

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GHASSAN ALASAAD, NADIA ALASAAD,)
SUHAIB ALLABABIDI, SIDD BIKKANNAVAR,))
JÉRÉMIE DUPIN, AARON GACH, ISMAIL)
ABDEL-RASOUL AKA ISMA'IL)
KUSHKUSH, DIANE MAYE, ZAINAB)
MERCHANT, MOHAMMED AKRAM SHIBLY,)
AND MATTHEW WRIGHT,)

Plaintiffs,)

v.)

Civil Action No. 17-cv-11730-DJC

KIRSTJEN NIELSEN,¹ SECRETARY OF)
THE U.S. DEPARTMENT OF HOMELAND)
SECURITY, IN HER OFFICIAL CAPACITY;)
KEVIN MCALEENAN,)
COMMISSIONER OF U.S. CUSTOMS AND)
BORDER PROTECTION, IN HIS OFFICIAL)
CAPACITY; AND THOMAS HOMAN, ACTING)
DIRECTOR OF U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT, IN HIS OFFICIAL)
CAPACITY,)

Defendants.)

ANSWER

Defendants Kirstjen Nielsen, Secretary of the U.S. Department of Homeland Security (“DHS”); Kevin McAleenan, Commissioner, U.S. Customs and Border Protection (“CBP”); and Thomas Homan, Deputy Director and Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement (“ICE”) (collectively “Defendants”), hereby respond to each numbered paragraph of the Amended Complaint (ECF No. 7) as follows:

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary Kirstjen Nielsen is automatically substituted as a Defendant.

1. This paragraph contains Plaintiffs' characterization of this lawsuit as well as arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

2. With respect to the first sentence of this paragraph, Defendants admit that Plaintiffs are ten U.S. citizens and one lawful permanent resident. Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this sentence. With respect to the second and third sentences of this paragraph, Defendants admit that federal officials inspected and detained certain of Plaintiffs' electronic devices at U.S. ports of entry in the context of a border search. Defendants further admit that officials detained the devices of four of the Plaintiffs after they entered the United States. The allegations that Defendants "seized" electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. The remaining allegations in this paragraph consist allegations for which Defendants lack knowledge or sufficient information to form a belief.

3. Admit as to Mr. Homan's role as head of U.S. Immigration and Customs Enforcement, but deny as to his title which should be 'Deputy Director and Senior Official Performing the Duties of the Director.' Admit as to Mr. McAleenan's role as head of U.S. Customs and Border Protection, but deny as to his title which should be "Commissioner of U.S. Customs and Border Protection." Deny as to Ms. Duke. Defendants further state that under Federal Rule of Civil Procedure 25(d), the DHS Secretary Defendant is now Kirstjen Nielsen, and Defendants state that that as Secretary, Ms. Nielsen has authority over DHS, which includes the components that have issued the challenged policies. The allegations that Defendants engage

in “seizures” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

4. This paragraph contains Plaintiffs’ characterization of public reports reflecting the number and type of searches of electronic devices conducted by CBP and ICE at the border, to which no response is required. To the extent a response is deemed required, the Court is respectfully referred to the applicable policies of CBP and ICE, and the publicly reported statistics concerning border searches performed by CBP for a full and accurate statement of their contents.²

5. Denied.

6. This paragraph consists of Plaintiffs’ characterization of *Riley v. California*, 134 S. Ct. 2473 (2014). Defendants respectfully refer the Court to that decision for a full and accurate statement of its contents.

7. This paragraph contains Plaintiffs’ characterization of this lawsuit, consisting of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is required, denied. The Court is respectfully referred to Plaintiffs’ Amended Complaint for a full and accurate statement of its contents.

8. This paragraph, and subparagraphs (a) and (b) consist of Plaintiffs’ characterization of certain policies of CBP and ICE related to border searches of electronic devices. Defendants respectfully refer the Court to those policies for a full and accurate statement of their contents. Defendants further note that CBP’s 2018 Directive No. 3340-049A,

² Any and all allegations pertaining to CBP’s 2009 policy “Border Searches of Electronic Devices Containing Information,” Directive No. 3340-049 (August 20, 2009), are hereby denied. All references in this Answer to CBP’s policies accordingly concern CBP’s 2018 Directive No. 3340-049A, which superseded the 2009 policy.

superseded the 2009 policy cited by Plaintiffs. The allegations that Defendants engage in “confiscations” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

9. This paragraph consists of Plaintiffs’ characterization of certain policies of CBP and ICE. Defendants respectfully refer the Court to those policies for a full and accurate statement of their contents. By way of further response, Defendants admit only that neither CBP nor ICE require that searches of electronic devices must be authorized by a warrant based on probable cause. The allegations that Defendants engage in “confiscations” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required,

10. This paragraph contains argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

11. This paragraph sets forth Plaintiffs’ assertions of jurisdiction, and thus consists of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is deemed required, denied.

