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 9 United States of America

10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

13 SILVESTRE ESTRADA, *et al.*,  
 14 Plaintiff,  
 15 v.  
 16 UNITED STATES OF AMERICA, *et al.*,  
 17 Defendants.

Case No.: 22-CV-00373-AJB (BGS)

**DEFENDANT UNITED STATES'  
 ANSWER TO PLAINTIFFS' FIRST  
 AMENDED COMPLAINT**

19  
 20 Defendant United States of America (hereinafter "Defendant") through its attorneys,  
 21 Randy S. Grossman, United States Attorney, David B. Wallace, Ernest Cordero, Jr., and  
 22 Colin McDonald, Assistant United States Attorneys, answers Plaintiffs' First Amended  
 23 Complaint as follows:

24 **JURISDICTION**

25 1. Answering paragraph 1 of the Complaint, Defendant affirmatively alleges that  
 26 said paragraph contains jurisdictional allegations, which present legal conclusions and  
 27 questions of law to be determined solely by the court, to which no answer is required. To  
 28

1 the extent an answer is required, each, and every allegation contained in said paragraph is  
2 denied.

3 **VENUE**

4 2. Answering paragraph 2 of the Complaint, Defendant admits the substantial  
5 truth of the allegations contained therein.

6 **PARTIES**

7 3. Answering paragraph 3 of the Complaint, Defendant alleges that it is without  
8 knowledge or information sufficient to form a belief as to the truth of the allegations  
9 contained therein and based thereon, denied generally and specifically each of those  
10 allegations.

11 4. Answering paragraph 4 of the Complaint, Defendant admits the substantial  
12 truth of the allegations contained therein.

13 5. Answering paragraph 5 of the Complaint, Defendant alleges that it is without  
14 knowledge or information sufficient to form a belief as to the truth of the allegations  
15 contained therein and based thereon, denied generally and specifically each of those  
16 allegations.

17 6. Answering paragraph 6 of the Complaint, Defendant alleges that it is without  
18 knowledge or information sufficient to form a belief as to the truth of the allegations  
19 contained therein and based thereon, denied generally and specifically each of those  
20 allegations.

21 7. Answering paragraph 7 of the Complaint, Defendant admits the substantial  
22 truth of the allegations contained therein.

23 **GENERAL ALLEGATIONS**

24 8. Answering paragraph 8 of the Complaint, Defendant alleges that it is without  
25 knowledge or information sufficient to form a belief as to the truth of the allegations  
26 contained therein and based thereon, denied generally and specifically each of those  
27 allegations.

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**SECOND CAUSE OF ACTION**

18. Answering paragraph 18 of the Complaint, Defendant realleges Paragraphs 1 – 11 of its answers to Paragraphs 1 – 11 of Plaintiffs’ Complaint, and by this reference incorporates them herein as though set forth in full.

19. Answering paragraph 19 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

20. Answering paragraph 20 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

21. Answering paragraph 21 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

**THIRD CAUSE OF ACTION**

22. Answering paragraph 22 of the Complaint, Defendant realleges Paragraphs 1– 11 of its answers to Paragraphs 1 – 11 of Plaintiffs’ Complaint, and by this reference incorporates them herein as though set forth in full.

23. Answering paragraph 23 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

24. Answering paragraph 24 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

25. Answering paragraph 25 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

**FOURTH CAUSE OF ACTION**

26. Answering paragraph 26 of the Complaint, Defendant realleges Paragraphs 1 – 11 of its answers to Paragraphs 1 – 11 of Plaintiffs’ Complaint, and by this reference incorporates them herein as though set forth in full.

27. Answering paragraph 27 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.

28. Answering paragraph 28 of the Complaint, Defendant denies, generally and specifically, each, all, and every allegation contained therein.



1           3.     The injuries and damages alleged by Plaintiffs were not proximately caused  
2 by a negligent or wrongful act or omission on the part of any employee or agent of  
3 Defendant.

4           4.     To the extent any employee of the United States used force with respect to  
5 Plaintiffs, that employee was justified in the use of force.

6           5.     The actions of Defendant’s employees were privileged under federal and state  
7 law.

8           6.     To the extent any employee of Defendant used force, those employees used  
9 only reasonable force, and the force used was reasonably necessary under the circumstances  
10 with which they were confronted.

11           **WHEREFORE**, Defendant prays that Plaintiffs take nothing by reason of their suit  
12 herein, that judgment be rendered in favor of Defendant, for costs of suit herein incurred,  
13 and for such other and further relief as this Court may deem proper.

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15 Date: July 13, 2022

Respectfully submitted,

RANDY S. GROSSMAN  
United States Attorney

*s/ David B. Wallace*  
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