to which no response is required; to the extent a response is deemed
4 required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of
5 its contents, and otherwise the allegations in these sentences are denied. Defendants deny the allegations
6 in the remainder of this paragraph because the terms "80 percent frame or receiver" or "unfinished frame
7 or receiver" are neither found in federal law nor recognized by ATF.

8 4. Defendants deny the allegations in this paragraph because the term "80 percent frame or
9 receiver" is neither found in federal law nor recognized by ATF.

10 5. Defendants deny the allegations in this paragraph because the term "80 percent frame or
11 receiver" is neither found in federal law nor recognized by ATF.

12 6. Defendants deny the allegations in this paragraph because the term "80 percent frame or
13 receiver" is neither found in federal law nor recognized by ATF.

14 7. The first sentence consists of Plaintiffs' characterization of this action, to which no
15 response is required; to the extent a response is deemed required, the allegations in this sentence are
16 denied. The allegations in the second sentence are denied, except to admit that ATF issued a new rule in
17 April 2022 that addressed, *inter alia*, privately made firearms. The third and fourth sentences consist of
18 Plaintiffs' characterization of a statute and of Final Rule, Definition of "Frame or Receiver" and
19 Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (Rule), and also consist of legal
20 conclusions, to which no response is required; to the extent a response is deemed required, Defendants
21 respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents,
22 and otherwise the allegations in these sentences are denied. Defendants lack knowledge or information
23 sufficient to form a belief as to the truth of the allegations contained in the remainder of this paragraph,
24 and therefore deny them.

25 8. This paragraph consists of Plaintiffs' characterization of the Rule and of a statute, and also
26 consists of legal conclusions, to which no response is required. To the extent a response is deemed
27 required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate
28 statement of their contents, and otherwise the allegations in these sentences are denied.

1 9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained in the first sentence of this paragraph, and therefore deny them. The second sentence
3 consists of Plaintiffs' characterization of a court transcript, and also consists of legal conclusions, to which
4 no response is required; to the extent a response is deemed required, Defendants respectfully refer the
5 Court to the cited transcript for a full and accurate statement of its contents, and otherwise the allegations
6 in this sentence are denied.

7 10. The allegations in the first sentence of this paragraph are denied, except to admit that
8 between September 2020 and the present date, some privately made firearms continued to be sold,
9 possessed by prohibited persons, and/or used in crimes. Defendants lack knowledge or information
10 sufficient to form a belief as to the truth of the allegations contained in the second sentence of this
11 paragraph, and therefore deny them. Defendants admit the allegations contained in the third sentence of
12 this paragraph. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
13 allegations contained in the fourth sentence of this paragraph, and therefore deny them, and Defendants
14 specifically deny that under federal law, purchases of privately made firearms from federal firearms
15 licensees are not required to be recorded or disclosed. Defendants lack knowledge or information
16 sufficient to form a belief as to the truth of the allegations contained in the fifth sentence of this paragraph,
17 and therefore deny them.

18 11. Defendants deny the allegations contained in the first sentence of this paragraph.
19 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in the second sentence of this paragraph, and therefore deny them, except to admit that in recent
21 years, there has been a substantial increase in the number of privately made firearms recovered from crime
22 scenes throughout the country. Defendants lack knowledge or information sufficient to form a belief as
23 to the truth of the allegations contained in the remainder of this paragraph, and therefore deny them.

24 12. The allegations contained in the first sentence of this paragraph are denied, except to admit
25 that in recent years, there has been a substantial increase in the number of privately made firearms
26 recovered from crime scenes throughout the country. The second and third sentences of this paragraph
27 consist of Plaintiffs' characterization of a filing in a different civil case, to which no response is required;
28 to the extent a response is deemed required, Defendants respectfully refer the Court to the cited filing for

1 a full and accurate statement of its contents, and otherwise the allegations in these sentences are denied.
2 The fourth and fifth sentences of this paragraph consist of Plaintiffs' characterization of articles on news
3 websites, to which no response is required; to the extent a response is deemed required, Defendants
4 respectfully refer the Court to the cited articles for a full and accurate statement of their contents, and
5 otherwise the allegations in these sentences are denied. The sixth sentence of this paragraph consists of
6 Plaintiffs' characterization of an ATF website page, to which no response is required; to the extent a
7 response is deemed required, Defendants respectfully refer the Court to the cited website page for a full
8 and accurate statement of its contents, and otherwise the allegations in this sentence are denied.
9 Defendants deny the allegations contained in the seventh sentence of this paragraph.

10 13. The first sentence of this paragraph consists of Plaintiffs' characterization of the present
11 case, to which no response is required; to the extent a response is deemed required, the allegations in this
12 sentence are denied. The second sentence of this paragraph consists of legal conclusions, to which no
13 response is required; to the extent a response is deemed required, the allegations in this sentence are
14 denied.

15 14. The allegations in this paragraph consist of Plaintiffs' characterizations of the Rule and of
16 a statute, and also consist of legal conclusions, to which no response is required. To the extent a response
17 is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and
18 accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

19 15. The allegations in this first, second, and fourth sentences of this paragraph consist of
20 Plaintiffs' characterizations of the Rule, and also consist of legal conclusions, to which no response is
21 required; to the extent a response is deemed required, Defendants respectfully refer the Court to the Rule
22 for a full and accurate statement of its contents, and otherwise the allegations in these sentences are denied.
23 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in the third sentence of this paragraph, and therefore deny them.

25 16. Defendants deny the allegations contained in the first sentence of this paragraph, except to
26 admit that in recent years, there has been a substantial increase in the number of privately made firearms
27 recovered from crime scenes throughout the country. The second sentence of this paragraph consists of
28

1 Plaintiffs' characterization of this action, and also consists of legal conclusions, to which no response is
2 required; to the extent a response is deemed required, the allegations in this sentence are denied.

3 17. The allegations in this sentence are denied, except to admit that California is a state of the
4 United States of America.

5 18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
6 allegations contained in this paragraph, and therefore deny them.

7 19. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained in this paragraph, and therefore deny them.

9 20. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained in this paragraph, and therefore deny them.

11 21. The allegations in this first sentence of this paragraph are denied, except to admit that ATF
12 is an administrative agency within the United States Department of Justice that enforces federal laws
13 related to alcohol, tobacco, firearms, and explosives. Defendants admit that ATF is headquartered in
14 Washington, D.C.

15 22. Defendants admit that Defendant Steven Dettelbach is the Director of ATF; that his official
16 address is in Washington, D.C.; that he is being sued in his official capacity; and that as ATF Director, he
17 is responsible for administering ATF.

18 23. Defendants admit that Defendant Daniel Hoffman is Chief of ATF's Firearms Technology
19 Industry Services Branch; that his official address is in Martinsburg, West Virginia; that he is being sued
20 in his official capacity; and that as Chief of ATF's Firearms Technology Industry Services Branch, he is
21 responsible for ATF's classification of firearms and ammunition under federal rules and regulations.

22 24. Defendants admit that the United States Department of Justice is an executive branch
23 agency within the federal government of the United States.

24 25. Defendants admit that Defendant Merrick Garland is the Attorney General of the United
25 States; that his official address is in Washington, D.C.; and that he is being sued in his official capacity.
26 The remainder of this paragraph consists of Plaintiffs' characterization of a statutory provision and a
27 regulatory provision, to which no response is required. To the extent a response is deemed required,
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1 Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of
2 their contents, and otherwise the allegations in the remainder of this paragraph are denied.

