

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BELL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 22-1280
)	Judge Tapp
UNITED STATES,)	
)	
Defendant.)	

DEFENDANT’S ANSWER

For its answer to the complaint, defendant admits, denies, and alleges as follows:

The allegations contained in the introductory paragraphs of the complaint are plaintiffs’ characterization of its case to which no answer is required; to the extent they are deemed allegations of fact, they are denied.

1. The allegations contained in paragraph 1 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.
2. The allegations contained in paragraph 1 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.
3. The allegations contained in paragraph 1 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.
4. Denies the allegations in paragraph 4 for lack for knowledge or information sufficient to form a belief as to their truth.
5. Admits only that it has acted principally through HHS with respect to the assignment, the physical transportation and lodging (where applicable), and on-site oversight of detailees to ORR, and with respect notifying detailees’ home agencies as to the whether the roles

performed on detail are FLSA-exempt or non-exempt, and was authorized to take those actions on behalf of Defendant; otherwise, denies.

6. Admits.

7. Admits.

8. Admits.

9. Admits, generally, that employees volunteer; otherwise denies the allegations contained in paragraph 9 for lack of knowledge or information sufficient to form a belief as to their truth.

10. Admits, generally, that employees are assigned duties germane to ORR operations; otherwise denies the allegations contained in paragraph 10 for lack of knowledge or information sufficient to form a belief as to their truth.

11. The allegations contained in paragraph 11 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

12. Admits.

13. Admits.

14. Admits the allegations contained in paragraph 14 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations.

15. Presuming that the allegations contained in paragraph 15 refer to the regulation cited in paragraph 14, admits the allegations to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations.

16. Presuming that the allegations contained in paragraph 16 refer to the regulation cited in paragraph 14, admits the allegations to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations.

17. The allegation contained in contained in paragraph 17 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

18. Admits.

19. Admit in general, that the position of LOS is designed to perform such tasks; otherwise denies the allegations contained in paragraph 19.

20. Admit in general, that the position of LOS is designed to perform such tasks; otherwise denies the allegations contained in paragraph 20.

21. Admits.

22. Admit in general, that the position of Case Manager is designed to perform such tasks; otherwise denies the allegations contained in paragraph 22.

23. Denies the allegation contained in paragraph 23 concerning what is illustrative for lack of knowledge or information sufficient to form a belief as to their truth; the allegation concerning the status of the positions cited constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

24. The allegation contained in contained in paragraph 24 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

25. The allegation contained in contained in paragraph 25 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

26. Denies the allegation contained in paragraph 26 for lack of knowledge or information sufficient to form a belief as to its truth.

27. The allegation contained in contained in paragraph 27 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

28. The allegation contained in contained in paragraph 28 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

29. The allegation contained in contained in paragraph 29 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

30. Denies the allegation contained in paragraph 30 for lack of knowledge or information sufficient to form a belief as to its truth.

31. Denies the allegation contained in paragraph 31 for lack of knowledge or information sufficient to form a belief as to its truth.

32. The allegations contained in contained in paragraph 32 constitutes conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

33. Denies the allegation contained in paragraph 33 for lack of knowledge or information sufficient to form a belief as to its truth.

34. Denies the allegation contained in paragraph 34 for lack of knowledge or information sufficient to form a belief as to its truth.

35. The allegations contained in contained in paragraph 35 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

36. To the extent the allegations refer to the contents of 5 CFR 551.502, we have located no such regulation; otherwise, the allegations contained in paragraph 36 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

37. The allegations contained in paragraph 37 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

38. The allegations contained in paragraph 38 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

39. The allegations contained in paragraph 39 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

40. The allegations contained in paragraph 40 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

41. The allegations contained in paragraph 41 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

42. The allegations contained in paragraph 42 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

43. The allegation contained in contained in paragraph 43 concerning overtime pay owed constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied; denies the allegation contained in paragraph 43 concerning ease of calculation for unnamed employees for lack of knowledge or information sufficient to form a belief as to its truth.

44. The allegation contained in contained in paragraph 44 concerning liquidated damages due constitutes a conclusion of law to which no answer is required; to the extent it may

be deemed an allegation of fact, it is denied; denies the allegation contained in paragraph 44 concerning ease of calculation for unnamed employees for lack of knowledge or information sufficient to form a belief as to its truth.

45. The allegation contained in contained in paragraph 45 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

46. Denies the allegation contained in paragraph 46 for lack of knowledge or information sufficient to form a belief as to its truth.

47. The allegations contained in paragraph 47 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

48. The allegation contained in paragraph 48 constitutes a conclusion of law to which no answer is required; to the extent it may be deemed an allegation of fact, it is denied.

49. Admits, generally, that Federal agencies can communicate with their individual employees; otherwise denies the allegation contained in paragraph 49 for lack of knowledge or information sufficient to form a belief as to its truth.

50. Defendant's responses to paragraphs 1 through 49 of the complaint are incorporated by reference.

51. Admits generally, that volunteers from one agency would not be performing ORR tasks in that agency; otherwise denies the allegation contained in paragraph 51 for lack of knowledge or information sufficient to form a belief as to its truth.

52. The allegations contained in paragraph 52 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

53. The allegations contained in paragraph 53 constitute conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

54. The allegations contained in paragraph 54 constitute conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

55. Defendant's responses to paragraphs 1 through 54 of the complaint are incorporated by reference.

56. Denies the allegation contained in paragraph 56 for lack of knowledge or information sufficient to form a belief as to its truth.

57. Denies the allegation contained in paragraph 57 for lack of knowledge or information sufficient to form a belief as to its truth; to the extent the allegations assert that any particular employee is entitled to FLSA overtime, that constitutes a conclusion of law to which no response is required; to the extent it may be deemed an allegation of fact, it is denied.

58. The allegations contained in paragraph 58 constitute conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

59. The allegation contained in paragraph 59 constitutes a conclusion of law to which no response is required; to the extent it may be deemed an allegation of fact, it is denied.

60. The allegation contained in paragraph 60 constitutes a conclusion of law to which no response is required; to the extent it may be deemed an allegation of fact, it is denied

61. The allegation contained in paragraph 61 constitutes a conclusion of law to which no response is required; to the extent it may be deemed an allegation of fact, it is denied.

62. The allegations contained in paragraph 62 constitute conclusions of law to which no response is required.

63. The allegation contained in paragraph 63 constitutes a conclusion of law to which no response is required; to the extent it may be deemed an allegation of fact, it is denied.

64. The allegations contained in paragraph 64 constitute conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

65. Denies each and every allegation not previously admitted or otherwise qualified.

66. Denies that plaintiffs are entitled to the relief set forth in the prayer for relief immediately following paragraph 64, or to any relief whatsoever

WHEREFORE, defendant requests that the Court enter judgment in its favor, order that the complaint be dismissed, and grant defendant such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

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Dated: January 13, 2023

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