

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NATIONAL URBAN LEAGUE, et al.,  
*Plaintiffs,*  
v.  
DONALD TRUMP, in his official capacity as  
President of the United States, et al.,  
*Defendants,*  
DO NO HARM,  
*[Proposed] Intervenor-Defendant.*

No. 1:25-cv-00471-TJK

**[PROPOSED] ANSWER OF  
[PROPOSED] INTERVENOR-DEFENDANT DO NO HARM**

Intervenor-Defendant, Do No Harm, files this answer in response to Plaintiffs' complaint. Unless expressly admitted below, Intervenor-Defendant denies everything in the complaint. Intervenor-Defendant responds to the numbered allegations in the complaint as follows:

1. Admit that the list of plaintiffs, defendants, and claims is accurate. The merits are a legal question to which no response is required.
2. Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegations regarding their own activities and "commit[ments]."
3. Admit that the list of orders and claims is accurate. The merits are a legal question to which no response is required.
4. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.
5. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.
6. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them,

except it lacks sufficient information to admit or deny the allegations in the last sentence of the paragraph.

7. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

8. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

9. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

10. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

11. Denied.

12. Denied.

13. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

14. Admitted.

15. Admitted.

16. Admitted

17. Denied. Plaintiffs are not entitled to the requested relief.

18. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

19. To Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph, except the last sentence of this paragraph consists of legal conclusions that do not require a response. To the extent the last sentence of this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

20. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

21. To Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph, except the last sentence of this paragraph consists of legal conclusions that do not require a response. To the extent the last sentence of this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

22. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

23. To Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph, except the last sentence of this paragraph consists of legal conclusions that do not require a response. To the extent the last sentence of this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Department of Labor "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff NUL."

30. Admitted.

31. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Department of Health and Human Services "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff AFC."

32. Admitted.

33. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Department of Commerce "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff NUL."

34. Admitted.

35. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Department of Housing and Urban Development "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiffs NUL, NFHA, and AFC."

36. Admitted.

37. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Department of Agriculture "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff NUL."

38. Admitted.

39. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the National Institutes of Health "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff AFC."

40. Admitted.

41. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Health Resources and Services Administration "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff AFC."

42. Admitted.

43. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Centers for Disease Control and Prevention "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiffs NUL and AFC."

44. Admitted.

45. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegation that the Administration for Community Living "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff AFC."

46. Admitted.

47. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny Plaintiffs' allegations that the Environmental Protection Agency "contracts and/or subcontracts with ... and/or provides grants to ... Plaintiff NUL" and that "Plaintiff NUL was selected for a grant from the EPA" and "is in the process of finalizing the award with a fully executed agreement."

48. Admitted.

49. Admitted

50. Admitted.

51. Admitted, except that Plaintiffs' title for the executive order is fictitious. The second sentence is denied.

52. Denied.

53. Denied.

54. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

55. Admitted, except that Plaintiffs' title for the executive order is fictitious. The second and third sentences are denied.

56. Denied.

57. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

58. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

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64. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the Order was issued on January 20, 2025.

65. Admitted.

66. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

67. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

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76. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

77. Denied.

78. Denied.

79. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on January 21, 2025.

80. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

81. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited fact sheet was released on January 22, 2025.

82. Admitted.

83. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on January 27, 2025.

84. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited “Q&A” was posted.

85. Intervenor-Defendant denies Plaintiffs’ allegation that the cited memorandum caused “chaos and confusion.” Intervenor-Defendant admits that lawsuits and orders were filed but denies that a temporary restraining order or any other preliminary or permanent relief should have been granted.

86. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited remarks and rescission were made.

87. Intervenor-Defendant admits the existence of these decisions but denies their correctness.

88. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on January 29, 2025.

89. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

90. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on January 22, 2025.

91. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

92. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

93. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

94. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the remarks were made on January 29, 2025.

95. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on February 5, 2025.

96. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on February 5, 2025.

97. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

98. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

99. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on February 5, 2025.

100. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on March 15, 2025.

101. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the cited memorandum was issued on February 6, 2025.

102. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

103. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

104. Denied.

105. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

106. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

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109. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

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112. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

113. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the memorandum was issued on February 15, 2025, and the FAR class deviation was issued on February 15, 2025.

114. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

115. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

116. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

117. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

118. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

125. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

126. The executive order speaks for itself. Otherwise, this paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

127. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

128. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

129. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it lacks sufficient information to admit or deny the allegations in the last two sentences of this paragraph.

130. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

131. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

132. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

133. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

134. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

135. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

136. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph but denies their relevance to the legality of programs that discriminate.

137. Intervenor-Defendant denies that unlawful DEI practices are “critical.” Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

138. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

139. The cited acts speak for themselves. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

140. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

141. Plaintiffs’ allegation that their race-conscious programs are “lawful activities” is a legal conclusion that does not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

142. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

143. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

144. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

145. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

146. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

147. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

148. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

149. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

150. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

151. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

152. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

153. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

154. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

155. The last sentence of this paragraph consists of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

156. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

157. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

158. The second sentence of this paragraph consists of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

159. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

160. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

161. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

162. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

163. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

164. This paragraph consists of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

165. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

166. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

167. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

168. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

169. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

170. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph, except Intervenor-Defendant denies the allegations in the last sentence of the paragraph.

171. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

172. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

173. Intervenor-Defendant denies the allegations in the second sentence of this paragraph. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

174. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

175. This paragraph consists of legal conclusions that do not require a response. To the extent the rest of this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny them.

176. Intervenor-Defendant denies that the executive orders punish protected speech. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph, except it denies Plaintiffs' conflation of "incidents" and "complaints."

177. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

178. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

179. Intervenor-Defendant denies the allegations in the first sentence of this paragraph. Otherwise, Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

180. The last sentence of this paragraph contains legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

181. The first and last sentence of this paragraph consist of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

182. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

183. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

184. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

185. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

186. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

187. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

188. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

189. Intervenor-Defendant denies that Plaintiff AFC's loss of funding would "eliminat[e]" services for the noted populations. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

190. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

191. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

192. Plaintiffs' allegation that the executive orders "threaten" so-called "cultural competency training and service delivery" is a legal conclusion that requires no response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

193. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny them.

194. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

195. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

196. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny them.

197. Denied.

198. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

199. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

200. Intervenor-Defendant denies that the orders “jeopardize life-saving programs.” Intervenor-Defendant lacks sufficient information to admit or deny the allegations in the last sentence of this paragraph.

201. Intervenor-Defendant denies that the executive orders prevent “equity and justice for people living with and vulnerable to HIV.” Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

202. Denied.

203. Denied.

204. Plaintiffs’ allegation that the executive orders are “unconstitutional” is a legal conclusion that does not require a response. Intervenor-Defendant denies the allegations in this paragraph.

205. Intervenor-Defendant admits that President Trump has opposed unlawful “DEIA” programs. Otherwise, Intervenor-Defendant denies the allegations in this paragraph.

206. Intervenor-Defendant admits that George Floyd died in May 2025 and demonstrations took place in the United States afterward. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

207. Intervenor-Defendant admits that many private sector institutions have endorsed the “Black Lives Matter” movement and adopted so-called “DEIA” practices, but denies that those practices were adopted to “remedy anti-Black racism.”

208. The cited executive order speaks for itself, and Intervenor-Defendant admits that the order was signed on July 3, 2020. Intervenor-Defendant admits that President Trump hosted a White House Conference on American History on September 17, 2020, and made remarks. However, Intervenor-Defendant denies Plaintiffs’ characterization of the executive order and President Trump’s remarks.

209. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits the order was issued on September 22, 2020.

210. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits the existence of the cited tweet.

211. Denied.

212. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them, except it admits that the order was issued on October 8, 2020, and the remarks were made at the first 2020 presidential debate on September 29, 2020.

213. Intervenor-Defendant admits the decision exists but denies its correctness.

214. Intervenor-Defendant admits the decisions exist but denies their correctness.

215. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in the first sentence. Intervenor-Defendant admits the remarks were made at Turning Point's AmericaFest 2024 conference on December 21, 2024.

216. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

217. Intervenor-Defendant admits that President Trump issued the executive orders in the first week of his second administration, but denies Plaintiffs' characterization of President Trump's intent.

218. Denied.

219. Intervenor-Defendant denies Plaintiffs' allegation that the executive orders assume "Black people lack merit." Intervenor-Defendant lacks sufficient information to admit or deny the other allegations.

220. Denied.

221. Denied.

222. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

223. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

224. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny them.

225. Intervenor-Defendant admits that President Lyndon Johnson issued Executive Order 11246 in 1965. Intervenor-Defendant denies Plaintiffs' characterization of the Trump Administration's attitude towards racial inequality.

226. Intervenor-Defendant admits that President Trump rescinded Executive Order 11246, but denies Plaintiffs' characterization of President Trump's intent.

227. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in the second sentence of this paragraph. Otherwise, Intervenor-Defendant denies the allegations in this paragraph.

228. Denied.

229. Denied.

230. Denied.

231. Intervenor-Defendant incorporates and restates its prior responses.

232. Intervenor-Defendant denies that Plaintiffs are entitled to any relief.

233. This paragraph consists of legal conclusions that do not require a response.

234. This paragraph consists of legal conclusions that do not require a response.

235. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

236. The last sentence of this paragraph consists of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

237. Denied.

238. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

239. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

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241. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

242. The executive order speaks for itself. Otherwise, This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

243. Denied.

244. Denied.

245. This paragraph consists of legal conclusions that do not require a response.

246. This paragraph consists of legal conclusions that do not require a response.

247. This paragraph consists of legal conclusions that do not require a response.

248. This paragraph consists of legal conclusions that do not require a response.

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255. Intervenor-Defendant incorporates and restates its prior responses.