12. This paragraph sets forth Plaintiff’s assertions of jurisdiction, and this Court’s equitable power, and thus consists of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is deemed required, denied.

13. This paragraph sets forth Plaintiffs’ assertion of venue, and thus consists of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is deemed required, admitted.

14. Defendants admit that Plaintiffs Ghassan and Nadia Alasaad are U.S. citizens. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

15. Defendants admit that Plaintiff Allababidi is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

16. Defendants admit that Plaintiff Bikkannavar is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

17. Defendants admit that Plaintiff Dupin is a lawful permanent resident of the United States. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

18. Defendants admit that Plaintiff Gach is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

19. Defendants admit that Plaintiff Abdel-Rasoul (aka Kushkush) is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

20. Defendants admit that Plaintiff Maye is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

21. Defendants admit that Plaintiff Merchant is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

22. Defendants admit that Plaintiff Shibly is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

23. Defendants admit that Plaintiff Wright is a U.S. citizen. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

24. Defendants deny the allegations of the first and second sentences of this paragraph. Defendants admit the third sentence of this paragraph. Defendants further state that under Federal Rule of Civil Procedure 25(d), the DHS Secretary Defendant is now Kirstjen Nielsen, and Defendants state that as Secretary, Ms. Nielsen has authority over DHS, which includes the components that have issued the challenged policies.

25. Admit, except as to Mr. McAleenan's title which should be "Commissioner of U.S. Customs and Border Protection."

26. Admit as to Mr. Homan's role as head of U.S. Immigration and Customs Enforcement, but deny as to his title which should be 'Deputy Director and Senior Official Performing the Duties of the Director.' Denied as to Plaintiff's characterization that ICE "assists CBP in searching electronic devices seized at the border." The allegation that Defendants "seize" electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied. The remainder of this paragraph is admitted.

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

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

29. Denied.

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

32. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

33. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in first three sentences of this paragraph. The fourth sentence of this this paragraph contains Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

37. Admit.

38. This paragraph consists of Plaintiffs' characterization of certain statistics concerning border searches of electronic devices performed by CBP. The Court is respectfully referred to those statistics for a full and accurate statement of their contents. *See* <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-statistics-electronic-device-searches-0>.

39. Defendants state that the use of the words "manual" and "forensic" is ambiguous in this context, but admits that DHS officials can conduct basic, advanced, or both basic and advanced searches, as those terms are defined in CBP's Directive, on an electronic device at the border consistent with CBP and ICE Directives. The Court is respectfully referred to the CBP and ICE Directives for a full and accurate statement of their contents.

40. With respect to the first sentence of this paragraph, Defendants state that the use of the word "manual" is ambiguous in this context, but admits that CBP and ICE officials can conduct basic, advanced, or both basic and advanced searches on an electronic device at the border consistent with the CBP and ICE Directives. With regard to the first sentence, Defendants admit that CBP and ICE officials may examine an electronic device and may review and analyze information encountered at the border during a basic search, which is any border search of an electronic device that is not an advanced search; Defendants state that pursuant to CBP's Directive an advanced search is a search of an electronic device in which the device is connected to external equipment, through a wired or wireless connection, not merely to gain access to the device, but to review, copy, and/or analyze its contents. The Court is respectfully referred to CBP's Directive for a full and accurate statement of its contents. With respect to the second sentence of this paragraph, Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph.

41. The first two sentences of this paragraph consist of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is deemed required, denied. The third sentence consists of Plaintiffs' characterization of *Riley v. California*, 134 S. Ct. 2473 (2014). Defendants respectfully refer the Court to that decision for a full and accurate statement of its contents.

42. Defendants deny the allegations contained in this paragraph; Defendants further state that CBP and ICE border searches include an examination of only the information that is resident upon the device and accessible through the device's operating system or through other software, tools, or applications. Defendants further state that CBP and ICE officials do not intentionally use the device to access information that is solely stored remotely and not otherwise present on the device.

43. With respect to the allegations contained in this paragraph, Defendants state that the use of the word "forensic" is ambiguous in this context, but admits that CBP and ICE officials can conduct basic, advanced, or both basic and advanced searches on an electronic device at the border consistent with their Directives. Defendants admit that in an advanced search, a CBP or ICE officer connects external equipment, through a wired or wireless connection, to an electronic device not merely to gain access to the device, but to review, copy, and/or analyze its contents. Defendants further admit that CBP and ICE officials can use particularized software tools to conduct advanced searches of electronic devices at the border, and that there are different types of searches that may constitute an advanced search.