3 26. The first sentence of this paragraph consists of Plaintiffs' characterization of this action, to
4 which no response is required; to the extent a response is deemed required, the allegations in this sentence
5 are denied. The remainder of this paragraph consists of Plaintiffs' characterization of a statutory provision
6 and of legal conclusions, to which no response is required; to the extent a response is deemed required,
7 Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents,
8 and otherwise the allegations in this sentence are denied.

9 27. The first sentence of this paragraph consists of Plaintiffs' characterization of a statutory
10 provision and of legal conclusions, to which no response is required; to the extent a response is deemed
11 required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of
12 its contents, and otherwise the allegations in this sentence are denied. Defendants admit that ATF
13 maintains Field Divisions that lie within the Northern District of California.

14 28. Defendants deny the allegations contained in the first sentence of this paragraph, except to
15 admit that the Gun Control Act of 1968 (GCA) is one of the most important federal firearm laws to be
16 enacted by Congress. Defendants admit the allegations contained in the remainder of this paragraph.

17 29. With respect to the first sentence of this paragraph, Defendants admit that on October 22,
18 1968, President Lyndon B. Johnson signed the GCA into law. The remainder of this paragraph consists
19 of Plaintiffs' characterization of a statute and of legal conclusions, to which no response is required; to
20 the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a
21 full and accurate statement of its contents, and otherwise the allegations in this sentence are denied.

22 30. Defendants admit that the GCA has been amended multiple times, including in 1993, with
23 the enactment of the Brady Handgun Violence Prevention Act; in 1994, with the enactment of the Violent
24 Crime Control and Law Enforcement Act (to include 18 U.S.C. § 922(g)(8)); and in 1996, with the
25 enactment of the Omnibus Consolidated Appropriations Act of 1997 (to include 18 U.S.C. § 922(g)(9)).
26 The remainder of this paragraph consists of Plaintiffs' characterization of various statutes and of legal
27 conclusions to which no response is required; to the extent a response is deemed required, Defendants
28

1 respectfully refer the Court to the cited statutes for a full and accurate statement of their contents, and
2 otherwise the allegations in this paragraph are denied.

3 31. The first four sentences of this paragraph consist of Plaintiffs' characterization of a statute
4 and of various regulatory provisions, to which no response is required; to the extent a response is deemed
5 required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate
6 statement of their contents, and otherwise the allegations in these sentences are denied.

7 32. This paragraph consists of Plaintiffs' characterization of various statutory provisions, to
8 which no response is required; to the extent a response is deemed required, Defendants respectfully refer
9 the Court to the cited statutory provisions for a full and accurate statement of their contents, and otherwise
10 the allegations in this paragraph are denied. Defendants admit that Images 2 and 3 of the First Amended
11 Complaint accurately depict certain parts of a semiautomatic pistol and of an AR-15 rifle.

12 33. Defendants admit that ATF was established as an independent agency within the United
13 States Department of the Treasury in 1972 and that among the functions it has been delegated by law is to
14 administer and enforce federal firearm laws. The second sentence of this paragraph consists of Plaintiffs'
15 characterization of an ATF website page, to which no response is required; to the extent a response is
16 deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate
17 statement of its contents, and otherwise the allegations in this sentence are denied.

18 34. Defendants admit that ATF takes a wide variety of agency actions, and that these actions
19 include promulgating notice-and-comment rulemaking; issuing guidance to the public; and issuing
20 classification letters regarding specific products it regulates—such as firearms and explosives—in which
21 ATF responds to inquiries that manufacturers, distributors, and other persons and entities have voluntarily
22 submitted, such as whether the product that a person or entity is proposing to sell is subject to the
23 requirements of federal firearm laws. The fourth and fifth sentences of this paragraph consist of Plaintiffs'
24 characterization of an agency handbook, to which no response is required; to the extent a response is
25 deemed required, Defendants respectfully refer the Court to the cited handbook for a full and accurate
26 statement of its contents, and otherwise the allegations in these sentences are denied. Defendants lack
27 knowledge or information sufficient to form a belief as to the truth of the allegations contained in the sixth
28 sentence of this paragraph, and therefore deny them, except to admit that ATF issues guidance to the

1 firearms industry and the general public in the form of questions and answers (Q&As) that are frequently
2 published on ATF's official website.

3 35. Defendants admit that as a law enforcement agency, ATF investigates violent crimes; that
4 in investigating violent crimes involving firearms, ATF frequently relies on the unique, traceable serial
5 number affixed to firearms and other identifying information; and that when ATF's National Tracing
6 Center attempts to trace a firearm recovered at a crime scene, it relies on the firearm's serial number and
7 any marks on the firearm that identify the firearm's manufacturer or importer, and/or the firearm's make,
8 model, and caliber. The remainder of this paragraph consists of Plaintiffs' characterization of a statute, to
9 which no response is required; to the extent a response is deemed required, Defendants respectfully refer
10 the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations
11 in this paragraph are denied.

12 36. Defendants admit that firearms tracing frequently provides important information
13 necessary to investigate and solve crimes involving firearms; that ATF processes hundreds of thousands
14 of trace requests annually; that because no comprehensive electronic federal database of all firearm
15 purchases exists, ATF must rely on records held by firearms dealers in order to connect a firearm recovered
16 at a crime scene to its first retail purchaser; and that identifying the first retail purchaser of a firearm
17 recovered at a crime scene is often important to law enforcement's ability to investigate and solve crimes
18 committed with that firearm. The remainder of this paragraph consists of Plaintiffs' characterization of
19 two ATF website pages, to which no response is required; to the extent a response is deemed required,
20 Defendants respectfully refer the Court to the cited website pages for a full and accurate statement of their
21 contents, and otherwise the allegations in this paragraph are denied.

22 37. Defendants admit that firearms tracing plays an important role in the investigation of
23 criminal activity involving the use of firearms, and that the ability of firearms to be traced can play an
24 important part in discovering the perpetrators of violent crime and in discouraging the trafficking of
25 firearms. Defendants deny the remaining allegations in this paragraph.

26 38. Defendants admit that in general, the effectiveness of tracing a firearm depends, *inter alia*,
27 on whether the firearm's serial number is traceable. The allegations in the second sentence of this
28 paragraph are denied because the term "80 percent frame or receiver" is neither found in federal law nor

1 recognized by ATF. Defendants deny the allegations in the third sentence of this paragraph. Defendants
2 lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in the
3 fourth sentence of this paragraph, and therefore deny them, except to admit that ATF is frequently unable
4 to trace a privately made firearm that lacks a serial number.

5 39. This paragraph consists of Plaintiffs' characterization of a statutory provision, to which no
6 response is required. To the extent a response is deemed required, Defendants respectfully refer the Court
7 to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this
8 paragraph are denied.

9 40. The first and second sentences of this paragraph consists of Plaintiffs' characterization of
10 regulatory provisions, to which no response is required; to the extent a response is deemed required,
11 Defendants respectfully refer the Court to the cited provisions for a full and accurate statement of their
12 contents, and otherwise the allegations in these sentences are denied. Defendants admit that among the
13 purposes of firearms serialization is to enable a firearm that is subject to a trace to be traced back to its
14 manufacturer or importer and its first retail purchaser, and that tracing firearms can help link a firearm
15 recovered at a crime scene to suspects in a criminal investigation by helping law enforcement officials
16 track the movement of a firearm through the supply chain.

