

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

Baby Doe, et al.,

Plaintiffs,

v.

JOSHUA MAST et al.,

Defendants,

and

UNITED STATES SECRETARY OF STATE
ANTONY BLINKEN et al.,

Nominal Defendants.

Civil Action No. 3:22-cv-49



ANSWER

Nominal defendants United States Secretary of State Antony Blinken and United States Secretary of Defense General Lloyd Austin (“Federal Defendants”) hereby answer the numbered paragraphs of Plaintiffs’ Amended Complaint as follows.¹

1. This paragraph consists of Plaintiffs’ characterization of this lawsuit and the relief requested; as such, no response is required. To the extent a response is required, Federal Defendants admit that Plaintiffs’ Amended Complaint includes the claims and

¹ Federal Defendants note that, pursuant to Rule 8(b)(1), a party has no obligation to admit or deny allegations that are not “asserted against it by an opposing party,” Fed. R. Civ. P. 8(b)(1)(B), nor must a party state defenses where no claim is asserted against it, *id.* 8(b)(1)(A). Because the Amended Complaint makes clear that Plaintiffs assert no claims against, and seek no relief from, Federal Defendants, Rule 8 does not appear to require an admission or denial by Federal Defendants to any allegation in the Amended Complaint. In light of the United States’ underlying interests relating to the status of Baby Doe, Federal Defendants nevertheless respond to the Amended Complaint in order to clarify Federal Defendants’ position regarding Plaintiffs’ allegations.

seeks the relief identified and aver that no claims are asserted against, and no relief is sought from, Federal Defendants.

2. This paragraph consists of Plaintiffs' characterization of the conduct of parties other than Federal Defendants who have been named as defendants in this lawsuit ("Non-federal Defendants"). Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

3. Admitted, except that Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph regarding Baby Doe's siblings but admit that Federal Defendants believe those averments to be true based on available information.

4. The assertions in this paragraph characterize Plaintiffs' claims against Non-federal Defendants. To the extent this paragraph asserts legal conclusions, no response is required. Federal Defendants admit that Baby Doe was recovering from her injuries in a U.S. military hospital in Afghanistan in November 2019; that Non-federal Defendants Joshua and Stephanie Mast ("the Masts") obtained custody and interlocutory adoption orders for Baby Doe from Virginia courts during that time period; and that Baby Doe is a citizen of Afghanistan with biological family in Afghanistan. Federal Defendants aver that the Masts did not serve Federal Defendants with notice regarding their efforts to obtain custody or adopt Baby Doe, nor did the Masts inform Federal Defendants at any time prior to obtaining a final order of adoption that adoption proceedings were underway. Federal Defendants further aver that the United States never authorized the Masts to initiate legal proceedings to gain custody of Baby Doe or adopt her, nor did the United States consent to these actions.

5. Admitted that Federal Defendants did not transfer Baby Doe to the Masts. To the extent the first sentence of this paragraph implies that the Masts requested that Federal Defendants “release” Baby Doe to them, Federal Defendants deny that any such request was ever made. Admitted that Federal Defendants transferred Baby Doe to the Government of Afghanistan for reunification with her next of kin, consistent with international law principles and obligations. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in the third sentence this paragraph but admit that Federal Defendants believe the averments to be true based on available information.

6. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

7. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

8. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

9. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that Plaintiffs arrived in the United States in August 2021 and that the Masts took physical custody Baby Doe on September 3, 2021.

10. This paragraph sets forth legal allegations against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants admit that, in Federal Defendants’ understanding, John and Jane Doe are Baby Doe’s true family and

legal guardians and raised Baby Doe for 18 months before the Masts took physical custody of her.

11. Admitted.

12. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information.

13. Federal Defendants admit that Joshua Mast is stationed in North Carolina and otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph but admit that Federal Defendants believe the averments to be true based on available information. The second sentence of this paragraph is admitted.

14. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

15. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

16. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

17. Admitted that Federal Defendants, in their official capacities, have been named as nominal defendants in this lawsuit and that Plaintiffs are seeking no relief from Federal Defendants in this action.

18. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

19. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

20. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

21. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

22. Admitted, except that Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph regarding Baby Doe's siblings but admit that Federal Defendants believe those averments to be true based on available information.

23. Admitted.

24. Admitted. The cited document speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents.

25. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe those averments to be true based on available information.

26. Admitted.

27. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information, including information in the United States' Statement of Interest attached to the Amended Complaint.