44. With respect to the first sentence contained in this paragraph, Defendants admit that CBP and ICE officials use particularized software tools to conduct advanced searches of electronic devices at the border. With respect to the second sentence, Defendants deny that the

use of “algorithms” to search the contents of an electronic devices indicates the use of any “forensic tools,” and further state that the terms “algorithms” and “forensic tools” are ambiguous in this context; Defendants deny the remaining allegations in the second sentence. With respect to the third sentence, admitted.

45. This paragraph contains argument, statements of law, or conclusions of law, to which no response is required. To the extent a response is deemed required, denied.

46. The first and fourth sentences of this paragraph contain conclusions of law, to which no response is required. To the extent a response is deemed required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in the second and third sentences, except that Defendants admit that officials searched Mr. Dupin’s phone on two occasions in the context of a border search, and officials searched Mr. Kushkush’s phones on at least one occasion in the context of a border search.

47. This paragraph consists of Plaintiffs’ arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied, except Defendants admit that CBP law enforcement officials wear uniforms and are armed. Defendants further admit that all individuals who cross the border are obligated to present themselves and their effects to CBP. Defendants further admit that while in many instances inspection at the port of entry is brief, given the high volume of travelers and CBP’s efforts to facilitate travel efficiently, any traveler whose inspection is expected to last more than a couple of minutes will be generally be referred for additional scrutiny, sometimes referred to as “secondary inspection,” which is merely a continuation of a border inspection initiated during primary processing.

48. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

49. Denied, except Defendants admit that on one occasion Plaintiff Shibly was asked for his phone in the context of a border inspection, declined to provide his phone, and his phone was detained while his inspection was ongoing.

50. Denied, except Defendants admit the identified Plaintiffs' electronic devices were detained. The allegation that Defendants engage in "confiscations" and "seizures" of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

51. Denied, except Defendants admit that any device not presented in a manner that allows CBP to inspect their contents may be subject to detention or other appropriate action or disposition. Defendants also admit that a CBP officer may detain electronic devices for a brief, reasonable period of time to perform a thorough border search. The allegations that Defendants engage in "confiscate[ing]" electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

52. The first sentence of this paragraph contains argument, statements of law, or legal conclusions to which no response is required. To the extent a response is deemed required, denied. Defendants admit that any device not presented in a manner that allows CBP to inspect their contents may be subject to detention or other appropriate action or disposition. Defendants also admit that a CBP officer may detain electronic devices for a brief, reasonable period of time to perform a thorough border search. Defendants admit that Plaintiff Wright's electronic devices were detained on or about April 21, 2016, for purposes of conducting a border search and were

returned on or about June 16, 2016. Defendants admit that officials detained Plaintiff Allababidi's two phones in the context of a border inspection, and returned one phone (his iPhone) on April 5, 2017 and another on December 13, 2017. Otherwise, denied.

53. Denied, except Defendants admit that a CBP officer may detain electronic devices for a brief, reasonable period of time to perform a thorough border search. Defendants admit that Plaintiffs Ghasaan and Nadia Alasaad's cellular phones were temporarily detained and returned approximately 12 days from the date of detention. The allegations that Defendants "confiscate" electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

54. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. The allegations in this paragraph that electronic devices were "confiscate[ed]" by Defendants consist of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

55. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Defendants admit that if a CBP Officer is unable to complete an inspection of an electronic device because it is protected by a passcode or encryption, the CBP Officer may detain the device pending a determination as to its admissibility, exclusion, or other disposition. The allegations that Defendants "confiscate[e]" electronic devices consist of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required,

56. This paragraph, along with sub-paragraphs (a)-(c), contains arguments, statements of law, or conclusions of law, to which no response is required. To the extent a response is deemed required, denied.

57. Defendants admit that CBP and ICE policies authorize warrantless and suspicionless searches and detentions of electronic devices in the context of border searches. The Court is respectfully referred to CBP and ICE's policies for a full and accurate statement of their contents. The allegation in this paragraph that Defendants engage in "confiscations" of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

58. This paragraph, and sub-paragraphs, consist of Plaintiffs' characterization of the different types of electronic device searches that may be performed pursuant to Defendants' policies. The Court is respectfully referred to those policies for a full and accurate statement of their contents. Defendants admit that CBP and ICE policies authorize border searches of electronic devices for a reasonable time without a warrant. Defendants further admit that CBP and ICE policies authorize searches of electronic devices without individualized suspicion in certain circumstances. Defendants further admit that the travelers' consent is not required to conduct a border search.

59. This paragraph consists of Plaintiffs' characterization of the different types of electronic device searches that may be performed pursuant to Defendants' policies. The Court is respectfully referred to those policies for a full and accurate statement of their contents.

60. This paragraph, and sub-paragraphs, consist of Plaintiffs' characterization of the different types of electronic device searches that may be performed pursuant to Defendants' policies. The Court is respectfully referred to those policies for a full and accurate statement of their contents. Defendants deny that ICE policies "suffer the same flaws as the corresponding CBP rules."