17 41. The first sentence of this paragraph consists of legal conclusions, to which no response is
18 required; to the extent a response is deemed required, the allegations in this sentence are denied. The
19 allegations in the second, third, and fourth sentences of this paragraph are denied because the term "assault
20 weapon" or "assault rifle" is not defined in federal law, and federal law does not regulate such weapons
21 differently from other firearms. The remainder of this paragraph consists of legal conclusions, to which
22 no response is required; to the extent a response is deemed required, the allegations in the remainder of
23 this paragraph are denied.

24 42. This paragraph consists of Plaintiffs' characterization of a regulatory provision and of an
25 ATF website page, and also consists of legal conclusions, to which no response is required. To the extent
26 a response is deemed required, Defendants respectfully refer the Court to the cited materials for a full and
27 accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

28

1 43. Defendants admit that at least some privately made firearms are made in order to
2 circumvent the requirements of federal firearms law. The allegations in the remainder of this paragraph
3 are denied because the terms “80 percent components” and “80 percent receivers and frames” is neither
4 found in federal law nor recognized by ATF.

5 44. This paragraph consists of Plaintiffs’ characterization of an ATF website page, and also
6 consists of legal conclusions, to which no response is required. To the extent a response is deemed
7 required, Defendants deny the allegations because the term “80 percent frame or receiver” is neither found
8 in federal law nor recognized by ATF, and respectfully refer the Court to the cited website page for a full
9 and accurate statement of its contents.

10 45. The allegations in this paragraph are denied because the term “80 percent receiver” is
11 neither found in federal law nor recognized by ATF.

12 46. The allegations in the first through fifth sentences of this paragraph are denied because the
13 term “80 percent frame or receiver” is neither found in federal law nor recognized by ATF. The remaining
14 sentences consist of Plaintiffs’ characterization of news articles, to which no response is required; to the
15 extent a response is deemed required, Defendants respectfully refer the Court to the cited articles for a full
16 and accurate statement of their contents, and otherwise the allegations in these sentences are denied.

17 47. The allegations in the first and fourth sentences of this paragraph are denied because the
18 term “80 percent receiver or frame” is neither found in federal law nor recognized by ATF. Defendants
19 lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in the
20 second and third sentences of this paragraph, and therefore deny them.

21 48. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained in this paragraph, and therefore deny them.

23 49. The allegations in the first sentence of this paragraph are denied because the term “80
24 percent receiver or frame” is neither found in federal law nor recognized by ATF. Defendants lack
25 knowledge or information sufficient to form a belief as to the truth of the allegations contained in the
26 remainder of this paragraph, and therefore deny them.

27 50. The allegations in the first sentence of this paragraph are denied because the term “80
28 percent receiver or frame” is neither found in federal law nor recognized by ATF. The remainder of this

1 paragraph consists of Plaintiffs’ characterization of news articles, to which no response is required; to the
2 extent a response is deemed required, Defendants respectfully refer the Court to the cited articles for a full
3 and accurate statement of their contents, and otherwise the allegations in the remainder of this paragraph
4 are denied.

5 51. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
6 allegations contained in the first sentence of this paragraph, and therefore deny them. The remainder of
7 this paragraph consists of Plaintiffs’ characterization of news articles, to which no response is required;
8 to the extent a response is deemed required, Defendants respectfully refer the Court to the cited articles
9 for a full and accurate statement of their contents, and otherwise the allegations in the remainder of this
10 paragraph are denied.

11 52. This paragraph consists of Plaintiffs’ characterization of news articles, to which no
12 response is required; to the extent a response is deemed required, Defendants respectfully refer the Court
13 to the cited articles for a full and accurate statement of their contents, and otherwise the allegations in this
14 paragraph are denied.

15 53. This paragraph consists of Plaintiffs’ characterization of news articles, to which no
16 response is required; to the extent a response is deemed required, Defendants respectfully refer the Court
17 to the cited articles for a full and accurate statement of their contents, and otherwise the allegations in this
18 paragraph are denied.

19 54. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
20 allegations contained in the first sentence of this paragraph, and therefore deny them. The remainder of
21 this paragraph consists of Plaintiffs’ characterization of news articles, to which no response is required;
22 to the extent a response is deemed required, Defendants respectfully refer the Court to the cited articles
23 for a full and accurate statement of their contents, and otherwise the allegations in the remainder of this
24 paragraph are denied.

25 55. The allegations in the first sentence of this paragraph are denied because the term “80
26 percent components” is neither found in federal law nor recognized by ATF. The remainder of this
27 paragraph consists of Plaintiffs’ characterization of a publication of a firearms-safety organization and of
28 news articles, to which no response is required; to the extent a response is deemed required, Defendants

1 respectfully refer the Court to the cited materials for a full and accurate statement of their contents, and
2 otherwise the allegations in the remainder of this paragraph are denied.

3 56. Defendants admit that in recent years, the number of privately made firearms recovered in
4 connection with criminal activity has been increasing. The remainder of this paragraph consists of
5 Plaintiffs' characterization of a press release, to which no response is required; to the extent a response is
6 deemed required, Defendants respectfully refer the Court to the cited press release for a full and accurate
7 statement of its contents, and otherwise the allegations in the remainder of this paragraph are denied.

8 57. The allegations in this paragraph consist of Plaintiffs' characterization of a news article
9 and of data released under the Freedom of Information Act, to which no response is required; to the extent
10 a response is deemed required, Defendants respectfully refer the Court to the cited materials for a full and
11 accurate statement of their contents, and otherwise the allegations in the remainder of this paragraph are
12 denied.

13 58. Defendants admit that in recent years, the number of privately made firearms recovered in
14 connection with criminal activity has been increasing. The remainder of this paragraph consists of
15 Plaintiffs' characterization of the Rule, to which no response is required; to the extent a response is deemed
16 required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its
17 contents, and otherwise the allegations in the remainder of this paragraph are denied.

18 59. Defendants admit that statistics relating to the number of privately made firearms recovered
19 in connection with criminal activity likely understate the problem faced by law enforcement regarding
20 such firearms because such statistics rely on instances in which privately made firearms are recovered by
21 law enforcement, rather than all instances in which privately made firearms are used in criminal activity;
22 and that the manner in which serialized firearms function is generally indistinguishable from the manner
23 in which non-serialized firearms function. Defendants lack knowledge or information sufficient to form
24 a belief as to the truth of the allegations contained in the first sentence of this paragraph, and therefore
25 deny them.

26 60. Defendants admit that if the sale of privately made firearms is not regulated, they may be
27 purchased by persons prohibited from possessing firearms; and that if a privately made firearm is used in
28 criminal activity, it is typically difficult for law enforcement to trace the firearm to its initial purchaser

1 because privately made firearms usually lack serial numbers. Defendants deny the allegations contained
2 in the seventh sentence of this paragraph, except to admit that ATF has been delegated the authority to
3 enforce federal firearm laws. Defendants lack knowledge or information sufficient to form a belief as to
4 the truth of the allegations contained in the remainder of this paragraph, and therefore deny them.

5 61. The allegations in this paragraph are denied because the terms “unfinished receivers and
6 frames” and “80 percent receivers and frames” are neither found in federal law nor recognized by ATF.