28. Admitted that Joshua Mast took steps to arrange for Baby Doe's travel to the United States. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

29. Admitted. The Bilateral Agreement referenced in this paragraph speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents

30. The Bilateral Agreement referenced in this paragraph speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents. Federal Defendants otherwise admit that Mast as a deployed military attorney should have known the obligations of the United States and U.S. forces under the Bilateral Agreement but otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

31. The Bilateral Agreement referenced in this paragraph speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents, except that Federal Defendants admit the quoted language appears in the Bilateral Agreement. Federal Defendants otherwise admit that Mast as a deployed military attorney should have known the obligations of the United States and U.S. forces under the Bilateral Agreement but otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

32. The Bilateral Agreement referenced in this paragraph speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents, except that Federal Defendants admit the quoted language appears in the Bilateral Agreement. Federal Defendants otherwise admit that Mast as a deployed

military attorney should have known the obligations of the United States and U.S. forces under the Bilateral Agreement but lack knowledge or information sufficient to form a belief about the truth of the other averments in this paragraph.

33. The documents cited in this paragraph speak for themselves, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of their contents. Federal Defendants otherwise admit the averments in this paragraph regarding what Mast should have known as a deployed military attorney but lack knowledge or information sufficient to form a belief about the truth of the other averments in this paragraph.

34. The Bilateral Agreement referenced in this paragraph speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents. Federal Defendants otherwise admit the averments in this paragraph regarding what Mast should have known as a deployed military attorney but lack knowledge or information sufficient to form a belief about the truth of the other averments in this paragraph.

35. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

36. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe that Joshua Mast was aware by October 2019 that a family trace for Baby Doe's biological family was underway, based on available information, including information in the United States' Statement of Interest attached to the Amended Complaint.

37. The cited Virginia Rules of Professional Conduct speak for themselves, and the Court is respectfully referred thereto for a complete and accurate statement of their contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that Mast is barred in Virginia.

38. This paragraph sets forth legal conclusions regarding the law governing international adoption, to which no response is required.

39. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

40. This paragraph sets forth legal conclusions regarding the law governing international adoption, to which no response is required. The documents cited in the footnote to this paragraph speak for themselves, and the Court is respectfully referred thereto for a complete and accurate statement of their contents.

41. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. The laws of Afghanistan speak for themselves, and the Court is respectfully referred thereto for a complete and accurate statement of their contents.

42. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe that Joshua Mast is a United States citizen, based on available information.

43. The first sentence of this paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond, but Federal Defendants admit that, in their view, the Masts lacked a legitimate

legal basis to initiate custody or adoption proceedings for Baby Doe. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information.

44. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond, but Federal Defendants admit that, in their view, Afghanistan had sole and exclusive legal jurisdiction over Baby Doe at the time the Masts initiated custody and adoption proceedings. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information. Federal Defendants aver that Baby Doe was in a U.S. military hospital in Afghanistan at time the Masts initiated state court custody and adoption proceedings.

45. Admitted that the Masts did not serve notice of the custody and adoption proceedings on DoD; that DoD had physical custody of Baby Doe at the time those proceedings were initiated; and that Federal Defendants have taken the position in other judicial proceedings that the Masts' failure to provide DoD with notice of the custody proceedings was in violation of Virginia law. This paragraph otherwise sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. The Virginia Code provisions cited in the footnote to this paragraph speak for themselves, and the Court is respectfully referred thereto for a complete and accurate statement of their contents.

46. The record of the Masts' representations to the Juvenile Court and Circuit Court, as set forth in orders or other documents in those courts' case files, speaks for itself, and the Court is respectfully referred thereto for a complete and accurate statement of its contents. The second sentence of this paragraph is admitted.

47. The record of the Masts' representations to the Juvenile Court and Circuit Court, as set forth in orders or other documents in those courts' case files, speaks for itself, and the Court is respectfully referred thereto for a complete and accurate statement of its contents. Admitted that Baby Doe is not a "stateless minor." The second sentence of this paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information, including information in the United States' Statement of Interest attached to the Amended Complaint.

48. The record of the Masts' representations to the Juvenile Court and Circuit Court, as set forth in orders or other documents in those courts' case files, speaks for itself, and the Court is respectfully referred thereto for a complete and accurate statement of its contents. Admitted that Baby Doe was never "stateless." The laws of Afghanistan referenced in this paragraph and the footnote thereto speak for themselves, and the Court is respectfully referred thereto for a complete and accurate statement of their contents. This paragraph otherwise sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal

Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in the last sentence of this paragraph.

49. To the extent this paragraph characterizes a written Virginia court custody order, that document speaks for itself, and the Court is respectfully referred thereto for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the basis for the Juvenile Court's conclusion but admit that the conclusion was mistaken. Admitted that DoD was not served with process in connection with the Juvenile Court custody proceeding.