61. This paragraph, and sub-paragraphs, consist of Plaintiffs' characterization of the different types of electronic device searches that may be performed pursuant to Defendants' policies. The Court is respectfully referred to those policies for a full and accurate statement of their contents. Defendants admit that CBP and ICE policies authorize border searches of electronic devices for a reasonable time without a warrant. Defendants further admit that CBP and ICE policies authorize searches of electronic devices without individualized suspicion in certain circumstances. Defendants further admit that the travelers' consent is not required to conduct a border search. The allegations in this paragraph that Defendants engage in "confiscations" of electronic devices consist of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

62. Defendants admit that on July 12, 2017, Plaintiffs Ghassan and Nadia Alasaad entered the United States through the Highgate Springs Port of Entry. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

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

64. Defendants admit that the Alasaads stated that their daughter was ill and had a fever. Defendants admit that the Alasaads were referred for a continuation of their border inspection, commonly known as "secondary inspection". Defendants admit that the secondary inspection of Mr. Alasaad was conducted in a private interview room at the Port of Entry.

65. With respect to the first sentence of this paragraph, Defendants lack knowledge or information sufficient to form a belief as to the allegation about what the Alasaads observed. Defendants admit the remaining allegations contained in this paragraph.

66. Denied, except Defendants admit that the Alasaads asked about the length of their inspection, and that the CBP supervisor stated that he had discretion to conduct secondary inspections on passengers.

67. Defendants admit that a CBP officer requested that Ms. Alasaad provide the password to unlock her phone. Defendants further admit that Ms. Alasaad raised concerns to the search of her phone by a male CBP officer due to pictures of her without a headscarf. Defendants deny that the inspection lasted five hours. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

68. Denied, except Defendants admit that the Alasaads were asked for and provided their password to the CBP Officer. The second sentence of this paragraph constitutes Plaintiff's argument, statements of law, or a legal conclusion, to which no response is necessary. To the extent a response is required, denied.

69. Defendants deny the allegations contained in subparagraphs (b) and (c). Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in subparagraph and (d). The remaining allegations in this paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

70. Defendants admit that the Alasaads disclosed the password to an electronic device, but deny that the CBP Officer told them that they could remain while their phones were searched. Defendants further admit that Ms. Alasaad raised concerns as to the search of her phone by a male CBP officer due to pictures of her without a headscarf. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations of the first five sentences of this paragraph. The final sentence of this paragraph consists of

Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

71. Denied.

72. With respect to the first sentence in this paragraph, denied; Defendants state that the two phones referenced in this paragraph were returned to the Alasaads via UPS delivery 12 days from the date of the border inspection. With respect to the second sentence in this paragraph, Defendants deny that CBP's search of the phones damaged the content of the phones. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph. The allegation that Defendants engage in "seizures" of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

73. With respect to the first sentence in this paragraph, Defendants admit that on August 28, 2017, Plaintiff Alasaad arrived at JFK International Airport, Terminal 4 aboard flight AT 202 from Morocco, with her two children and sister. Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in the first sentence. With respect to the second sentence in this paragraph, Defendants lack knowledge and information sufficient to form a belief as to the truth of this allegation. With respect to the third sentence in this paragraph, Defendants admit that the smartphone found in Nadia Alasaad's handbag was locked. Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in the third sentence.

74. Defendants admit the allegations in the first and third sentences contained in this paragraph. With respect to the second sentence, Defendants admit that a CBP officer asked if Ms. Alasaad had a phone in her possession, but deny the remaining allegations in the sentence to

the extent inconsistent with the foregoing. With respect to the third sentence in this paragraph, Defendants admit that a CBP Officer found a phone in Plaintiff's handbag. Defendants deny knowledge and information sufficient to form a belief as to the truth of the remaining allegations in the third sentence. Defendants admit the allegations contained in the fourth sentence in this paragraph.

75. Defendants deny the allegation in the first sentence of this paragraph. With respect to the second sentence in this paragraph, Defendants admit this allegation. With respect to the third sentence in this paragraph, Defendants admit that a CBP officer obtained the password on a piece of paper, but lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in this sentence. With respect to the fourth sentence in this paragraph, Defendants lack knowledge and information sufficient to form a belief as to the truth of this allegation, though the statement that the environment was "coercive" consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is necessary, denied. In regards to the fifth sentence, Defendants deny this allegation.

76. Defendants admit that CBP officials searched the phone during this inspection.

77. Defendants admit that Plaintiff Allababidi was inspected by CBP at Dallas/Fort Worth International Airport on January 24, 2017, and that he had two phones in his possession when he presented himself for inspection and that at least one of the phones was locked. Defendants otherwise lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph.