7 62. The allegations in the first two sentences of this paragraph are denied because the terms
8 “unfinished receiver or frames” and “80 percent receiver” are neither found in federal law nor recognized
9 by ATF. The remainder of this paragraph consists of Plaintiffs’ characterization of various ATF
10 classification decisions, to which no response is required; to the extent a response is deemed required,
11 Defendants respectfully refer the Court to the cited classification decisions for a full and accurate
12 statement of their contents, and otherwise the allegations in the remainder of this paragraph are denied.

13 63. The first sentence of this paragraph consists of Plaintiffs’ characterization of a statute, and
14 also consists of legal conclusions, to which no response is required; to the extent a response is deemed
15 required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of
16 its contents, and otherwise the allegations in this sentence are denied. The allegations in the second
17 sentence of this paragraph are denied because the term “80 percent receiver or frame” is neither found in
18 federal law nor recognized by ATF.

19 64. The allegations contained in the first through third sentences of this paragraph are denied.
20 The allegations in the fourth and fifth sentences of this paragraph are denied because the term “80 percent
21 frames and receivers” is neither found in federal law nor recognized by ATF. The remainder of this
22 paragraph consists of Plaintiffs’ characterization of various ATF classification decisions, to which no
23 response is required; to the extent a response is deemed required, Defendants respectfully refer the Court
24 to the cited classification decisions for a full and accurate statement of their contents, and otherwise the
25 allegations in the remainder of this paragraph are denied.

26 65. This paragraph consists of Plaintiffs’ characterization of an ATF ruling, and also consists
27 of legal conclusions, to which no response is required. To the extent a response is deemed required,
28

1 Defendants respectfully refer the Court to the cited ATF ruling for a full and accurate statement of its
2 contents, and otherwise the allegations in this paragraph are denied.

3 66. This paragraph consists of Plaintiffs' characterization of an ATF ruling, and also consists
4 of legal conclusions, to which no response is required. To the extent a response is deemed required,
5 Defendants respectfully refer the Court to the cited ATF ruling for a full and accurate statement of its
6 contents, and otherwise the allegations in this paragraph are denied.

7 67. This paragraph consists of Plaintiffs' characterization of an ATF ruling and of the Rule,
8 and also consists of legal conclusions, to which no response is required. To the extent a response is
9 deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate
10 statement of their contents, and otherwise the allegations in this paragraph are denied.

11 68. This paragraph consists of Plaintiffs' characterization of various ATF classification
12 decisions, to which no response is required. To the extent a response is deemed required, Defendants
13 respectfully refer the Court to the cited classification decisions for a full and accurate statement of their
14 contents, and otherwise the allegations in this paragraph are denied.

15 69. The allegations in the first sentence of this paragraph are denied because the term "80
16 percent receivers and frames" is neither found in federal law nor recognized by ATF. The remainder of
17 this paragraph consists of Plaintiffs' characterization of various ATF classification decisions, to which no
18 response is required; to the extent a response is deemed required, Defendants respectfully refer the Court
19 to the cited classification decisions for a full and accurate statement of their contents, and otherwise the
20 allegations in the remainder of this paragraph are denied.

21 70. The allegations in the first and second sentences of this paragraph consist of Plaintiffs'
22 characterization of an ATF classification decision, to which no response is required; to the extent a
23 response is deemed required, Defendants respectfully refer the Court to the cited classification decision
24 for a full and accurate statement of its contents, and otherwise the allegations in these sentences are denied.
25 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations
26 contained in the remainder of this paragraph, and therefore deny them.

27 71. This paragraph consists of Plaintiffs' characterization of an ATF classification decision, to
28 which no response is required. To the extent a response is deemed required, Defendants respectfully refer

1 the Court to the cited classification decision for a full and accurate statement of its contents, and otherwise
2 the allegations in this paragraph are denied.

3 72. The allegations in the first and second sentences of this paragraph consist of Plaintiffs'
4 characterization of an ATF classification decision, to which no response is required; to the extent a
5 response is deemed required, Defendants respectfully refer the Court to the cited classification decision
6 for a full and accurate statement of its contents, and otherwise the allegations in these sentences are denied.
7 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations
8 contained in the remainder of this paragraph, and therefore deny them.

9 73. This paragraph consists of Plaintiffs' characterization of an ATF classification decision, to
10 which no response is required. To the extent a response is deemed required, Defendants respectfully refer
11 the Court to the cited classification decision for a full and accurate statement of its contents, and otherwise
12 the allegations in this paragraph are denied.

13 74. The allegations in the first and second sentences of this paragraph consist of Plaintiffs'
14 characterization of an ATF classification decision, to which no response is required; to the extent a
15 response is deemed required, Defendants respectfully refer the Court to the cited classification decision
16 for a full and accurate statement of its contents, and otherwise the allegations in these sentences are denied.
17 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained in the remainder of this paragraph, and therefore deny them.

19 75. The allegations in the first and second sentences of this paragraph consist of Plaintiffs'
20 characterization of various ATF classification decisions, to which no response is required; to the extent a
21 response is deemed required, Defendants respectfully refer the Court to the cited classification decisions
22 for a full and accurate statement of their contents, and otherwise the allegations in these sentences are
23 denied. Defendants deny the allegations in the third sentence of this paragraph.

24 76. The allegations in the first sentence of this paragraph are denied because the term "80
25 percent receivers and frames" is neither found in federal law nor recognized by ATF. The allegations in
26 the footnote to the first sentence of this paragraph consist of Plaintiffs' characterization of various ATF
27 classification decisions, and other ATF guidance statements, to which no response is required; to the extent
28 a response is deemed required, Defendants respectfully refer the Court to the cited classification decisions

1 and statements for a full and accurate statement of their contents, and otherwise the allegations in this
2 footnote are denied.

3 77. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained in the first, second, fifth, and sixth sentences of this paragraph, and therefore deny
5 them. The third and fourth sentences consist of Plaintiffs' characterization of news articles, to which no
6 response is required; to the extent a response is deemed required, Defendants respectfully refer the Court
7 to the cited articles for a full and accurate statement of their contents, and otherwise the allegations in
8 these sentences are denied.

9 78. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained in the first and third sentences in this paragraph, and therefore deny them. The
11 second sentence consists of Plaintiffs' characterization of news articles, to which no response is required;
12 to the extent a response is deemed required, Defendants respectfully refer the Court to the cited articles
13 for a full and accurate statement of their contents, and otherwise the allegations in these sentences are
14 denied.

15 79. Defendants admit that Polymer80 advertises and sells a number of weapon component
16 products on its website, and otherwise deny the allegations in the first sentence of this paragraph. The
17 second and third sentences of this paragraph consist of Plaintiffs' characterization of Polymer80's website,
18 to which no response is required. To the extent a response is deemed required, Defendants respectfully
19 refer the Court to the cited website for a full and accurate statement of its contents, and otherwise the
20 allegations in the second and third sentences of this paragraph are denied. The fourth sentence of this
21 paragraph consist of Plaintiffs' characterization of a letter from the House Judiciary Committee, to which
22 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
23 Court to the cited letter for a full and accurate statement of its contents, and otherwise the allegations in
24 the fourth sentence of this paragraph are denied.

25 80. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny them.

27 81. Defendants admit the allegation in the first sentence. The remainder of this paragraph
28 consists of Plaintiffs' characterization of a search warrant executed at Polymer80's headquarters, to which

1 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
2 Court to the cited search warrant for a full and accurate statement of its contents, and otherwise the
3 allegations in this paragraph are denied.