50. The first sentence of this paragraph characterizes a provision of Virginia law, which speaks for itself, and to which the Court is respectfully referred for a complete and accurate statement of its contents. The second sentence of this paragraph is admitted.

51. The first sentence of this paragraph characterizes a provision of Virginia law, which speaks for itself, and to which the Court is respectfully referred for a complete and accurate statement of its contents. The second sentence of this paragraph is admitted. The third sentence of this paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in the fourth sentence of this paragraph but admit that Federal Defendants believe the averments to be true based on available information.

52. The first sentence of this paragraph characterizes a provision of Virginia law, which speaks for itself, and to which the Court is respectfully referred for a complete and accurate statement of its contents. The second sentence of this paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which

Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in the last sentence of this paragraph.

53. To the extent this paragraph characterizes a written November 2019 Virginia court order regarding a certificate of foreign birth, that document speaks for itself, and the Court is respectfully referred thereto for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments in the last sentence of this paragraph to be true based on available information.

54. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph. The second sentence of this paragraph characterizes a written November 2019 Virginia court interlocutory adoption order, which speaks for itself, and to which the Court is respectfully referred for a complete and accurate statement of its contents.

55. To the extent this paragraph characterizes the Certificate of Foreign Birth, that document speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

56. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe those averments to be true based on available information.

57. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe based on available information that MOLSA had become involved with family tracking efforts by October 2019 and documented its official involvement in the search for Baby Doe's biological family.

58. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averments to be true based on available information. The laws of Afghanistan referenced in the third sentence of this paragraph speak for themselves, and the Court is referred thereto for a complete and accurate statement of their contents.

59. Admitted that Donna Welton, in her capacity at the time as Assistant Chief of Mission in Kabul, met with a MOLSA representative on December 31, 2019 and was informed that MOLSA had identified Baby Doe's maternal and paternal uncles. Federal Defendants believe the MOLSA representative at this meeting was the Senior Child Protection Specialist, not the Deputy Minister.

60. Admitted that Ms. Welton wrote the email described in this paragraph. The Court is respectfully referred to the email itself for a complete and accurate statement of its contents.

61. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants received official diplomatic communications from MOLSA in February 2020 formally requesting that Baby Doe be transferred to it for family reunification.

62. [REDACTED]

63. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

64. [REDACTED]

65. [REDACTED]

[REDACTED]

[REDACTED] The second and third sentences of this paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

[REDACTED]

66. [REDACTED]

67. [REDACTED]

68. [REDACTED]

69. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

70. [REDACTED]

71. Admitted.

72. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants

believe the averment that Baby Doe's paternal uncle transferred his guardianship of Baby Doe to John and Jane Doe is true, based on available information.

73. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averment that John and Jane Doe had custody of and raised Baby Doe until September 3, 2021 to be true based on available information.

74. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averment that John and Jane Doe had custody of and raised Baby Doe until September 3, 2021 to be true based on available information.

75. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

76. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

77. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

78. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

79. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

80. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

81. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

82. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

83. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

84. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

85. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

86. Admitted that the Masts filed a brief in the prior Western District proceeding on March 11, 2020. That filing, Doc. No. 13, speaks for itself, and the Court is respectfully referred to it for a complete and accurate statement of its contents.

87. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

88. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

89. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

90. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

91. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that the Masts sought a final order of adoption in Virginia circuit court.

92. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. [REDACTED]

[REDACTED] Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

93. Admitted that the Virginia circuit court entered a final order of adoption for the Masts on December 3, 2020. That order speaks for itself, and the Court is referred thereto for a complete and accurate statement of its contents. Admitted that the United States was not informed of the Masts' adoption proceedings before the final adoption order was entered. [REDACTED]

[REDACTED] This paragraph otherwise sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

94. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

95. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

96. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

97. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

98. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

99. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

100. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

101. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

102. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

103. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

104. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

105. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

106. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

107. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

108. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

109. The second through fourth sentences of this paragraph characterize a filled-out form, which speaks for itself and to which the Court is referred for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

110. The first sentence of this paragraph characterizes a filled-out form, which speaks for itself and to which the Court is referred for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph. The remainder of this paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants aver that the Department of Defense in February 2020 disenrolled Baby Doe from the Defense Enrollment Eligibility Reporting System (DEERS), which rescinded the Dependent ID Card that Mast originally obtained for Baby Doe, but that Mast later re-enrolled Baby Doe in DEERS and obtained a second Dependent ID Card in January 2021 by presenting a facially-valid state court adoption order to Department of Defense employees who had no knowledge of the underlying facts of the situation.

111. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph and its footnote 7.

