

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

KEVIN J. MURRAY

Plaintiff,

-vs-

CIVIL NO. 08-15147

HON. LAWRENCE P. ZATKOFF  
MAG. JUDGE MONA K. MAJZOUN

TIMOTHY F. GEITHNER, Secretary, U.S.  
Department of Treasury, and BOARD OF  
GOVERNORS OF THE FEDERAL  
RESERVE SYSTEM,

Defendants.

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**ANSWER OF DEFENDANT TIMOTHY F. GEITHNER,  
SECRETARY OF THE UNITED STATES DEPARTMENT OF TREASURY TO  
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant Timothy F. Geithner, Secretary of the United States Department of the Treasury, through his undersigned counsel, hereby answers the First Amended Complaint of Plaintiff Kevin J. Murray as follows:

**INTRODUCTION**

1. The allegations contained in paragraph 1 of the First Amended Complaint constitute plaintiff's opinions, characterization of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit the existence of the cited statutory provision, to which the Court is respectfully referred for a full and accurate statement of its contents.

2. The allegations contained in paragraph 2 of the First Amended Complaint constitute plaintiff's opinions, characterization of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner

denies the allegations.

3. The allegations contained in paragraph 3 of the First Amended Complaint constitute plaintiff's opinions and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

4. The allegations contained in paragraph 4 of the First Amended Complaint constitute plaintiff's opinions, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

5. The allegations contained in paragraph 5 of the First Amended Complaint constitute plaintiff's opinions, characterization of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

6. The allegations contained in paragraph 6 of the First Amended Complaint constitute plaintiff's opinions, characterization of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

7. The allegations contained in paragraph 7 of the First Amended Complaint constitute plaintiff's legal conclusions and characterization of his requested relief, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

**JURISDICTION AND VENUE**

8. The allegations contained in paragraph 8 of the First Amended Complaint constitute plaintiff's legal conclusion regarding jurisdiction for this action, to which no response is required.

9. The allegations contained in paragraph 9 of the First Amended Complaint constitute plaintiff's legal conclusion regarding the relief he seeks in this action, to which no response is required.

10. The allegations contained in paragraph 10 of the First Amended Complaint constitute plaintiff's legal conclusion regarding venue for this action, to which no response is required.

**PLAINTIFF**

11. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the First Amended Complaint.

12. The allegations contained in paragraph 12 of the First Amended Complaint constitute plaintiff's characterization of the terrorist attacks of September 11, 2001, and subsequent military operations of the United States, to which no response is required. To the extent a response is required, defendant Geithner denies these allegations except to admit that on September 11, 2001, terrorists killed United States civilians on United States soil. Defendant Geithner further admits that thereafter the United States military became involved in armed conflicts in Iraq and Afghanistan. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in the last sentence of paragraph 12 of the First Amended Complaint.

13. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the

truth of the allegations contained in paragraph 13 of the First Amended Complaint.

14. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the First Amended Complaint.

15. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the First Amended Complaint regarding plaintiff's status as a Christian, federal taxpayer, and former United States Marine veteran. The remaining allegations contained in paragraph 15 constitute plaintiff's opinions, characterizations of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the remaining allegations in paragraph 15 of the First Amended Complaint.

16. The allegations contained in paragraph 16 of the First Amended Complaint constitute plaintiff's characterization of his claims, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

#### **DEFENDANTS**

17. Defendant Geithner admits that as of the date of this answer Timothy F. Geithner is the current Secretary of the Treasury. The second sentence of paragraph 17 constitutes plaintiff's characterization of 12 U.S.C. § 5211, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations contained in the second sentence of paragraph 17, except to admit the existence of the cited statutory provision, to which the Court is referred for a full and accurate statement of its contents. Defendant Geithner admits the third sentence of paragraph 17.

18. Defendant Geithner denies the allegations contained in the first sentence of paragraph 18 of the First Amended Complaint. The allegations contained in the second sentence of paragraph 18 constitute plaintiff's characterization of its First Amended Complaint, to which no response is required.