4 82. Defendants admit that the “Receiver Blanks” page first appeared on the Questions and
5 Answers section of ATF’s website. Defendants admit the seventh sentence of this paragraph. The
6 remainder of this paragraph consists of Plaintiffs’ quotations from, and characterization of, a page on
7 ATF’s website, to which no response is required. To the extent a response is deemed required, Defendants
8 respectfully refer the Court to the cited website for a full and accurate statement of its contents, and
9 otherwise the allegations in this paragraph are denied.

10 83. The first sentence of this paragraph contains Plaintiffs’ legal conclusion, to which no
11 response is required. To the extent a response is deemed required, the allegations in the first sentence are
12 denied. The remainder of this paragraph consists of Plaintiffs’ characterization of a page on ATF’s
13 website, to which no response is required. To the extent a response is deemed required, Defendants
14 respectfully refer the Court to the cited website for a full and accurate statement of its contents, and
15 otherwise the allegations in this paragraph are denied.

16 84. This paragraph consists of Plaintiffs’ quotations from a page on ATF’s website, to which
17 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
18 Court to the cited website for a full and accurate statement of its contents, and otherwise the allegations
19 in this paragraph are denied.

20 85. This paragraph consists of Plaintiffs’ quotations from a page on ATF’s website, to which
21 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
22 Court to the cited website for a full and accurate statement of its contents, and otherwise the allegations
23 in this paragraph are denied.

24 86. The first sentence of is paragraph consists of Plaintiffs’ legal conclusions, to which no
25 response is required. To the extent a response is deemed required, the allegations of the first sentence in
26 this paragraph are denied. Defendants deny the allegations in the second sentence of this paragraph.

27 87. The first sentence of this paragraph consists of Plaintiffs’ legal conclusions, to which no
28 response is required. To the extent a response is deemed required, the allegations of the first sentence in

1 this paragraph are denied. Defendants deny the allegations in the second sentence of this paragraph
2 because the term “80 percent receiver” is not found in federal law nor recognized by ATF. Defendants
3 admit that in recent years, there has been a substantial increase in the number of privately made firearms
4 recovered from crime scenes throughout the country, but deny that this is the result of any action taken by
5 ATF. The third sentence consists of Plaintiffs’ characterization of, and quotation from, a third-party’s
6 website, to which no response is required. To the extent a response is deemed required, Defendants
7 respectfully refer the Court to that website for a full and accurate statement of its contents, and otherwise
8 the allegations in the third sentence of this paragraph are denied.

9 88. The allegations in the first sentence of this paragraph consist of Plaintiffs’ characterization
10 of and quotation from a White House website, to which no response is required. To the extent a response
11 is deemed required, Defendants respectfully refer the Court to the cited website for a full and accurate
12 statement of its contents, and otherwise the allegations in the first sentence of this paragraph are denied.
13 Defendants admit the second sentence of this paragraph.

14 89. Defendants admit the first sentence of this paragraph, and aver that the Rule was published
15 in the Federal Register on April 26, 2022, 87 Fed. Reg. at 24,652, and issued minor technical corrections
16 to the Rule on August 22, 2022, 87 Fed. Reg. at 51,249. The remainder of the allegations in this paragraph
17 consists of Plaintiffs’ characterization of and quotations from the Rule, and consists also of legal
18 conclusions to which no response is required. To the extent a response is deemed required, Defendants
19 respectfully refer the Court to the Rule a full and accurate statement of its contents, and otherwise the
20 allegations in this paragraph are denied.

21 90. The allegations in this paragraph consist of Plaintiffs’ characterization of the Rule, and
22 consists also of legal conclusions, to which no response is required. To the extent a response is deemed
23 required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its
24 contents, and otherwise the allegations in this paragraph are denied.

25 91. This paragraph consists of Plaintiffs’ legal conclusions, to which no response is required.
26 To the extent a response is deemed required, the allegations in this paragraph are denied.

1 92. This paragraph consists of Plaintiffs' legal conclusions and characterization of ongoing
2 litigation, to which no response is required. To the extent a response is deemed required, the allegations
3 in this paragraph are denied.

4 93. Defendants admit the allegations of the first sentence of this paragraph. The remainder of
5 this paragraph consists of Plaintiffs' characterization of, and quotation from, an oral argument transcript
6 in another litigation matter, to which no response is required. To the extent a response is deemed required,
7 Defendants respectfully refer the Court to the cited transcript for a full and accurate statement of its
8 contents, and otherwise the allegations in this paragraph are denied.

9 94. The first sentence of this paragraph consists of Plaintiffs' legal conclusions and
10 characterization of other ongoing litigation matters, to which no response is required. To the extent a
11 response is deemed required, Defendants respectfully refer the Court to the pleadings in those other
12 litigation matters for a full and accurate statement of their contents, and otherwise the allegations in the
13 first sentence of this paragraph are denied. Defendants admit the second sentence of this paragraph. The
14 third sentence of this paragraph consists of Plaintiffs' characterization of, and quotation from, a pleading
15 in another litigation matter, to which no response is required. To the extent a response is deemed required,
16 Defendants respectfully refer the Court to the pleading cited for a full and accurate statement of its
17 contents, and otherwise the allegations in the third sentence of this paragraph are denied. Defendants
18 admit the fourth sentence of this paragraph. The fifth sentence of this paragraph consists of Plaintiffs'
19 characterization of, and quotation from, a pleading in another litigation matter, to which no response is
20 required. To the extent a response is deemed required, Defendants respectfully refer the Court to the
21 pleading cited for a full and accurate statement of its contents, and otherwise the allegations in the fifth
22 sentence of this paragraph are denied. The sixth sentence of this paragraph consists of Plaintiffs' legal
23 conclusions, to which no response is required. To the extent a response is deemed required, the allegations
24 of the sixth sentence of this paragraph are denied.

25 95. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
26 allegations in the first sentence of this paragraph, and therefore deny them. Defendants deny the
27 allegations of the second sentence to the extent Plaintiffs allege that products meeting the statutory and
28 regulatory definition of "firearm" are unregulated and may legally be sold without complying with the

1 legal requirements for selling a “firearm.” Defendants otherwise lack knowledge or information sufficient
2 to form a belief as to the truth of the allegations in the second sentence of this paragraph, and therefore
3 deny them.

4 96. The first sentence of this paragraph consists of Plaintiffs’ characterization of Polymer80’s
5 website, to which no response is required. To the extent a response is deemed required, Defendants
6 respectfully refer the Court to Polymer80’s website for a full and accurate statement of its contents, and
7 otherwise the allegations in the first sentence of this paragraph are denied. The second and third sentences
8 of this paragraph consists of Plaintiffs’ characterization of a Polymer80 press release, to which no response
9 is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the
10 press release cited for a full and accurate statement of its contents, and otherwise the allegations of the
11 second and third sentences of this paragraph are denied. The fourth sentence of this paragraph consists of
12 Plaintiffs’ legal conclusions, to which no response is required. To the extent a response is deemed
13 required, Defendants deny the allegations of the fourth sentence of this paragraph.

