

RECEIVED MAY 09 2005

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ARTURO MORENO, JR.,	)	
THOMAS C. PORTA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 05-142C
	)	(Judge Horn)
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

DEFENDANT'S ANSWER

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

1. Admits the allegations contained in the first sentence of paragraph 1 as applied to Mr. Moreno. Denies the allegations contained in the first sentence of paragraph 1 as applied to Mr. Porta; avers that Mr. Porta submitted time and attendance sheets indicating that he attended five eight-hour days per week of entry-level training at the Federal Law Enforcement Training Center ("FLETC") in Glynco, Georgia. The remaining allegations contained in paragraph 1 constitute conclusions of law, and plaintiffs' characterization of their case, to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

2. The allegations contained in paragraph 2 constitute conclusions of law, and plaintiffs' characterization of their case, to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

3. The allegations contained in paragraph 3 constitute

conclusions of law, and plaintiffs' characterization of their case, to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

4. Admits the allegations contained in the first sentence of paragraph 4. Admits the allegations contained in the second sentence of paragraph 4 to the extent that they are supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in the second sentence of paragraph 4.

5. Denies the allegations contained in paragraph 5 for lack of knowledge or information sufficient to form a belief as to their truth.

6. Admits the allegations contained in the first sentence of paragraph 6. Admits the allegations contained in the second sentence of paragraph 6 to the extent that they are supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in the second sentence of paragraph 6.

7. Denies the allegations contained in paragraph 7 for lack of knowledge or information sufficient to form a belief as to their truth.

8. The allegations contained in paragraph 8 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

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

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

11. Denies the allegations contained in paragraph 11 that the United States Citizenship and Immigration Services, a bureau of the United States Department of Homeland Security, is properly named a defendant in this case; avers that the only proper defendant is the United States.

12. Denies the allegations contained in paragraph 12 that the United States Department of Homeland Security is properly named a defendant in this case; avers that the only proper defendant is the United States.

13. Denies the allegations contained in paragraph 13 because the phrase "grossed more than \$500,000" as applied to the United States is vague, ambiguous and undefined.

14. The allegations contained in paragraph 14 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

15. Admits.

16. Admits.

17. Admits.

18. Admits. Avers that Mr. Moreno attended entry-level training from June 12, 2002, until August 20, 2002. Avers that Mr. Porta attended entry-level training from February 2004 until May 2004.

19. Admits the allegations contained in paragraph 19 as applied to Mr. Moreno. Denies the allegations contained in paragraph 19 as applied to Mr. Porta; avers that Mr. Porta submitted time and attendance sheets indicating that he attended five eight-hour days per week of entry-level training at FLETC.

20. Admits.

21. Denies the allegations contained in paragraph 21.

22. The allegations contained in paragraph 22 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

23. Denies.

24. The allegations contained in paragraph 24 constitute conclusions of law to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

25. The allegations contained in paragraph 25 constitute conclusions of law, and plaintiffs' characterization of their case, to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

26. Denies that plaintiffs are entitled to the relief set

forth in the prayer for relief immediately following paragraph 25, or to any relief whatsoever.

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

AFFIRMATIVE DEFENSES

28. Plaintiffs' claims are barred by the doctrine of accord and satisfaction.

29. Plaintiffs' claims are barred by the doctrine of waiver and release.

30. Plaintiffs' claims are barred by the applicable statute of limitations.

31. Defendant's conduct was in good faith; it had reasonable grounds for believing that its conduct was not a violation of the Fair Labor Standards Act.

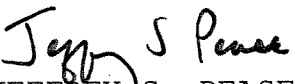
WHEREFORE, defendant requests that the Court enter judgment in its favor, order that the complaint be dismissed, and grant defendant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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May 4, 2005