

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AT DALLAS, TEXAS

MARINA N. OSWALD PORTER, :  
et al., :  
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Plaintiffs, :  
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vs. :  
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Civil Action No. CA-3-4247-C

UNITED STATES OF AMERICA, :  
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Defendant. :  
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A N S W E R

First Defense

The complaint fails to state a claim upon which relief can be granted.

Second Defense

The Court lacks subject matter jurisdiction over this action.

Third Defense

This action is time-barred by the statute of limitations.

Fourth Defense

This action is barred by 28 U.S.C. §§ 2680(a), 2680(c).

Fifth Defense

Elements of this claim may be barred by 28 U.S.C. § 2690(h).

Sixth Defense

In answer to the numbered paragraphs of the complaint, defendant hereby admits, denies, and alleges as follows:

1. Defendant denies the allegations set forth in the first paragraph of the complaint, except to admit that plaintiff seeks money damages in this action.

2. Defendant denies the allegations set forth in paragraph two of the complaint for lack of information or knowledge sufficient to form a belief as to their truthfulness.

3. The statement set forth in paragraph three of the complaint is a conclusion of law and not an allegation of fact requiring answer; however, to the extent that an answer may be deemed to be required, defendant denies this allegation.

4. Defendant denies the allegations set forth in paragraph four of the complaint for lack of information or knowledge sufficient to form a belief as to their truthfulness, except that defendant admits that Exhibit A is a true copy of a notice appearing at 31 Federal Register, No. 212, Tuesday, November 1, 1966.

5. The statement set forth in paragraph five of the complaint is a conclusion of law and not an allegation of fact requiring answer, and defendant respectfully refers the Court to the cited provision in the Federal Register for its terms and conditions.

6. Defendant denies the allegations set forth in paragraph six of the complaint, except that defendant admits that certain items of property described in Exhibit A were subjected to investigative examination by law enforcement officers carrying out their responsibilities.

7. Defendant denies the allegations set forth in the first sentence of paragraph seven of the complaint, except to admit that the property listed in Exhibit A to the complaint has been in the custody, possession and control of the Government since on or about November 22, 1963. Defendant denies the allegations set forth in the second sentence of paragraph seven of the complaint.

8. Defendant admits the allegations set forth in paragraph eight of the complaint.

9. Defendant denies the allegations set forth in the first three sentences of paragraph nine of the complaint, except to admit that there is pending in this Court a civil action styled Marina N. Oswald Porter, et al., plaintiffs, v. United States of America, defendant, Civil Action No. 3-2282, of which this Court can take judicial notice, and the Court is respectfully referred to the record in that case for the contents thereof. Defendant denies the allegations set forth in the fourth sentence of paragraph nine of the complaint and further denies that the plaintiff has been damaged in any amount. The fifth sentence of paragraph nine of the complaint does not set forth any allegations of fact to which answer is required.

10. Defendant denies the allegations set forth in the first sentence of paragraph ten of the complaint, except to admit the pendency of Civil Action No. 3-2282 in this Court, and the Court is respectfully referred to the record in that case for the various rulings of

the Court. The second sentence of paragraph ten of the complaint does not contain any allegations of fact requiring answer. Defendant denies the allegations set forth in the third sentence of paragraph ten of the complaint, and further denies that plaintiffs are entitled to relief under any circumstances whatsoever.

All allegations not hereinbefore expressly admitted, denied or qualified are hereby denied.

WHEREFORE, having fully answered, the defendant prays:

1. That the relief requested by the plaintiffs be denied and that the complaint be dismissed; and
2. That the defendant be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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Assistant Attorney General

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ELDON B. NAHON  
United States Attorney

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KENNETH J. MIGHELL  
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