19. The allegations contained in paragraph 19 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant denies the allegations, except to admit that the Board of Governors of the Federal Reserve System is an agency of the United States Government.

20. The first sentence of paragraph 20 of the First Amended Complaint constitutes plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner admits the allegations contained in the first sentence of paragraph 20. Defendant Geithner admits the second sentence of paragraph 20.

#### **STATEMENT OF FACTS**

21. The allegations contained in paragraph 21 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit that the Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, 122 Stat. 3765 (2008) ("EESA"), was enacted on October 3, 2008.

22. The allegations contained in paragraph 22 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. Defendant Geithner respectfully refers the Court to the cited statute for a full and accurate statement of its contents.

23. The allegations contained in paragraph 23 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. Defendant Geithner respectfully refers the Court to the cited statute for a full and accurate statement of its contents.

24. The allegations contained in paragraph 24 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. Defendant Geithner respectfully refers the Court to the cited statute for a full and accurate statement of its contents.

25. The allegations contained in paragraph 25 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. To the extent a response is required defendant Geithner denies the allegations, except to admit that actions taken pursuant to the EESA are subject to congressional oversight.

26. The allegations contained in paragraph 26 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit the existence of the EESA to which the Court is respectfully referred for a full and accurate statement of its contents.

27. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the First Amended Complaint.

28. The allegations contained in paragraph 28 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which

no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit the existence of the EESA to which the Court is respectfully referred for a full and accurate statement of its contents.

29. The allegations contained in paragraph 29 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the EESA, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit the existence of the EESA to which the Court is respectfully referred for a full and accurate statement of its contents.

30. Defendant Geithner denies the allegations contained in paragraph 30 of the First Amended Complaint.

31. Defendant Geithner denies the allegations contained in paragraph 31 of the First Amended Complaint, except to admit that on September 16, 2008, the Board of Governors of the Federal Reserve System, in consultation with officials of the United States Department of the Treasury and the Federal Reserve Bank of New York ("FRBNY"), determined that American International Group, Inc. ("AIG") faced the imminent prospect of a disorderly failure, and that such failure was likely to have a systemic effect on financial markets that were already experiencing a significant level of fragility.

32. Defendant Geithner denies the allegations contained in paragraph 32 of the First Amended Complaint.

33. Defendant Geithner denies the allegations contained in paragraph 33 of the First Amended Complaint.

34. Defendant Geithner denies the allegations contained in paragraph 34 of the First

Amended Complaint.

35. Defendant Geithner denies the allegations contained in paragraph 35 of the First Amended Complaint.

36. Defendant Geithner denies the allegations contained in paragraph 36 of the First Amended Complaint.

37. The allegations contained in paragraph 37 constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies that either the Board of Governors of the Federal Reserve or the FRBNY has ever acquired a controlling equity interest in any institution, including AIG.

38. Defendant Geithner denies the allegations contained in paragraph 38 of the First Amended Complaint.

39. The allegations contained in paragraph 39 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

40. The allegations contained in paragraph 40 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

41. Defendant Geithner denies the allegations contained in paragraph 41 of the First Amended Complaint, except to admit the existence of a Credit Agreement ("Credit Agreement") dated September 22, 2008, between AIG as borrower and the FRBNY as lender. Defendant Geithner respectfully refers the Court to the text of the Credit Agreement, as amended, for a full and accurate statement of its contents.



42. The allegations contained in paragraph 42 constitute plaintiff's conclusions of law and characterizations of the Credit Agreement, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations, and respectfully refers the Court to the Credit Agreement, as amended, for a full and accurate statement of its contents.

43. The allegations contained in paragraph 43 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the Credit Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Credit Agreement, as amended, for a full and accurate statement of its contents.

44. The allegations contained in paragraph 44 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the Credit Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Credit Agreement, as amended, for a full and accurate statement of its contents.