78. With respect to the first sentence of this paragraph, Defendants admit this allegation. Defendants further admit CBP conducted a baggage exam of Plaintiff Allababidi's

luggage. With respect to the allegations contained in the third and fourth sentences in this paragraph, Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations. The allegation that Defendants “seize” electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

79. With respect to the first sentence in this paragraph, Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations. With respect to the second sentence, Defendants admit that Plaintiff Allababidi failed to unlock one of his phones for purposes of conducting an inspection, but lack knowledge or sufficient information as to the truth of the remaining allegations in this sentence. With respect to the third sentence, Defendants admit that Plaintiff Allababidi’s two phones were detained for further examination; the statement that CBP responded by “confiscating” the phones consists of argument, statements of law, or legal conclusions to which no response is required. To the extent a response is required, denied.

80. With respect to the first sentence in this paragraph, Defendants admit that officials detained Plaintiff Allababidi’s two phones in the context of a border inspection, and returned his iPhone on April 5, 2017 and another on December 13, 2017. Otherwise, denied.

81. Defendants admit that on January 31, 2017, Plaintiff Bikkannavar arrived at the Houston International Airport from Santiago, Chile and that he had a phone in his possession when he presented himself for inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations contained in this paragraph.

82. With regard to the first sentence, Defendants admit that Plaintiff Bikkannavar was referred for a continuation of his border inspection, commonly known as secondary inspection. The second sentence in this paragraph consists of argument, statements of law, or legal

conclusions, to which no response is required. To the extent a response is required, denied.

With respect to the third sentence, the allegation that an officer “coerced” Plaintiff Bikkannavar into disclosing his password consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Sub-paragraph (a) consists of Plaintiffs’ arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied. With respect to sub-paragraph (b), Defendants admit that CBP provided Plaintiff Bikkannavar with a CBP form titled “Inspection of Electronic Devices.” The remainder of this subparagraph consists of a quotation to a publicly-available CBP document, and the Court is respectfully referred to that document for a full and accurate statement of its contents. With respect to sub-paragraph (c), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this subparagraph. With respect to sub-paragraph (d), Defendants admit that Plaintiff Bikkannavar indicated his phone belonged to his employer and that he provided the password to the device. With respect to sub-paragraph (e), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this sub-paragraph and further state that the allegations regarding Plaintiff Bikkannavar’s unspecified “questions” are vague and ambiguous. With respect to sub-paragraph (f), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this sub-paragraph.

83. Defendants admit that Plaintiff Bikkannavar provided the password to his phone. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

84. Defendants admit that CBP returned the phone to Plaintiff Bikkannavar. Defendants deny that the use of “algorithms” to search the contents of an electronic devices

indicates the use of “forensic tools” and further state that the terms “algorithms” and “forensic tools” are ambiguous in this context; Defendants otherwise lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations in this paragraph.

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

86. Defendants admit that on December 22, 2016, Plaintiff Dupin arrived at Miami International Airport and that he had a smartphone in his possession. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

87. Defendants admit that Plaintiff Dupin was referred for a continuation of his border inspection, commonly known as secondary inspection, and that CBP records indicate that he was in the secondary inspection area for approximately four hours. Defendants further admit that Plaintiff Dupin provided information during the course of his inspection, regarding the purpose of his travel and his occupation. Defendants lack knowledge of sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

88. With respect to first sentence in this paragraph, the allegation that Defendants “seized” an electronic device consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants admit that CBP conducted a border search of Plaintiff Dupin’s cellular phone, and that Plaintiff Dupin unlocked it for purposes of inspection. The remainder of this paragraph consists of Plaintiffs’ arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

89. The first sentence and sub-paragraph (a) of this paragraph consists of Plaintiffs’ arguments, statements of law, or legal conclusions, to which no response is required. To the

extent a response is deemed required, denied. With respect to sub-paragraph (b), Defendants admit that Plaintiff Dupin was referred for a continuation of his border inspection, commonly known as secondary inspection, with CBP officials; Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations of sub-paragraph (b). Defendants deny the remaining allegations contained in paragraph.

90. Defendants admit that a CBP Officer conducted a basic search of Plaintiff Dupin's phone, that the search occurred in a different room, and that the search lasted approximately fifteen minutes. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

91. Defendants admit that the CBP officials returned Plaintiff Dupin's phone to him and that he departed following the inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

92. Defendants admit that Plaintiff Dupin arrived at the Champlain, New York Port of Entry via bus with his daughter, on December 23, 2016. Defendants admit Plaintiff had a smartphone in his possession. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

93. Defendants admit that Plaintiff Dupin was referred for a continuation of his border inspection, commonly known as secondary inspection, with CBP officials at approximately 11:00 p.m. and was questioned by CBP officials. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

