

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMALGAMATED TRANSIT UNION  
INTERNATIONAL, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF LABOR, *et al.*,

Defendants.

Civ. A. No. 25-cv-3872 (RJL)

**DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendants Lori Chavez-DeRemer, in her official capacity as Secretary of Labor, and the United States Department of Labor (DOL), through counsel, hereby answer Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 ("Complaint"). Defendants respectfully note that, pursuant to 5 U.S.C. § 706, the Court's review in this action is based solely on the administrative record, rather than the allegations of the parties in their respective pleadings. Any allegations not specifically admitted, denied, or otherwise responded to below are denied. To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their complete and accurate contents, but such references are not intended to be, and should not be construed as, an admission that the cited materials are (1) correctly cited or quoted by Plaintiffs, (2) relevant to this, or any other, action, or (3) admissible in this, or any other, action. For ease of reference, this Answer replicates the headings in the Complaint. While Defendants believe that such headings require no response, to

the extent that a response is deemed required and those headings and titles could be construed to contain factual allegations, those allegations are denied.

### **INTRODUCTION**

1. Paragraph 1 consists of Plaintiffs' characterization of this action and conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations.

2. Paragraph 2 consists of Plaintiffs' characterization of *ATU v. Donovan*, 767 F.2d 939 (D.C. Cir. 1985) and legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

3. Paragraph 3 consists of Plaintiffs' legal conclusions and characterizations of Defendants' decisions and Plaintiffs' objections, to which no response is required. Defendants refer the court to copies of these documents, which are attached to the Complaint as Exs. 1, 2, 5 (ECF 1 at 17–19, 45, 64–65), for a full and accurate statement of their contents. To the extent a response is required, Defendants deny the California statute at issue prevents compliance with Section 13(c)(2) and otherwise admit the allegations.

4. Defendants admit the allegations in the first sentence of Paragraph 4. The second sentence consists of Plaintiffs' characterization of this action, to which no response is required. To the extent a response is required, Defendants deny the allegations.

### **JURISDICTION AND VENUE**

5. Paragraph 5 consists of legal conclusions about subject matter jurisdiction, to which no response is required. To the extent a response is required, Defendants admit that this Court has jurisdiction over this matter. Defendants refer the Court to 28 U.S.C. § 1331 and 5 U.S.C. § 702, which speak for themselves.

6. Paragraph 6 contains legal conclusions about venue, to which no response is required. To the extent a response is required, Defendants admit that venue is proper in this district.

### **PARTIES**

7. Defendants admit that Plaintiff Amalgamated Transit Union, International (International) is an international labor organization with affiliated local labor unions, but Defendants lack knowledge or information sufficient to form a belief as to the truth of those labor unions' composition, membership or authority.

8. Paragraph 8 contains legal conclusions to which no response is required. To the extent a response is required, Defendants answer as follows: as to the first, second, and fourth sentences in Paragraph 11, Defendants admit that Plaintiffs include eight local unions affiliated with the International, but Defendants lack knowledge or information sufficient to form a belief regarding the truth of Plaintiffs' allegations regarding their composition, membership or authority. The third sentence contains Plaintiffs' characterization of Section 13(c) of the Urban Mass Transportation Act of 1964 (Section 13(c)), codified as amended at 49 U.S.C. § 5333(b), and legal conclusions, to which no response is required. The fifth sentence is Plaintiffs' characterization of their own use of a term in their Complaint, to which no response is required.

9. Paragraph 9 contains Plaintiffs' legal conclusions and characterization of Section 13(c) and of DOL, to which no response is required. To the extent a response is required, Section 13(c) of the UMTA speaks for itself. Defendants admit that Defendant DOL is a federal agency charged with responsibilities under Section 13(c).

10. Paragraph 10 contains Plaintiffs' characterization of this action and the Secretary, to which no response is required. To the extent a response is required, Defendants admit that Lori Chavez-DeRemer is the Secretary of the United States Department of Labor.

## **FACTS**

### **A. Section 13(c) of the UMTA**

11. Paragraph 11 consists of Plaintiffs' legal conclusions and characterizations of Section 13(c), to which no response is required. Defendants refer the Court to the cited statutory provisions for a full and accurate statement of their contents.

12. Paragraph 12 contains Plaintiffs' characterization of Section 13(c) and of a Defendant in this action, to which no response is required. Defendants refer the Court to the cited statutory provision for a full and accurate statement of its contents. To the extent a response is required, Defendants admit that Defendant DOL is a federal agency charged with responsibilities under Section 13(c).