45. Defendant Geithner denies the allegations contained in paragraph 45 of the First Amended Complaint, except to admit the existence of the Securities Purchase Agreement ("Series D Securities Purchase Agreement") dated November 25, 2008, between AIG and the United States Department of the Treasury, to which the Court is respectfully referred for a full and accurate statement of its contents.

46. The allegations contained in paragraph 46 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the Series D Securities Purchase

Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Series D Securities Purchase Agreement for a full and accurate statement of its contents.

47. The allegations contained in paragraph 47 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the Credit Agreement and the Series D Securities Purchase Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Credit Agreement and the Series D Securities Purchase Agreement for a full and accurate statement of their contents.

48. The allegations contained in the first two sentences of paragraph 48 constitute plaintiff's legal conclusions and characterizations of the Credit Agreement and the Series D Securities Purchase Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Credit Agreement and the Series D Securities Purchase Agreement for a full and accurate statement of their contents. Defendant denies the allegations contained in the third sentence of paragraph 48, except to admit the existence of the AIG Credit Facility Trust, which is governed by the AIG Credit Facility Trust Agreement dated January 16, 2009, to which the Court is respectfully referred for a full and accurate statement of its contents. The allegations contained in the fourth sentence of paragraph 48 constitutes plaintiff's conclusions of law and characterizations of the AIG Credit Facility Trust Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations contained in the fourth sentence of paragraph 48, except to admit the existence of the

AIG Credit Facility Trust Agreement, to which the Court is referred for a full and accurate statement of its contents. The allegations contained in the final sentence of paragraph 48 constitutes plaintiff's conclusions of law and characterizations of the Series D Securities Purchase Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Series D Securities Purchase Agreement for a full and accurate statement of its contents.

49. Defendant Geithner denies the allegations contained in paragraph 49 of the First Amended Complaint.

50. Defendant Geithner denies the allegations contained in paragraph 50 of the First Amended Complaint, except to admit the existence of a Securities Purchase Agreement ("Series F Securities Purchase Agreement") between AIG and the United States Department of the Treasury dated April 17, 2009, to which the Court is respectfully referred for a full and accurate statement of its contents. Defendant Geithner further avers that AIG has drawn at least \$1.15 billion of the funds made available by the Series F Securities Purchase Agreement.

51. The allegations contained in paragraph 51 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the Series F Securities Purchase Agreement, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations, and respectfully refers the Court to the Series F Securities Purchase Agreement for a full and accurate statement of its contents.

52. Defendant Geithner denies the allegations contained in paragraph 52 of the First Amended Complaint, except to admit that of the \$700 billion authorized to be expended for the purchase of troubled assets pursuant to the EESA, the United States Department of the Treasury

has obligated nearly \$485 billion to specific institutions under executed legal agreements.

53. The allegations contained in paragraph 53 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations.

54. The allegations contained in paragraph 54 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendant Geithner denies the allegations.

55. Defendant Geithner denies the allegations contained in the first sentence of paragraph 55 of the First Amended Complaint, and avers that AIG's Chief Executive Officer, Robert Willumstad, resigned on or about September 18, 2010. Defendant Geithner admits the second sentence of paragraph 55 of the First Amended Complaint.

56. The allegations contained in paragraph 56 of the First Amended Complaint constitute plaintiff's characterization of and selective quotation of Edward Liddy's March 18, 2009 testimony before the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises of the Committee on Financial Resources of the U.S. House of Representatives, not allegations of fact, to which no response is required. To the extent a response is required, Defendant denies the allegations, except to admit that plaintiff's quotation accurately reflects the transcript of the hearing. Defendant Geithner respectfully refers the Court to the transcript of this hearing for a full and accurate statement of its contents.

57. The allegations contained in paragraph 57 of the First Amended Complaint constitute plaintiff's characterization of and misquotation of Edward Liddy's May 13, 2009 testimony before the Committee on Oversight and Government Reform of the U.S. House of

Representatives, not allegations of fact, to which no response is required. To the extent a response is required, Defendant denies the allegations. Defendant Geithner respectfully refers the Court to the transcript of this hearing for a full and accurate statement of its contents.