112. This paragraph characterizes an email, which speaks for itself and to which the Court is referred for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph, except that Federal Defendants admit that John and Jane Doe never had an employment, contractual, or other relationship with Federal Defendants, nor did they provide services to Federal Defendants.

113. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in the first sentence of this paragraph, except that Federal Defendants admit that the United States transferred Baby Doe to the Government of Afghanistan for family reunification in February 2020, consistent with the Government of Afghanistan's request, and that John and Jane Doe never had an employment, contractual, or other relationship with Federal Defendants, nor did they provide services to Federal Defendants.

114. The first sentence of this paragraph characterizes an email, which speaks for itself and to which the Court is referred for a complete and accurate statement of its contents. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph

115. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

116. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

117. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

118. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

119. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

120. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

121. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

122. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

123. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

124. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

125. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that Plaintiffs arrived at Dulles International Airport on August 29, 2021.

126. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that Baby Doe was approximately two years old in August 2021.

127. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

128. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

129. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

130. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

131. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

132. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

133. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Federal Defendants admit that Plaintiffs were paroled into the United States at Dulles and were initially housed at Fort Pickett.

134. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe those averments to be true based on available information.

135. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averment that the Does were taken to a building to be true based on available information

136. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe the averment that an interpreter and two federal employees were at the described meeting, and that a federal employee told the Does that Mast was the legal adoptive parent of the child, to be true based on available information.

137. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

138. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph but admit that Federal Defendants believe those averments to be true based on available information.

139. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

140. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

141. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

142. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

143. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

144. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

145. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

146. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

147. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

148. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

149. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

150. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

151. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

152. Admitted.

153. Admitted that the United States filed in state court the Statement of Interest attached to Plaintiffs' Amended Complaint. The Statement of Interest speaks for itself, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of its contents.

154. Federal Defendants repeat and re-allege all the responses set forth in the foregoing Paragraphs as if fully set forth and restate here.

155. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. To the

extent the last sentence of this paragraph characterizes prior filings or statements of Federal Defendants or the United States, those filings and statements speak for themselves, and Federal Defendants respectfully refer the Court thereto for a complete and accurate statement of their contents.

156. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. [REDACTED]

157. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

158. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

159. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

160. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

161. Federal Defendants repeat and re-allege all the responses set forth in the foregoing Paragraphs as if fully set forth and restate here.

162. This paragraph sets forth legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

163. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need

not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

164. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

165. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

166. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

167. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

168. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

169. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need

not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

170. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

171. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants admit that Joshua Mast removed Baby Doe from John and Jane Doe's physical custody on September 3, 2021.

172. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

173. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants admit that John and Jane Doe and Baby Doe traveled to the United States in August 2021; that they were initially housed on a military base; and that Joshua Mast took Baby Doe from the Does while they were at that military base.

174. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

175. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

176. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

177. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

178. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

179. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

180. Federal Defendants repeat and re-allege all the responses set forth in the foregoing Paragraphs as if fully set forth and restate here.

181. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

182. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

183. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

184. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

185. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

186. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

187. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

188. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

189. Federal Defendants repeat and re-allege all the responses set forth in the foregoing Paragraphs as if fully set forth and restate here.

190. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

191. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Admitted that Baby Doe was not "stateless" and that the state court orders granting the Masts custody and adoption of Baby Doe are contrary to the foreign policy interests of the United States.

192. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

193. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

194. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

195. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

196. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

197. Federal Defendants repeat and re-allege all the responses set forth in the foregoing Paragraphs as if fully set forth and restate here.

198. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Federal Defendants admit that Joshua Mast physically removed Baby Doe from the custody of John and Jane Doe on September 3, 2021 without their permission or consent.

199. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

200. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond. Admitted that Baby Doe cried while being held by a federal employee on September 3, 2021.

201. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

202. This paragraph sets forth assertions and legal conclusions regarding Plaintiffs' claims against the Non-federal Defendants, to which Federal Defendants need not respond.

The remainder of the Amended Complaint sets forth Plaintiffs' requested relief. Because Plaintiffs seek no relief from Federal Defendants, Federal Defendants need not respond.

First Defense

Federal Defendants' foreign policy decision to transfer Baby Doe to the Government of Afghanistan for reunification with her next of kin was a matter "committed to agency discretion by law," 5 U.S.C. § 701(a)(2), and therefore is not subject to judicial review. To the extent the Court subjects the decision to judicial review, such review falls under 5 U.S.C. § 706 based upon an administrative record.

Second Defense

Claims against Federal Defendants are barred absent an express waiver of sovereign immunity.

January 9, 2023

Respectfully submitted,

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