14 97. Defendants deny the allegation in the first sentence of the paragraph that the regulations
15 that govern firearm transactions do not apply to Juggernaut Tactical. The remainder of this paragraph
16 consists of Plaintiffs’ characterization of, and a screenshot from, Juggernaut Tactical’s website, to which
17 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
18 Court to Juggernaut Tactical’s website for a full and accurate statement of its contents, and otherwise the
19 allegations in this paragraph are denied.

20 98. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
21 allegations in the first sentence of this paragraph, and therefore deny them. The second sentence of this
22 paragraph consists of Plaintiffs’ characterization of, and screenshots from, comments in response to a
23 video posted on YouTube, to which no response is required. To the extent a response is deemed required,
24 Defendants respectfully refer the Court to the YouTube video cited, and the comments left in response to
25 that video, for a full and accurate statement of its contents, and otherwise the allegations in the second
26 sentence of this paragraph are denied. Defendants lack knowledge or information sufficient to form a
27 belief as to the truth of the allegations in the third sentence of this paragraph, and therefore deny them.

28

1 99. Defendants deny the allegations of the first sentence of this paragraph. The second and
2 third sentences of this paragraph consists of Plaintiffs' characterization of two pages on ATF's website,
3 to which no response is required. To the extent a response is deemed required, Defendants respectfully
4 refer the Court to the website for a full and accurate statement of its contents, and otherwise the allegations
5 in the second and third sentences of this paragraph are denied.

6 100. Defendants admit that the YouTube video cited was created by ATF. The remainder of
7 this paragraph consists of Plaintiffs' characterization of, and quotations from, that video, to which no
8 response is required. To the extent a response is deemed required, Defendants respectfully refer the Court
9 to the video cited for a full and accurate statement of its contents, and otherwise the allegations in this
10 paragraph are denied.

11 101. This paragraph consists of Plaintiffs' characterization of, and quotations from, a page on
12 ATF's website, to which no response is required. To the extent a response is deemed required, Defendants
13 respectfully refer the Court to the page cited for a full and accurate statement of its contents, and otherwise
14 the allegations in this paragraph are denied.

15 102. Defendants admit the first sentence of this paragraph. The remainder of this paragraph
16 consists of Plaintiffs' characterization of, and quotations from, that open letter, to which no response is
17 required. To the extent a response is deemed required, Defendants respectfully refer the Court to the open
18 letter cited for a full and accurate statement of its contents, and otherwise the allegations in this paragraph
19 are denied.

20 103. Defendants admit the 2022 Open Letter included the same images of un-machined
21 receivers used on ATF's website before the Rule. The remaining allegations are a characterization of
22 ATF's website, to which no response is required. To the extent a response is deemed required, Defendants
23 respectfully refer the Court to the website for a full and accurate statement of its contents, and otherwise
24 the allegations of this paragraph are denied.

25 104. This paragraph consists of Plaintiffs' characterization of, and quotation from, that open
26 letter, and also includes Plaintiffs' legal conclusions, to which no response is required. To the extent a
27 response is deemed required, Defendants respectfully refer the Court to the open letter cited for a full and
28 accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

1 105. Defendants deny the allegations in the first sentence of this paragraph. The second
2 sentence of this paragraph consists of Plaintiffs' characterization of, and quotation from, a now-superseded
3 February 2015 classification letter, to which no response is required. To the extent a response is deemed
4 required, Defendants respectfully refer the Court to that classification letter for a full and accurate
5 statement of its contents, and otherwise the allegations of the second sentence of this paragraph are denied.
6 The third sentence of this paragraph consists of Plaintiffs' characterization of an open letter issued by
7 ATF, to which no response is required. To the extent a response is deemed required, Defendants
8 respectfully refer the Court to that open letter for a full and accurate statement of its contents, and
9 otherwise the allegations of the third sentence of this paragraph are denied. The fourth sentence of this
10 paragraph consists of Plaintiffs' characterization of, and quotation from, a pleading in another litigation
11 matter, to which no response is required. To the extent a response is deemed required, Defendants
12 respectfully refer the Court to that pleading for a full and accurate statement of its contents, and otherwise
13 the allegations of the fourth sentence of this paragraph are denied.

14 106. Defendants deny the allegations in the first and second sentences of this paragraph. The
15 third sentence of this paragraph consists of Plaintiffs' characterization of the Rule, to which no response
16 is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the
17 Rule for a full and accurate statement of its contents, and otherwise the allegations of the third sentence
18 of this paragraph are denied. The fourth sentence of this paragraph consists of Plaintiffs' characterization
19 of, the Rule and an open letter sent by ATF, and further contains Plaintiffs' legal conclusions, to which
20 no response is required. To the extent a response is deemed required, Defendants respectfully refer the
21 Court to the Rule and the open letter cited for a full and accurate statement of their contents, and otherwise
22 the allegations of the fourth sentence of this paragraph are denied. The fifth sentence of this paragraph
23 consists of Plaintiffs' characterization of Polymer80's website, to which no response is required. To the
24 extent a response is deemed required, Defendants respectfully refer the Court to that website for a full and
25 accurate statement of its contents, and otherwise the allegations of the fifth sentence of this paragraph are
26 denied. The sixth, seventh, and eighth sentences of this paragraph consists of Plaintiffs' characterization
27 of, and quotations from, an oral argument transcript in another litigation matter, to which no response is
28 required. To the extent a response is deemed required, Defendants respectfully refer the Court to that

1 transcript for a full and accurate statement of its contents, and otherwise the allegations of the sixth,
2 seventh, and eighth sentences of this paragraph are denied.

3 107. Defendants admit that ATF will continue to provide manufacturers and sellers of products
4 with classification decisions upon request, and will classify such products in accordance with the GCA
5 and the Rule. Defendants deny the allegation in the first sentence of this paragraph that these
6 classifications will not be in accordance with the GCA. The second sentence of this paragraph consists
7 of Plaintiffs' quotation from an online news story, to which no response is required. To the extent a
8 response is deemed required, Defendants respectfully refer the Court to that story for a full and accurate
9 statement of its contents, and otherwise the allegations in this paragraph are denied.

10 108. Defendants admit that Defendants' counsel sent the September 3, 2022 email cited to
11 Plaintiffs' counsel. The remainder of this paragraph consists of Plaintiffs' characterization of, and
12 quotation from, that email, and further contains Plaintiffs' legal conclusions, to which no response is
13 required. To the extent a response is deemed required, Defendants respectfully refer the Court to the email
14 for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

15 109. The first, second, third, and fourth sentences of this paragraph consist of Plaintiffs'
16 characterization of, and quotation from, the email from Defendants' counsel and the Rule, to which no
17 response is required. To the extent a response is deemed required, Defendants respectfully refer the Court
18 to the email and the Rule for a full and accurate statement of their contents, and otherwise the allegations
19 in the first, second, third, and fourth sentences of this paragraph are denied. Defendants lack knowledge
20 or information sufficient to form a belief as to the truth of the allegations in the fifth and sixth sentences
21 of this paragraph, and therefore deny them. The seventh sentence of this paragraph consists of Plaintiffs'
22 characterization of the Rule, to which no response is required. To the extent a response is deemed required,
23 Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and
24 otherwise the allegations of the seventh sentence of this paragraph are denied.

25 110. Defendants deny the allegations of this paragraph.

26 111. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
27 allegations in the first and second sentences of this this paragraph, and therefore deny them. Defendants
28 deny the allegation in the third sentence that California has suffered any concrete harm caused by ATF.