58. Defendant Geithner denies the allegations contained in paragraph 58 of the First Amended Complaint, except to admit that Secretary Geithner praised Mr. Liddy when Mr. Liddy announced his resignation from AIG.

59. Defendant Geithner denies the allegations contained in paragraph 59 of the First Amended Complaint.

60. Defendant Geithner denies the allegations contained in paragraph 60 of the First Amended Complaint.

61. The allegations contained in paragraph 61 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

62. The allegations contained in paragraph 62 of the First Amended Complaint consist of plaintiff's conclusions of law and characterizations of the AIG Credit Facility Trust Agreement, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations contained in the first sentence and admits the allegations contained in the second and third sentence of paragraph 62. The Court is respectfully referred to a complete version of the AIG Credit Facility Trust Agreement for a full and accurate statement of its contents.

63. The allegations contained in paragraph 63 consist of plaintiff's opinions, conclusions of law, and characterizations of the AIG Credit Facility Trust Agreement, not allegations of fact, to

which no response is required. To the extent a response is required, defendant Geithner denies the allegations, except to admit that the AIG Credit Facility Trust was created for the sole benefit of the United States Treasury, which the AIG Credit Facility Trust Agreement distinguishes from the United States Department of the Treasury. The Court is respectfully referred to a complete version of the AIG Credit Facility Trust Agreement for a full and accurate statement of its contents.

64. The allegations contained in paragraph 64 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the AIG Credit Facility Trust Agreement, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations. The Court is respectfully referred to a complete version of the AIG Credit Facility Trust Agreement for a full and accurate statement of its contents.

65. The allegations contained in paragraph 65 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the AIG Credit Facility Trust Agreement, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations. The Court is respectfully referred to a complete version of the AIG Credit Facility Trust Agreement for a full and accurate statement of its contents.

66. The allegations contained in paragraph 66 of the First Amended Complaint constitute plaintiff's conclusions of law and characterizations of the AIG Credit Facility Trust Agreement, not conclusions of law, to which no response is required. The Court is respectfully referred to a complete version of the AIG Credit Facility Trust Agreement for a full and accurate statement of

its contents.

67. The allegations contained in paragraph 67 of the First Amended Complaint constitute plaintiff's characterization of and selective quotation of a joint statement made by the trustees of the AIG Credit Facility Trust to the Committee on Oversight and Government Reform of the United States House of Representatives, not allegations of fact, to which no response is required. To the extent a response is required, Defendant admits that plaintiff's quotation accurately reflects the public statement of the trustees of the AIG Credit Facility Trust.

68. The allegations contained in paragraph 68 of the First Amended Complaint constitute plaintiff's characterization of and selective quotation of a joint statement made by the trustees of the AIG Credit Facility Trust to the Committee on Oversight and Government Reform of the United States House of Representatives, not allegations of fact, to which no response is required. To the extent a response is required, Defendant admits that plaintiff's quotation accurately reflects the public statement of the trustees of the AIG Credit Facility Trust.

69. The allegations contained in paragraph 69 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

70. Defendant Geithner denies the allegations contained in paragraph 70 of the First Amended Complaint.

71. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the First Amended Complaint.

72. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 72 of the First Amended Complaint.

73. The allegations contained in paragraph 73 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in the first two sentences of paragraph 73, and denies the allegations contained in the third and fourth sentences of paragraph

74. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the First Amended Complaint.

75. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the First Amended Complaint.

76. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 76 of the First Amended Complaint.

77. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 77 of the First Amended Complaint.

78. Defendant Geithner denies the allegations contained in paragraph 78 of the First Amended Complaint.

79. The allegations contained in paragraph 79 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the First Amended Complaint.

80. The allegations contained in paragraph 80 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which



no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the First Amended Complaint.