94. With respect to the first sentence of this paragraph, the allegation that Defendants "seized" an electronic devices consists of argument, statements of law, or legal conclusions, to

which no response is required. To the extent a response is required, denied. Defendants admit that CBP conducted a border search of Plaintiff Dupin's phone for purposes of a border search inspection, and admit that Mr. Dupin provided the password to his phone. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in the first sentence of this paragraph. The remainder of this paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

95. The first sentence and sub-paragraph (a) of this paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. With respect to sub-paragraph (b), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations. With respect to sub-paragraphs (c) and (d), Defendants admit that Plaintiff Dupin was referred for secondary inspection at approximately 11:00 p.m., that he was traveling with his daughter, that he and his daughter arrived at the port of entry by bus, and that they departed the port of entry following his inspection on the next available bus. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

96. Defendants admit that Plaintiff Dupin's phone was searched and that Plaintiff Dupin provided information to the CBP Officers about some of the photos that were identified on his device while it was being inspected. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

97. Defendants admit that CBP records indicate that the border inspection of Plaintiff Dupin began at approximately 11:00 p.m. on December 23, 2016, and was completed at approximately 3:55 a.m. on December 24, 2016, that CBP officials returned Plaintiff Dupin's

phone, and that Plaintiff Dupin and his daughter departed the port of entry on the next available bus. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

98. Defendants admit Plaintiff Gach was inspected at San Francisco International Airport on February 23, 2017 traveling from Belgium. Defendants admit that Plaintiff Gach's phone was locked. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations contained in this paragraph.

99. Denied, except Defendants admit that Plaintiff Gach was referred for a continuation of his border inspection, commonly known as secondary inspection, with CBP officials and asked questions regarding the reason for his travel to Belgium. Defendants further admit CBP officials inspected Plaintiff's phone during this inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

100. With respect to the first three sentences in this paragraph, Defendants admit that Plaintiff Gach initially declined to provide his password, but later unlocked his device to allow for its inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in these sentences. The fourth sentence in this paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

101. The first sentence, and sub-paragraph (a), in this paragraph consist of argument, statements of law, or legal conclusions to which no response is required; to the extent a response is required, denied. With respect to the allegations contained in sub-paragraphs (b) and (c),

Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations contained in these sub-paragraphs.

102. Defendants admit CBP inspected Plaintiff Gach's phone for a brief period. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

103. Defendants admit CBP inspected Plaintiff Gach's phone during this time for a brief period.

104. Admit.

105. Defendants admit that on January 9, 2016, Plaintiff Kushkush arrived at JFK International Airport, Terminal 1 from Arlanda Airport in Stockholm, Sweden via London, England. Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

106. Defendants admit that Plaintiff Kushkush was referred for a continuation of his border inspection, commonly known as secondary inspection; Plaintiff Kushkush was brought into the secondary inspection area, and a search was conducted of one checked bag and one messenger bag, including one or more notebooks contained therein. Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph.

107. Defendants deny the allegations contained in the first two sentences in this paragraph. With respect to the third sentence, Defendants admit that Plaintiff Kushkush was permitted to leave the secondary inspection area approximately three hours after he arrived at the secondary inspection area. Defendants deny the remaining allegations in this sentence.

108. Defendants admit that Plaintiff Kushkush traveled from Israel to Washington, D.C., on January 4, 2017. The allegation that Defendants “seized” electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

109. Admit.

110. With respect to the first sentence in this paragraph, Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations. The second sentence in this paragraph consists of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied.

111. The first sentence and sub-paragraph (a) in this paragraph consist of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. With respect to sub-paragraph (b), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations.

112. Denied.

113. Denied.

114. Defendants admit Plaintiff Kushkush appeared at the Highgate Springs, Vermont Port of Entry for inspection on July 30, 2017. Defendants admit that Plaintiff Kushkush was carrying a locked smartphone in his possession at the time of his arrival. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

115. Defendants admit Plaintiff Kushkush was referred for a continuation of his border inspection, commonly known as secondary inspection, and was asked to unlock his phone.

Defendants admit that Plaintiff Kushkush stated that he did not consent to the search of his phone and that he was advised that the phone could be seized. Defendants deny the remaining allegations contained in the first, second sentences and third of this paragraph. The fourth sentence in this paragraph consists of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied.

116. The first sentence and sub-paragraph (a) in this paragraph consist of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. With respect to sub-paragraph (b), Defendants deny the allegations in this sub-paragraph.

117. Denied, except that Defendants admit that a CBP officer noted the password to Plaintiff's Kushkush's phone when Plaintiff Kushkush provided it to the officer. Defendants further admit that a manual search of Plaintiff Kushkush's phone was conducted, and that the manual search of the phone lasted at least one hour.