1 Defendants otherwise lack knowledge or information sufficient to form a belief as to the truth of the
2 allegations in the third sentence of this paragraph, and therefore deny them.

3 112. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
4 allegations in the first sentence of this paragraph, and therefore deny them. Defendants lack knowledge
5 or information sufficient to form a belief as to the truth of the allegations in the second and third sentences
6 of this paragraph, and therefore deny them except to admit that in recent years, there has been a substantial
7 increase in the number of privately made firearms recovered from crime scenes throughout the country.
8 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in
9 the fourth sentence of this this paragraph, and therefore deny them. Defendants lack knowledge or
10 information sufficient to form a belief as to the truth of the allegations in the fifth sentence of this this
11 paragraph, and therefore deny them, and further specifically deny the allegation that federal regulation of
12 privately made firearms has been insufficient.

13 113. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
14 allegations in the first sentence of this paragraph, and therefore deny them, except to admit that in recent
15 years, there has been a substantial increase in the number of privately made firearms recovered from crime
16 scenes throughout the country. The allegations in the second, third, fourth, and fifth sentences of this
17 paragraph consist of Plaintiffs' characterization of a press release and news articles, to which no response
18 is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the
19 press release and articles cited for a full and accurate statement of their contents, and otherwise the
20 allegations in the second, third, fourth, and fifth sentences of this paragraph are denied. Defendants lack
21 knowledge or information sufficient to form a belief as to the truth of the allegations in the sixth sentence
22 of this paragraph, and therefore deny them,

23 114. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
24 allegations in the first sentence of this paragraph, and therefore deny them. The second, third, and fourth
25 sentences of this paragraph consist of Plaintiffs' characterization of, and quotation from, an online news
26 story, to which no response is required. To the extent a response is deemed required, Defendants
27 respectfully refer the Court to the story cited for a full and accurate statement of its contents, and otherwise
28 the allegations in the second, third and fourth sentences of this paragraph are denied. Defendants lack

1 knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth sentence
2 of this paragraph, and therefore deny them. The sixth and seventh sentences of this paragraph consist of
3 Plaintiffs' characterization of, and quotation from, an online news story, to which no response is required.
4 To the extent a response is deemed required, Defendants respectfully refer the Court to the story cited for
5 a full and accurate statement of its contents, and otherwise the allegations in the sixth and seventh
6 sentences of this paragraph are denied.

7 115. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
8 allegations in the first sentence of this paragraph, and therefore deny them. The allegations in the second
9 and third sentences of this paragraph consist of Plaintiffs' characterization of news articles, to which no
10 response is required. To the extent a response is deemed required, Defendants respectfully refer the Court
11 to the articles cited for a full and accurate statement of their contents, and otherwise the allegations in the
12 second and third sentences of this paragraph are denied. Defendants lack knowledge or information
13 sufficient to form a belief as to the truth of the allegations in the fourth sentence of this paragraph, and
14 therefore deny them.

15 116. Defendants deny the first sentence of this paragraph. The remainder of this paragraph
16 consists of Plaintiffs' characterization of California state legislation and legislative efforts, to which no
17 response is required. To the extent a response is deemed required, the allegations in this paragraph are
18 denied.

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

21 118. This paragraph consists of Plaintiffs' characterization of, and quotation from, a California
22 state law, and also consists of legal conclusions, to which no response is required. To the extent a response
23 is deemed required, Defendants respectfully refer the Court to the state law cited for a full and accurate
24 statement of its contents, and otherwise the allegations in this paragraph are denied.

25 119. This paragraph consists of Plaintiffs' characterization of, and quotation from, a California
26 state law, and also consists of legal conclusions, to which no response is required. To the extent a response
27 is deemed required, Defendants respectfully refer the Court to the state law cited for a full and accurate
28 statement of its contents, and otherwise the allegations in this paragraph are denied.

1 120. This paragraph consists of Plaintiffs’ legal conclusions, to which no response is required.
2 To the extent a response is deemed required, the allegations in this paragraph are denied.

3 121. This paragraph consists of Plaintiffs’ legal conclusions, to which no response is required.
4 To the extent a response is deemed required, the allegations in this paragraph are denied. To the extent
5 this paragraph is construed as containing factual allegations, Defendants lack knowledge or information
6 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

7 122. The allegations in the first, second, and third sentences of this paragraph consist of
8 Plaintiffs’ characterization of a threat assessment and news articles, to which no response is required. To
9 the extent a response is deemed required, Defendants respectfully refer the court to the threat assessment
10 and news articles cited for a full and accurate statement of their contents, and otherwise the allegations of
11 the first, second, and third sentences of this paragraph are denied. The fourth sentence of this paragraph
12 consists of Plaintiffs’ legal conclusion, to which no response is required. To the extent a response is
13 deemed required, Defendants deny the allegations of the fourth sentence of this paragraph. Defendants
14 lack knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth
15 sentence of this paragraph, and therefore deny them. The allegations in the sixth and seventh sentences
16 of this paragraph consist of Plaintiffs’ characterization of news articles, to which no response is required.
17 To the extent a response is deemed required, Defendants respectfully refer the court to the news articles
18 cited for a full and accurate statement of their contents, and otherwise the allegations of the sixth and
19 seventh sentences of this paragraph are denied.

20 123. The allegations in this paragraph consist of Plaintiffs’ characterization of a news articles,
21 to which no response is required. To the extent a response is deemed required, Defendants respectfully
22 refer the court to the news articles cited for a full and accurate statement of their contents, and otherwise
23 the allegations of this paragraph are denied.

24 124. The allegations in the first sentence of this paragraph consist of Plaintiffs’ characterization
25 of a news article, to which no response is required. To the extent a response is deemed required,
26 Defendants respectfully refer the court to the news article cited for a full and accurate statement of its
27 contents, and otherwise the allegations of the first sentence of this paragraph are denied. The second
28 sentence of this paragraph contains Plaintiffs’ legal conclusion, to which no response is required.

1 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in
2 the third and fourths sentences of this paragraph, and therefore deny them.

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

5 126. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
6 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
7 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
8 the truth of the allegations in this paragraph, and therefore deny them.

9 127. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
10 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
11 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
12 the truth of the allegations in this paragraph, and therefore deny them.

13 128. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
14 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
15 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
16 the truth of the allegations in this paragraph, and therefore deny them.

17 129. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
18 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
19 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
20 the truth of the allegations in this paragraph, and therefore deny them.

21 130. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
22 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
23 response is deemed required, this paragraph consists of Plaintiffs' legal conclusions, to which no response
24 is required. To the extent a response is deemed required, the allegations in this paragraph are denied. To
25 the extent this paragraph is construed as containing factual allegations, Defendants lack knowledge or
26 information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore
27 deny them.

1 131. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
2 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
3 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
4 the truth of the allegations in this paragraph, and therefore deny them.

5 132. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
6 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
7 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
8 the truth of the allegations in this paragraph, and therefore deny them.

9 133. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
10 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
11 response is deemed required, Defendants lack knowledge or information sufficient to form a belief as to
12 the truth of the allegations in this paragraph, and therefore deny them.

13 134. This paragraph relates to an individual Plaintiff, whose claims the Court has dismissed for
14 lack of standing. *See* ECF No. 135, at 24-28, 33. Accordingly, no response is required. To the extent a
15 response is deemed required, this paragraph consists of Plaintiffs' legal conclusions, to which no response
16 is required. To the extent a response is deemed required, the allegations in this paragraph are denied. To
17 the extent this paragraph is construed as containing factual allegations, Defendants lack knowledge or
18 information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore
19 deny them.