### **B. California Public Employees' Pension Reform Act of 2013**

13. Paragraph 13 contains Plaintiffs' legal conclusions and characterizations of California Public Employees' Pension Reform Act of 2013 (PEPRA), to which no response is required. Defendants refer the court to the cited statutory provisions for a full and accurate statement of their contents. To the extent a response is required, Defendants deny the allegations except to admit that defined benefit pension plans typically guarantee covered employees a fixed pension benefit upon their retirement based on a formula set out in a plan, and that PEPRA imposes certain requirements on defined benefit pension plans of public employees, which effectively limits the extent to which public employees may bargain for plans that violate those requirements.

14. Paragraph 14 consists of legal conclusions and characterizations of PEPRA and the history of California public pension law, to which no response is required. Defendants refer the Court to the cited statutory provision for a full and accurate statement of its contents. To the extent a response is required, Defendants deny the allegations except to admit that PEPRA imposes certain requirements on defined benefit pension plans of public employees, which effectively limits the extent to which public employees may bargain for plans that violate those requirements.

15. Paragraph 15 consists of legal conclusions and characterizations of PEPRA and the history of California public pension law, to which no response is required. Defendants refer the Court to the cited statutory provision for a full and accurate statement of its contents. To the extent a response is required, Defendants deny the allegations except to admit that PEPRA imposes certain requirements on defined benefit pension plans of public employees, which effectively limits the extent to which public employees may bargain for plans that violate those requirements.

16. Paragraph 16 consists of legal conclusions and characterizations of PEPRA and the history of California public pension law, to which no response is required. Defendants refer the Court to the cited statutory provision for a full and accurate statement of its contents. To the extent a response is required, Defendants deny the allegations except to admit that PEPRA imposes certain requirements on defined benefit pension plans of public employees, which effectively limits the extent to which public employees may bargain for plans that violate those requirements.

17. Paragraph 17 consists of legal conclusions and characterizations of PEPRA and the history of California public pension law, to which no response is required. Defendants refer the Court to the cited statutory provisions for a full and accurate statement of their contents.

18. Paragraph 18 consists of legal conclusions and characterizations of PEPRA and the history of California public pension law, to which no response is required. Defendants refer the Court to the cited statute for a full and accurate statement of its contents. Defendants deny any remaining allegations in this paragraph.

**C. Prior DOL Determinations and Related Federal Court Proceedings**

19. Defendants admit the allegations in Paragraph 19.

20. The first sentence of Paragraph 20 consists of legal conclusions and characterizations of 29 C.F.R. Part 215, to which no response is required. Defendants refer the Court to the cited regulations for a full and accurate statement of its contents. Defendants admit the allegations contained in the second sentence.

21. Defendants admit the allegations in the first and fourth sentence. The second and third sentences consists of characterizations and legal conclusions regarding DOL's decisions dated September 4, 2013 and September 30, 2013, to which no response is required. Defendants refer the Court to those decisions for a full and accurate statement of their contents.

22. Defendants deny the allegations in the first sentence, except to admit that California promulgated emergency legislation and filed a lawsuit in the Eastern District of California. The second, third, and fourth sentences consist of characterizations of the California emergency legislation and legal conclusions, to which no response is required. Defendants refer the Court to the cited legislation for a full and accurate statement of its contents.

23. Paragraph 23 consists of Plaintiffs' characterization of the complaint filed in *California v. Department of Labor*, 2:13-cv-02069-KJM-DB (E.D. Cal.) ("*California v. DOL*"), to which no response is required. Defendants refer the Court to the complaint in that case for a full and accurate statement of its contents.

24. Paragraph 24 consists of Plaintiffs' characterization of the December 30, 2014 district court decision in *California v. DOL*, 76 F. Supp. 3d 1125 (E.D. Cal. 2014), to which no response is required. Defendants refer the Court to that decision for a full and accurate statement of its contents.

25. The first sentence of Paragraph 25 consists of characterizations and legal conclusions regarding DOL's decisions dated August 13, 2015, to which no response is required. Defendants refer the Court to those decisions for a full and accurate statement of their contents. Defendants admit the allegations in the second sentence.

26. Paragraphs 26 consists of Plaintiffs' characterization of the district court's decisions in *California v. DOL*, 306 F. Supp. 3d 1180 (E.D. Cal. 2018) and *California v. DOL*, No. 2:13-cv-02069-KJM-DB, 2016 WL 4441221 (E.D. Cal. Aug. 22, 2016), to which no response is required. Defendants refer the Court to those decisions for a full and accurate statement of their contents.

27. Defendants admit the allegations in the first sentence of paragraph 27. The second sentence consists of Plaintiffs' characterization of DOL's June 14, 2019 decision attached to the Complaint as Ex. 4 (ECF 1 at 54-62), which requires no response. Defendants refer the Court to that decision for a full and accurate statement of its contents.