118. Denied.

119. Admitted.

120. Defendants admit that Plaintiff Maye arrived at Miami International Airport on June 25, 2017 from Oslo, Norway, and that she had a phone in her possession when she presented herself for inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

121. With respect to the first sentence, the allegation that Defendants had "seized" an electronic device consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants admit that CBP conducted a manual search of Plaintiff Maye's cellphone and that Ms. Maye provided the

password to the cellphone. Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations concerning any other devices. The second sentence consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

122. The first sentence and sub-paragraph (a) in this paragraph consist of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph and sub-paragraph (a)-(d), but admit that Plaintiff Maye was referred to a continuation of her border inspection, commonly referred to as "secondary inspection," that CBP officials were present there, and that Plaintiff Maye provided the password to her phone for purposes of conducting an inspection.

123. Defendants lack knowledge or sufficient information to form a belief as to what Plaintiff Maye observed.

124. With respect to the first sentence, the allegation that Defendants "seized" an electronic device consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants admit that CBP detained Ms. Maye's phone and conducted a border inspection of the device and that CBP records indicate that the inspection of her phone lasted approximately 45 minutes. Defendants deny the remaining allegations in this paragraph to the extent inconsistent with the foregoing.

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

126. Defendants admit that on March 5, 2017, Plaintiff Merchant arrived at the Toronto, Canada airport for a flight to the United States, and that she had a phone in her

possession when she presented herself for inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

127. Defendants admit that Plaintiff Merchant was inspected at a CBP preclearance location at Toronto airport and that she was referred for a continuation of her inspection, commonly known as secondary inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of any remaining allegations in this paragraph.

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

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

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

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

132. The first sentence and sub-paragraph (a) in this paragraph consist of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of sub-paragraphs (b) and (c).

133. Defendants admit that Plaintiff Merchant was referred for a continuation of her inspection, commonly known as secondary inspection, and was questioned by CBP officials. Defendants further admit that Plaintiff Merchant provided information to the officials concerning the purpose of her travel and her website. Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph.

134. Defendants admit that Plaintiff Merchant's electronic device was returned to her on March 5, 2017, and that she was permitted to leave the CBP preclearance area. Defendants deny that Plaintiff Merchant's inspection lasted approximately two hours. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

135. Defendants admit that Plaintiff Merchant's phone was inspected during the March 5, 2017 search, but deny the allegations that her electronic device was out of her sight for approximately one and a half hours. The allegation that Defendants engage in "seizures" of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

136. Defendants admit that on January 1, 2017, Plaintiff Shibly presented himself for inspection at the Lewiston Bridge Port of Entry in New York and that he was travelling with a cellular phone. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

137. Defendants admit that Plaintiff Shibly was referred for a continuation of his border inspection, commonly referred to as secondary inspection. Defendants admit that, during the course of the border inspection, Plaintiff Shibly declined to write down the password to his cellular phone, but he later unlocked the phone for purposes of an inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

138. Defendants admit that, during the course of the border inspection, Plaintiff Shibly declined to write down the password to his cellular phone, but he later unlocked the phone for purposes of an inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph. In addition, the remaining allegations contained in paragraph consist of arguments, statements of law, or legal conclusions, to which no response is required; to the extent a response is required, denied.

139. The first sentence and sub-paragraph (a) in this paragraph consist of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. With respect to sub-paragraphs (b) and (c), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations.

140. Defendants admit that CBP conducted a border search of Plaintiff Shibly's cellular phone, and that he unlocked it for purposes of inspection. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

141. The first sentence in this paragraph consists of argument, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. Defendants deny the allegations contained in the second sentence of this paragraph.

142. Admit.

143. Defendants admit that on January 4, 2017, Plaintiff Shibly presented himself for inspection at the Lewiston Bridge port of entry in New York and that he was travelling with a cellular phone. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

144. Defendants admit that Plaintiff Shibly was referred for a continuation of his border inspection, commonly referred to as “secondary inspection.” Defendants admit that Plaintiff Shibly was informed that he could not use his cellular phone while in the secondary inspection area. Defendants admit that after Plaintiff Shibly was observed using his cellular phone again, and was again instructed not to use his phone, that Plaintiff Shibly was asked for his phone. Defendants admit that Plaintiff Shibly declined to provide his phone, and that his cellular phone was detained while his inspection was ongoing. The allegation that Defendants engage in “seizures” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

145. Deny except that Defendants admit that Plaintiff Shibly was asked for his phone, Plaintiff Shibly declined to provide his phone, and then his cellular phone was detained while his inspection was ongoing. The allegation that Defendants engage in “seizures” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

146. Defendants admit that CBP officials detained Plaintiff Shibly’s phone. Defendants deny that CBP inspected Plaintiff Shibly’s phone. The allegation that Defendants engage in “seizures” of electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

147. Defendants admit that Plaintiff Wright was inspected at the port of entry on April 21, 2016, and that he had a cell phone, laptop, and camera in his possession when he presented himself for inspection. The allegation that CBP officials “confiscated” Plaintiff Wright’s devices

consists of arguments, statements of law, and legal conclusions, to which no response is required; to the extent a response is required, denied. Defendants lack knowledge of sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