20 135. Defendants lack knowledge or information sufficient to form a belief as to the truth of the
21 allegations in the first sentence of this paragraph, and therefore deny them. The second, third, and fourth
22 sentences of this paragraph consist of Plaintiffs' legal conclusions, to which no response is required. To
23 the extent a response is deemed required, the allegations in the second, third, and fourth sentences of this
24 paragraph are denied. Defendants lack knowledge or information sufficient to form a belief as to the truth
25 of the allegations in the fifth sentence of this paragraph, and therefore deny them.

26 136. The first, second, third, and fourth sentences of this paragraph consist of Plaintiffs' legal
27 conclusions, to which no response is required. To the extent a response is deemed required, the allegations
28 in the first, second, third, and fourth sentences of this paragraph are denied. Defendants lack knowledge

1 or information sufficient to form a belief as to the allegations in the fifth sentence of this paragraph, and
2 therefore deny them. Defendants admit the allegation in the sixth sentence that Giffords Law Center has
3 filed an amicus brief in the *Syracuse v. ATF*, No. 1:20-cv-06886-GHW (S.D.N.Y.) case, but otherwise
4 lack knowledge or information sufficient to form a belief as to the allegations of the sixth sentence of this
5 paragraph, and therefore deny them. Defendants lack knowledge or information sufficient to form a belief
6 as to the allegations in the fifth sentence of this paragraph, and therefore deny them. Defendants lack
7 knowledge or information sufficient to form a belief as to the allegations in the seventh sentence of this
8 paragraph, and therefore deny them, except to admit that in recent years, there has been a substantial
9 increase in the number of privately made firearms recovered from crime scenes throughout the country.
10 Defendants lack knowledge or information sufficient to form a belief as to the allegations in the eighth
11 sentence of this paragraph, and therefore deny them.

12 137. Defendants lack knowledge or information sufficient to form a belief as to the allegations
13 in the first and second sentences of this paragraph, and therefore deny them. The third sentence of this
14 paragraph contains Plaintiffs' legal conclusions, to which no response is required. To the extent a response
15 is deemed required, the allegations of the third sentence are denied except to admit that in recent years,
16 there has been a substantial increase in the number of privately made firearms recovered from crime scenes
17 throughout the country. The fourth and fifth sentences of this paragraph contain Plaintiffs' legal
18 conclusions, to which no response is required. To the extent a response is deemed required, the allegations
19 in the fourth, and fifth sentences of this paragraph are denied.

20 138. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
21 To the extent a response is deemed required, the allegations in this paragraph are denied.

22 139. Defendants incorporate by reference their responses to all preceding paragraphs.

23 140. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
24 To the extent a response is deemed required, the allegations in this paragraph are denied.

25 141. This paragraph consists of legal conclusions and of Plaintiffs' characterization of a statute,
26 to which no response is required. To the extent a response is deemed required, Defendants respectfully
27 refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the
28 allegations in this paragraph are denied.

1 142. The first sentence of this paragraph consists of Plaintiffs' legal conclusions, to which no
2 response is required. To the extent a response is deemed required, the allegations of the first sentence of
3 this paragraph are denied. The second sentence of this paragraph consists of Plaintiffs' characterization
4 of and quotation from a statute, to which no response is required. To the extent a response is deemed
5 required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of
6 its contents. The third, fourth, and fifth sentences of this paragraph consist of Plaintiffs' legal conclusions,
7 to which no response is required. To the extent a response is deemed required, the allegations of the third,
8 fourth, and fifth sentences of this paragraph are denied.

9 143. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
10 To the extent a response is deemed required, the allegations of this paragraph are denied.

11 144. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
12 To the extent a response is deemed required, the allegations of this paragraph are denied.

13 145. The first sentence of this paragraph consists of Plaintiffs' legal conclusions, to which no
14 response is required. To the extent a response is deemed required, the allegations of the first sentence of
15 this paragraph are denied. The second sentence of this paragraph consists of Plaintiffs' characterization
16 of, and quotation from, a now-superseded 2017 classification letter, to which no response is required. To
17 the extent a response is deemed required, Defendants respectfully refer the Court to that letter for a full
18 and accurate statement of its contents, and otherwise deny the allegations of the second sentence. The
19 third sentence of this paragraph consists of Plaintiffs' characterization of, and quotation from, a retailer's
20 website, to which no response is required. To the extent a response is deemed required, Defendants
21 respectfully refer the Court to that website for a full and accurate statement of its contents, and otherwise
22 deny the allegations of the third sentence. Defendants lack knowledge or information sufficient to form a
23 belief as to the allegations in the fourth sentence of this paragraph, and therefore deny them. The fifth and
24 sixth sentence of this paragraph consists of Plaintiffs' characterization of, and quotation from, product
25 reviews left on a retailer's website, to which no response is required. To the extent a response is deemed
26 required, Defendants respectfully refer the Court to that website for a full and accurate statement of its
27 contents, and otherwise deny the allegations of the fifth and sixth sentences. The seventh sentence of this
28 paragraph consists of Plaintiffs' characterization of, and quotation from, a retailer's website, to which no

1 response is required. To the extent a response is deemed required, Defendants respectfully refer the Court
2 to that website for a full and accurate statement of its contents, and otherwise deny the allegations of the
3 seventh sentence. The eighth sentence of this paragraph consists of Plaintiffs' legal conclusions and
4 Plaintiffs' characterization of a now-superseded classification letter and a page on ATF's website, and
5 Plaintiffs' characterization of, quotation from, a statute, to which no response is required. To the extent a
6 response is deemed required, Defendants respectfully refer the Court to that classification letter, website,
7 and statute for a full and accurate statement of their contents, and otherwise deny the allegations of the
8 eighth sentence of this paragraph.

9 146. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
10 To the extent a response is deemed required, the allegations of this paragraph are denied.

11 147. Defendants incorporate by reference their responses to all preceding paragraphs.

12 148. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
13 To the extent a response is deemed required, the allegations in this paragraph are denied.

14 149. This paragraph consists of legal conclusions and of Plaintiffs' characterization of a statute,
15 to which no response is required. To the extent a response is deemed required, Defendants respectfully
16 refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the
17 allegations in this paragraph are denied.

18 150. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
19 To the extent a response is deemed required, the allegations of this paragraph are denied.

20 151. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
21 To the extent a response is deemed required, the allegations of this paragraph are denied.

22 152. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
23 To the extent a response is deemed required, the allegations of this paragraph are denied.

24 153. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
25 To the extent a response is deemed required, the allegations of this paragraph are denied.

26 154. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
27 To the extent a response is deemed required, the allegations of this paragraph are denied.

28

1 155. This paragraph consists of Plaintiffs' legal conclusions, to which no response is required.
2 To the extent a response is deemed required, the allegations of this paragraph are denied.

3 The remainder of Plaintiffs' Complaint consists of a demand for relief, not allegations of fact to
4 which a response is required. To the extent a response is deemed required, Defendants deny that Plaintiffs
5 are entitled to the relief requested or any other relief whatsoever.

6 Defendants specifically deny each and any allegation of the Complaint not otherwise expressly
7 admitted, qualified, or denied in this Answer.

8
9 DATED: February 23, 2023

Respectfully submitted,

10
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