28. Defendants admit the allegations in Paragraph 28.

29. The first sentence of Paragraph 29 consists of Plaintiffs' characterization of its complaint filed in *ATU v. Department of Labor*, 1:19-cv-02533 (D.D.C.) ("*ATU v. DOL I*"), to which no response is required. The second sentence consists of Plaintiffs' characterization of California's motions to intervene and transfer and this Court's decision on such in *ATU v. DOL*, No. 19-CV-2533 (EGS), 2020 WL 8182892 (D.D.C. Apr. 29, 2020), to which no response is required. Defendants refer the Court to the documents and decision in that case for a full and accurate statement of their contents.

30. The first sentence of Paragraph 30 consists of Plaintiffs' characterization of DOL's October 28, 2021 reconsideration letter attached to Plaintiff's Complaint Ex. 1 (ECF 1 at 29-43), to which no response is required. The second sentence consists of Plaintiffs' characterization of California's cross-complaint and ATU's motion to intervene filed in *ATU v. DOL*, No. 2:20-cv-00953-KJM-DB (E.D. Cal.), to which no response is required. Defendants refer the Court to the filings in that case for a full and accurate statement of their contents.

31. The first sentence of Paragraph 31 contains Plaintiffs' characterization of the district court's decision in *ATU v. DOL*, 647 F. Supp. 3d 875 (E.D. Cal. Dec. 28, 2022), to which no response is required. Defendants refer the Court to that decision for a full and accurate statement of its contents. Defendants admit that DOL and ATU appealed that decision to the Ninth Circuit. The second and third sentences contain Plaintiffs' characterization of the Ninth Circuit's decision in *ATU v. DOL*, No. 23-15503, 2024 WL 3565264 (9th Cir. July 29, 2024), to which no response is required. Defendants refer the Court to that decision for a full and accurate statement of its contents.

#### **D. The Agency Actions Challenged in This Lawsuit**

32. Defendants admit the allegations in the first sentence of Paragraph 32. The second sentence consists of Plaintiffs' legal conclusions and characterizations of ATU's objections, to which no response is required. To the extent a response is required, Defendants refer the Court to one such objection, which is attached to the Complaint as Ex. 5 (ECF 1 at 64–65), for a full and accurate statement of its contents.

33. Defendants admit the allegations in Paragraph 33.

34. Defendants admit the allegations in Paragraph 34.

35. Paragraph 35 consists of Plaintiffs' legal conclusions and characterizations of ATU's objections, to which no response is required. To the extent a response is required, Defendants refer the Court to one such objection, which is attached to the Complaint as Ex. 5 (ECF 1 at 64–65), for a full and accurate statement of its contents.

36. Paragraph 36 consists of Plaintiffs' characterization of DOL's March 31, 2025 letter attached the Complaint as Ex. 1 (ECF 1 at 17–19), to which no response is required. Defendants refer the Court to that letter for a full and accurate statement of its contents.

37. Paragraph 37 consists of Plaintiffs' characterization of DOL's March 31, 2025 letter attached to the Complaint as Ex. 1 (ECF 1 at 17–19), to which no response is required. Defendants refer the Court to that letter for a full and accurate statement of its contents.

38. Defendants admit the allegations in Paragraph 38.

39. Defendants admit the allegations in the first sentence of Paragraph 39. The second and third sentences consist of Plaintiffs' characterizations of DOL's response to objections letters, which do not require a response. DOL refer the Court to one such letter, which is attached to the Complaint as Ex. 2 (ECF 1 at 45), for a full and accurate statement of its contents.

40. Defendants admit the allegations in Paragraph 40.

**CAUSE OF ACTION: DOL'S CERTIFICATIONS DO NOT COMPLY WITH  
SECTION 13(c)(2)  
(Under the APA, 5 U.S.C. §§ 701–706)**

41. Paragraph 41 re-alleges and incorporates by reference all preceding paragraphs. Defendants likewise incorporate by reference its preceding responses.

42. Paragraph 42 consists of Plaintiffs' legal conclusions and characterizations of agency action. To the extent a response is required, Defendants admit that DOL's issuance of certifications are subject to judicial review.

43. Defendants deny the allegations in Paragraph 43.

**PRAYER FOR RELIEF**

This portion of the Complaint consists of a prayer for relief, to which no response is required. To the extent that a response is deemed required, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief at all.

In further response to the Complaint, Defendants raise the following defenses. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendants throughout the course of this litigation.

**FIRST DEFENSE**

Sovereign immunity bars a portion of Plaintiffs' requested relief.

**SECOND DEFENSE**

Defendants' decisions and orders are supported by the Agency's record, the product of reasoned decision making, and consistent with the law.

**THIRD DEFENSE**

Plaintiff is neither eligible for nor entitled to attorneys' fees or costs.

Dated: January 13, 2026  
Washington, DC

Respectfully submitted,

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