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260. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

261. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

262. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

263. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in the first sentence of this paragraph. Otherwise, this paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

264. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

265. Intervenor-Defendant incorporates and restates its prior responses.

266. Intervenor-Defendant denies that Plaintiffs have a valid cause of action.

267. This paragraph consists of legal conclusions that do not require a response.

268. This paragraph consists of legal conclusions that do not require a response.

269. This paragraph consists of legal conclusions that do not require a response.

270. This paragraph consists of legal conclusions that do not require a response.

271. This paragraph consists of legal conclusions that do not require a response.

272. Intervenor-Defendant denies the allegations in the first sentence of this paragraph. The second sentence of this paragraph consists of legal conclusions that do not require a response. To the extent the second sentence contains allegations deemed to be factual, Intervenor-Defendant denies them.

273. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

274. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

275. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

276. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

277. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

278. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

279. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

280. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

281. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

282. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

283. Intervenor-Defendant incorporates and restates its prior responses.

284. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

285. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

286. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

287. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

288. The final sentence of this paragraph consists of legal conclusions that do not require a response. Otherwise, Intervenor-Defendant denies the allegations in this paragraph.

289. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

290. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in this paragraph.

291. This paragraph consists of legal conclusions that do not require a response.

292. This paragraph consists of legal conclusions that do not require a response.

293. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

294. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

295. Intervenor-Defendant incorporates and restates its prior responses.

296. This paragraph contains legal conclusions that do not require a response.

297. This paragraph contains legal conclusions that do not require a response.

298. This paragraph consists of legal conclusions that do not require a response.

299. Intervenor-Defendant admits that Congress has appropriated funds for the listed purposes. Otherwise, this paragraph consists of legal conclusions that do not require a response.

300. This paragraph consists of legal conclusions that do not require a response.

301. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

302. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

303. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

304. Plaintiffs are not entitled to any relief.

305. Intervenor-Defendant incorporates and restates its prior responses.

306. This paragraph consists of legal conclusions that do not require a response.

307. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

308. This paragraph consists of legal conclusions that do not require a response, except Intervenor-Defendants deny that Plaintiffs are entitled to any relief.

309. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

310. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant lacks sufficient information to admit or deny them.

311. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

312. This paragraph consists of legal conclusions that do not require a response.

313. Admitted, except Intervenor-Defendant lacks sufficient information to admit or deny that Plaintiff NUL's Urban Seniors Jobs Program is authorized by the Older Americans Act.

314. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

315. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

316. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

317. This paragraph consists of legal conclusions that do not require a response.

318. This paragraph consists of legal conclusions that do not require a response.

319. This paragraph consists of legal conclusions that do not require a response.

320. This paragraph consists of legal conclusions that do not require a response.

321. This paragraph consists of legal conclusions that do not require a response.

322. This paragraph consists of legal conclusions that do not require a response.

323. Intervenor-Defendant incorporates and restates its prior responses.

324. Plaintiffs are not entitled to any relief.

325. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

326. Intervenor-Defendant denies Plaintiffs' characterization of the term "gender ideology."

327. This paragraph consists of legal conclusions that do not require a response. To the extent this paragraph contains allegations deemed to be factual, Intervenor-Defendant denies them.

328. Intervenor-Defendant denies Plaintiffs' characterization of the term "gender ideology."

329. This paragraph consists of legal conclusions that do not require a response.

330. This paragraph consists of legal conclusions that do not require a response.

331. This paragraph consists of legal conclusions that do not require a response.

332. This paragraph consists of legal conclusions that do not require a response.

333. Plaintiffs are not entitled to any relief.

### **RESPONSE TO PLAINTIFFS' DEMAND FOR RELIEF**

Plaintiffs are not entitled to relief.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted because Plaintiffs have no First Amendment right to engage in illegal discrimination. The executive orders do not limit Plaintiffs' ability to espouse any viewpoint, including support for DEI. Regardless, the First Amendment does not require the federal government to subsidize private speech.

#### **SECOND DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted because the Fifth Amendment's vagueness doctrine does not apply to regulations, like the executive orders, that do not regulate conduct but merely outline criteria for federal funding. Regardless, the orders are not vague because they are clear about the relevant criteria: compliance with existing federal antidiscrimination laws.

**THIRD DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted under the Equal Protection Clause because the executive orders have neither a discriminatory purpose nor a discriminatory effect. The orders are expressly designed to effectuate existing federal antidiscrimination laws.

**FOURTH DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted because federal law empowers the government to withhold or terminate funding to private entities that unlawfully discriminate. In fact, the federal government cannot pay private entities to operate discriminatory programs that the government itself is prohibited from operating.

**FIFTH DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted under the Administrative Procedure Act. The President's executive orders are not subject to the Administrative Procedure Act. And the agencies' actions taken pursuant to the orders comply with all relevant constitutional provisions and statutes and are not arbitrary or capricious.

**WHEREFORE**, Intervenor-Defendant respectfully asks this Court to enter judgment against Plaintiffs.

Dated: March 5, 2025

Respectfully submitted,

/s/ Cameron T. Norris

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