

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CARL ROBERT CARSON, JR.,	)	
ON BEHALF OF HIMSELF	)	
AND ALL OTHERS SIMILARLY SITUATED,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	No. 18-1902c
	)	(Senior Judge Lettow)
THE UNITED STATES,	)	
	)	
Defendant.	)	

ANSWER

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

1. The allegations contained in paragraph 1 are plaintiffs' characterization of their claims and conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

2. Denies the allegations contained in the first sentence of paragraph 2 for lack of information or knowledge concerning the identities of the individuals encompassed in the phrase “[t]hese ‘supervisory’ employees” sufficient to form a belief as to the truth of the matters asserted. Denies the allegations contained in the second sentence of paragraph 2 for lack of information or knowledge concerning the identities of the individuals encompassed in the phrase “such non-supervisory employees” sufficient to form a belief as to the truth of the matters asserted. Denies the allegations contained in the third sentence of paragraph 2 for lack of information or knowledge concerning the identities of the individuals encompassed in the phrase “‘police officer supervisors; and other supervisors” sufficient to form a belief as to the truth of the matters asserted.

3. Admits the allegations contained in paragraph 3 to the extent supported by the “Handbook” cited, which is the best evidence of its contents; otherwise, denies the remainder of the allegations contained in paragraph 3.

4. Denies the allegations contained in the first sentence of paragraph 4 for lack of information or knowledge concerning the meaning of the phrase “such premium pay.” Admits the allegations contained in the second, third, fourth, fifth, and sixth sentences of paragraph 4 to the extent supported by the “Human Resources Management Letter (HRML)” cited, which is the best evidence of its contents; otherwise, denies the allegations contained in the second, third, fourth, fifth, and sixth sentences of paragraph 4.

5. Admits the allegations contained in the first and second sentences of paragraph 5 to the extent supported by the HRML upon which those allegations are implicitly based, which is the best evidence of its contents; otherwise, denies the allegations contained in the first and second sentences of paragraph 5. Admits the allegations contained in the third sentence of paragraph 5 except for the phrase “as well as other supervisory employees of occupations identified in Attachment A who performed service on tours of duty on Saturdays,” which defendant denies for lack of information or knowledge concerning the identities of the individuals encompassed by that phrase sufficient to form a belief as to the truth of the matters asserted.

6. The allegations contained in paragraph 6 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

7. Admits the allegations contained in paragraph 7 to the extent supported by the “Human Resources Management Letter” cited, which is the best evidence of its contents; otherwise, denies the allegations contained in paragraph 7.

8. Admits the allegations contained in the first sentence of paragraph 8. Admits the allegations contained in the second sentence of paragraph 8, to and including the phrase “from January 11, 2004 to July 10, 2014,” except for the phrase “and other ‘supervisory’ members of the putative class” for lack of information or knowledge concerning the identity of the individuals included in that phrase sufficient to form a belief as to the truth of the matters asserted in the second sentence of paragraph 8, to and including the phrase “from January 11, 2004 to July 10, 2014” with respect to those individuals. The remainder of the allegations contained in paragraph 8 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, they are denied.

9. The allegations contained in paragraph 9 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

10. The allegations contained in paragraph 10 are plaintiffs' characterization of their claims and conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

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

12. The allegations contained in paragraph 12 comprise plaintiffs' characterization of their proposed class to which no response is required; to the extent they are deemed allegations of fact, they are denied.

13. The allegations contained in paragraph 13 comprise plaintiffs' characterization of their proposed class to which no response is required; to the extent

they are deemed allegations of fact, they are denied.

14. The allegations contained in paragraph 14 are conclusions of law to which no response is required; to the extent they may be deemed allegations of fact, denies the allegations contained in paragraph 14 for lack of information or knowledge sufficient to form a belief as to the truth of the matters asserted.

15. The allegations contained in the first sentence of paragraph 15 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied. The allegations contained in the second sentence of paragraph 15 constitute plaintiffs' characterization of their claims and conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

16. The allegations contained in paragraph 16 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

17. Denies the allegations contained in paragraph 17 for lack of information or knowledge concerning the identities of the individuals included in the phrase "members of class" sufficient to form a belief as to the truth of the matters asserted.

18. Denies the allegations contained in paragraph 18 for lack of information or knowledge sufficient to form a belief as to the truth of the matters asserted.

19. Admits.

20. The allegations contained in paragraph 20 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

21. The allegations contained in paragraph 21 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they

are denied.

22. Defendant incorporates by reference its responses to the allegations of the complaint set forth in paragraphs 1 through 21 above.

23. Admits the allegations contained in paragraph 23 except for the phrase “and members of the putative class who are similarly situated,” for lack of information or knowledge concerning the identities of the individuals included in the phrase “members of the putative class who are similarly situated” sufficient to form a belief as to the truth of the matters asserted.

24. Admits the allegations contained in paragraph 24 to and including the phrase “January 11, 2004” except denies the allegations contained in paragraph 24 to and including the phrase “January 11, 2004” as to “members of the putative class,” for lack of information or knowledge concerning the identities of the individuals included in the phrase “members of the putative class” sufficient to form a belief as to the truth of the matters asserted; admits the remainder of the allegations contained in paragraph 24 to the extent supported by the regulation and HRML cited which are the best evidence of their contents; otherwise, denies the remainder of the allegations contained in paragraph 24.

25. The allegations contained in paragraph 25 are conclusions of law to which no response is required; to the extent that they may be deemed allegations of fact, they are denied.

26. Denies the allegations contained in the first sentence of paragraph 26 for lack of information or knowledge sufficient to form a belief as to the truth of the matters asserted.

27. Denies that plaintiffs are entitled to the relief sought in the WHEREFORE clause of the complaint or to any relief whatsoever.

28. Denies each and every allegation not previously admitted or qualified.

28. WHEREFORE, defendant requests that the complaint be dismissed and that the defendant be granted such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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