

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02408-RPM

DEBBIE BONIDY,  
TAB BONIDY, and  
NATIONAL ASSOCIATION FOR GUN RIGHTS,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE,  
PATRICK R. DONAHOE, Postmaster General, and  
STEVE RUEHLE, Postmaster, Avon, Colorado,

Defendants.

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**ANSWER TO SECOND AMENDED COMPLAINT**

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Defendants, the United States Postal Service, Patrick R. Donahoe and Steve Ruehle (“Defendants”), by and through their undersigned counsel, hereby answer Plaintiffs’ Second Amended Complaint (“Amended Complaint”).

Defendants respond to each numbered paragraph of Plaintiffs’ Amended Complaint as follows:

1. Paragraph 1 of the Amended Complaint contains Plaintiffs’ allegations with respect to the nature of their claims, to which no response is required. To the extent that a response is necessary, the allegations of paragraph 1 are denied.
2. Paragraph 2 of the Amended Complaint contains Plaintiffs’ legal conclusions with respect to jurisdiction, to which no response is required.

3. Paragraph 3 of the Amended Complaint contains Plaintiffs' legal conclusions with respect to venue, to which no response is required.

4. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 4 of the Amended Complaint.

5. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 5 of the Amended Complaint.

6. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 6 of the Amended Complaint.

7. Defendants deny that by "creating and enforcing the policy complained of in this action, [the United States Postal Service] currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution." Defendants otherwise admit the allegations contained in paragraph 7 of the Amended Complaint.

8. Defendants deny that by "creating and enforcing the policy complained of in this action, [Patrick Donahoe] currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution." Defendants otherwise admit the allegations contained in paragraph 8 of the Amended Complaint.

9. Defendants deny that by "enforcing the policy complained of in this action, [Steve Ruehle] currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution." Defendants otherwise admit the allegations contained in paragraph 9 of the Amended Complaint.

10. Defendants admit the allegations contained in paragraph 10 of the Amended Complaint.

11. Paragraph 11 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 11 are denied.

12. Paragraph 12 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 12 are denied.

13. Defendants admit the allegations contained in paragraph 13 of the Amended Complaint.

14. Defendants admit the allegations contained in paragraph 14 of the Amended Complaint.

15. Defendants admit the allegations contained in paragraph 15 of the Amended Complaint.

16. Defendants admit the allegations contained in paragraph 16 of the Amended Complaint.

17. Defendants admit the allegations contained in paragraph 17 of the Amended Complaint.

18. Defendants admit the allegations contained in paragraph 18 of the Amended Complaint.

19. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 19 of the Amended Complaint.

20. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 20 of the Amended Complaint.

21. Defendants admit the allegations contained in paragraph 21 of the Amended Complaint.

22. Defendants admit that there are signs on portions of West Beaver Creek Boulevard that state: “Emergency Snow Route. No Parking If Over Two Inches.” Defendants otherwise are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 22 of the Amended Complaint.

23. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 23 of the Amended Complaint.

24. Defendants admit that 39 C.F.R. § 232.1(*l*) prohibits Mr. and Mrs. Bonidy from possessing handguns on Postal Service property. Defendants are without knowledge or information sufficient to admit or deny the other allegations contained in paragraph 24 of the Amended Complaint.

25. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 25 of the Amended Complaint.

26. Defendants admit the allegations contained in paragraph 26 of the Amended Complaint.

27. Defendants admit the allegations contained in paragraph 27 of the Amended Complaint.

#### FIRST CLAIM FOR RELIEF

28. Defendants incorporate each of their previous responses corresponding to paragraphs 1 through 27 of the Amended Complaint, as if fully set forth herein.

29. Paragraph 29 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 29 are denied.

30. Defendants admit the allegations contained in paragraph 30 of the Amended Complaint.

31. Paragraph 31 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 31 are denied.

32. Paragraph 32 of the Amended Complaint contains Plaintiffs' allegations with respect to relief, to which no response is required. To the extent that a response is necessary, the allegations of paragraph 32 are denied.

#### SECOND CLAIM FOR RELIEF

33. Defendants incorporate each of their previous responses corresponding to paragraphs 1 through 32 of the Amended Complaint, as if fully set forth herein.

34. Paragraph 34 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 34 are denied.

35. Defendants admit the allegations contained in paragraph 35 of the Amended Complaint.

36. Paragraph 36 of the Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is necessary, the allegations of paragraph 36 are denied.

37. Paragraph 37 of the Amended Complaint contains Plaintiffs' allegations with respect to relief, to which no response is required. To the extent that a response is necessary, the allegations of paragraph 37 are denied.

**FIRST DEFENSE**

Plaintiffs have failed to state a claim against the Defendants upon which relief may be granted.

**SECOND DEFENSE**

Plaintiff National Association for Gun Rights lacks standing to sue on its own behalf.

WHEREFORE, having answered the Complaint, Defendants respectfully request that the Court enter judgment dismissing this action with prejudice and award Defendants costs and such other relief as this Court deems just and proper.

Dated: December 9, 2011

Respectfully submitted,

TONY WEST  
Assistant Attorney General

JOHN F. WALSH  
United States Attorney

JOHN R. GRIFFITHS  
Assistant Branch Director

Of counsel:

Roderick D. Eves  
Managing Counsel  
Law Department – Western Area  
United States Postal Service  
1745 Stout Street, Suite 500  
Denver, CO 80299-5555  
Telephone: (303) 313-5564

s/ Lesley Farby  
LESLEY R. FARBY (DC #495625)  
United States Department of Justice  
Civil Division  
Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20530  
Telephone: (202) 514-3481  
Fax: (202) 616-8470  
E-mail: [Lesley.Farby@usdoj.gov](mailto:Lesley.Farby@usdoj.gov)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2011, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will electronically send notice to:

James M. Manley, Esq.  
Mountain States Legal Foundation  
2596 South Lewis Way  
Lakewood, Colorado 80227  
(303) 292-2021  
[jmanley@mountainstateslegal.com](mailto:jmanley@mountainstateslegal.com)

/s/ Lesley Farby \_\_\_\_\_  
LESLEY FARBY