148. Denied, except that Defendants admit that Plaintiff Wright was referred for a continuation of his border inspection, commonly referred to as “secondary inspection,” that he refused to present his devices in a manner in which they could be inspected, and that his cell phone, laptop, and camera were detained for further inspection. The allegation in this paragraph that Defendants “confiscated” electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

149. Defendants admit that CBP provided records in response to a FOIA request submitted on behalf of Plaintiff Wright. This paragraph characterizes those disclosed records, and the Court is respectfully referred to those records for a full and accurate statement of their contents. The allegation in this paragraph that Defendants “confiscated” electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

150. Defendants lack knowledge or sufficient information to form a belief as to the truth of the remaining allegations in this paragraph.

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

152. This paragraph characterizes certain records disclosed pursuant to a FOIA request, and the Court is respectfully referred to those records for a full and accurate statement of their contents.

153. This paragraph characterizes certain records disclosed pursuant to a FOIA request, and the Court is respectfully referred to those records for a full and accurate statement of their contents.

154. Admit that the detained items were returned to Plaintiff Wright on June 14, 2016. The allegation in this paragraph that Defendants “confiscated” electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

155. With respect to this paragraph, Defendants state that “retained” as used in this context, is vague and ambiguous. Defendants admit that CBP extracted and obtained information from Plaintiff Wright’s devices. Sub-paragraphs (a) and (c) characterize certain records disclosed pursuant to a FOIA request, and the Court is respectfully referred to those records for a full and accurate statement of their contents. Sub-paragraph (b) characterizes a CBP policy related to border searches of electronic devices. Defendants respectfully refer the Court to that policy for a full and accurate statement of its contents.

156. The first sentence of this paragraph constitutes argument, statements of law, or legal conclusions, for which no response is necessary. To the extent a response is deemed required, denied. With respect to sub-paragraph (a), Defendants admit that they adopted the following policies: CBP Directive 3340-049A, Border Search of Electronic Devices (January 4, 2018), and ICE Directive 7-6.1, Border Searches of Electronic Devices (August 18, 2009), which govern the search of electronic devices in the context of border inspections. The remaining allegations of sub-paragraph (a) contains Plaintiffs’ characterization of public reports reflecting the number and type of searches of electronic devices conducted by CBP and ICE at the border, to which no response is required. To the extent a response is deemed required, the Court is

respectfully referred to the applicable policies of CBP and ICE, and the publicly reported statistics concerning border searches performed by CBP for a full and accurate statement of their contents. With respect to sub-paragraph (b), Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph. With respect to the first sentence of sub-paragraph (c), Defendants admit that the policies cited above apply to international travelers, subject to the exceptions noted in the policies. The second sentence of sub-paragraph (c) consists of arguments, legal statements, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied. With respect to the third sentence, Defendants admit that all persons and property are subject to inspection at the border; Defendants lack knowledge or sufficient information regarding the remaining allegations in this sentence.

157. This paragraph constitutes argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

158. This allegations in this paragraph consist of arguments, statements of law, or legal conclusions, for which no response is necessary. To the extent a response is deemed required, denied. Defendants further state that Plaintiff Allababidi's Samsung smartphone was returned to him on December 13, 2017.

159. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

160. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

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

162. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

163. Defendants lack knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph. The allegation in this paragraph that Defendants "confiscated" electronic devices consists of argument, statements of law, or legal conclusions, to which no response is required. To the extent a response is required, denied.

164. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

165. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

166. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

167. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

168. This paragraph incorporates all prior allegations by reference, Defendants herein incorporate by reference the responses set forth above.

169. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

170. This paragraph incorporates all prior allegations by reference, Defendants herein incorporate by reference the responses set forth above.

171. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

172. This paragraph incorporates all prior allegations by reference, Defendants herein incorporate by reference the responses set forth above.

173. This paragraph consists of Plaintiffs' arguments, statements of law, or legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

The next paragraphs numbered (A) through (K) constitute a prayer for relief to which no response is required, but insofar as an answer is deemed necessary, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

Defendants hereby deny all allegations in Plaintiff's Amended Complaint not expressly admitted or denied.

DEFENSES

1. This Court lacks subject matter jurisdiction.
2. Plaintiffs have failed to state a claim upon which relief can be granted.

THEREFORE, having fully answered, Defendants assert that Plaintiffs are not entitled to the relief requested, or to any relief whatsoever, and request that this action be dismissed with prejudice and that Defendants be given such other relief as the Court deems just and proper.

Respectfully submitted this 1st day of June, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that June 1, 2018 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Michael L. Drezner

MICHAEL L. DREZNER

Trial Attorney