81. The allegations contained in the first four sentences of paragraph 81 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in the first four sentences of paragraph 81 of the First Amended Complaint. The remaining allegations contained in the last sentence of paragraph 81 of the First Amended Complaint constitute conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations set forth in the last sentence of paragraph 81.

82. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 82 of the First Amended Complaint.

83. The allegations contained in paragraph 83 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the First Amended Complaint.

84. The allegations contained in paragraph 84 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he

lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the First Amended Complaint.

85. The allegations contained in paragraph 85 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the First Amended Complaint.

86. The allegations contained in paragraph 86 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the First Amended Complaint.

87. The allegations contained in paragraph 87 of the First Amended Complaint constitute plaintiff's opinions and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the First Amended Complaint.

88. The allegations contained in paragraph 88 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the First Amended Complaint.

89. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 89 of the First Amended Complaint.

90. Defendant Geithner lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 90 of the First Amended Complaint.

91. The allegations contained in paragraph 91 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 91 of the First Amended Complaint.

92. The allegations contained in paragraph 92 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 92 of the First Amended Complaint.

93. The allegations contained in paragraph 93 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the First Amended Complaint.

94. The allegations contained in paragraph 94 of the First Amended Complaint constitute plaintiff's opinions, and conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

95. The allegations contained in paragraph 95 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the First Amended Complaint.

96. The allegations contained in paragraph 96 of the First Amended Complaint constitute plaintiff's opinions, and characterizations of the Islamic religion, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner states that he lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 96 of the First Amended Complaint.

97. Defendant Geithner denies the allegations contained in paragraph 97 of the First Amended Complaint.

98. Defendant Geithner denies the allegations contained in paragraph 98 of the First Amended Complaint, except to admit that in November 2008, the United States Department of the Treasury hosted a forum, conducted in association with the Islamic Finance Project of the Harvard Law School, entitled "Islamic Finance 101."

99. Defendant Geithner denies the allegations contained in paragraph 99 of the First Amended Complaint.

**CLAIM FOR RELIEF**  
**(First Amendment—Establishment Clause)**

100. Defendant Geithner incorporates by reference his responses to paragraphs 1 through 99 of the First Amended Complaint as if fully set forth herein.

101. The allegations contained in paragraph 101 of the First Amended Complaint constitute

plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

102. The allegations contained in paragraph 102 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

103. The allegations contained in paragraph 103 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

104. The allegations contained in paragraph 104 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

105. The allegations contained in paragraph 105 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

106. The allegations contained in paragraph 106 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

107. The allegations contained in paragraph 107 of the First Amended Complaint constitute plaintiff's conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, defendant Geithner denies the allegations.

**PRAYER FOR RELIEF**

The unnumbered paragraph beginning with the “WHEREFORE” and all paragraphs thereafter constitute plaintiff’s characterization of this action and demand for relief, to which no responsive pleading is required. To the extent a response is required, defendant Geithner denies that plaintiff is entitled to the relief requested, or to any relief whatsoever. Defendant Geithner specifically denies all allegations in plaintiff’s First Amended Complaint not otherwise answered or qualified herein.

**FIRST DEFENSE**

The First Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

This Court lacks jurisdiction over plaintiff’s claims.

**THIRD DEFENSE**

Plaintiff lacks standing to invoke the jurisdiction of this Court.

**RESERVATION OF ADDITIONAL DEFENSES**

Defendant Geithner, by and through counsel, reserves the right to assert and file any additional affirmative defenses which may become known by discovery proceedings in accordance with the rules and practices of this Court.

WHEREFORE, defendant Geithner demands judgment dismissing the First Amended Complaint in its entirety with prejudice, and granting such other and further relief as this Court deems proper, including costs and disbursements.

Respectfully submitted,

TONY WEST  
Assistant Attorney General

BARBARA MCQUADE  
United States Attorney

JOHN R. GRIFFITHS  
Assistant Director, Federal Programs Branch

s/ John R. Coleman \_\_\_\_\_  
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DATED: February 22, 2010