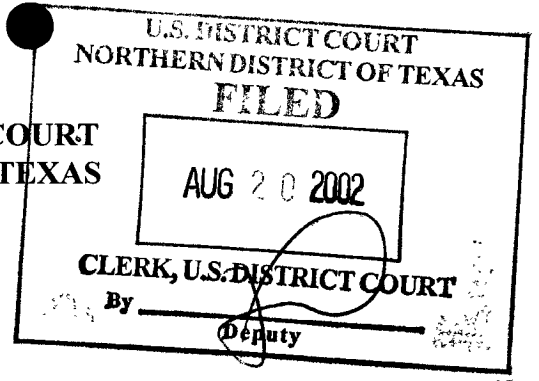


Original
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



LUZ A. VILLEGAS AND
ROBERTO VELA,

Plaintiffs

V.

DALLAS INDEPENDENT SCHOOL
DISTRICT AND BRUCE SHERBET,
DALLAS COUNTY ELECTIONS
ADMINISTRATOR,

Defendants

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CIVIL ACTION NO. 3-02CV-858-R

**DEFENDANT'S ORIGINAL ANSWER TO
PLAINTIFFS' FIRST AMENDED COMPLAINT**

TO THE HONORABLE THREE-JUDGE COURT:

Defendant Dallas Independent School District ("DISD") makes this Original Answer to the First Amended Complaint ("Amended Complaint") of plaintiffs Luz. A. Villegas and Roberto Vela (collectively, "Plaintiffs"):¹

1. To the extent that Paragraph 1 is limited to properly filed Voting Rights Act section 5 claims, DISD admits the allegations of Paragraph 1. DISD denies that a section 5 court has jurisdiction over a Voting Rights Act section 2 claim.
2. Defendant is without sufficient information or knowledge to respond to the allegations of Paragraph 2, and so denies them.

¹ For convenience, DISD will follow the heading and paragraph numbering used by Plaintiffs in the Amended Complaint. References to "Paragraph x" mean "Paragraph x of the Amended Complaint."

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3. DISD admits the allegations of Paragraph 3.
4. Defendants admit that Mr. Bruce Sherbet is the Dallas County Elections Administrator, and that DISD has a contract with Dallas County to conduct DISD's trustee elections. DISD denies that a school trustee election for May 4, 2002 was ever called.
5. DISD submitted to the Department of Justice a Voting Rights Act section 5 preclearance request for its new trustee districts plan (the "New Plan") that included also a request for preclearance of the July 27, 2002 date that had been ordered by a state district court for trustee elections to be held under the New Plan. Tentative preclearance of the changed election date and the New Plan was precleared by letter dated May 9, 2002, before the end of the usual sixty-day review period. In such instances, the Attorney General often reserves the right to rescind preclearance if circumstances warranting it come to his attention before the end of that review period. The review period has since run, making the tentative preclearance final. To the extent they are inconsistent with these facts, the allegations of Paragraph 5 are denied.

42 U.S.C. § 1973c, Section 5, claims

6. DISD denies the allegations of Paragraph 6.
7. DISD denies the allegations of Paragraph 7.
8. DISD denies the allegations of Paragraph 8.
9. DISD denies the allegations of Paragraph 9.
10. DISD denies the allegations of Paragraph 10 that it had a requirement that majority Hispanic single-member districts must also contain a citizen voting age population that is also majority Hispanic, or that the failure to preclear the method of determining voting age population

separately from the districting plan in which any such methodology was applied constitutes a violation of section 5.

11. DISD admits the allegations of Paragraph 11 to the extent they assert that any DISD decision to use whole election precincts was not submitted for preclearance separately from the districting plan, but denies that any failure to preclear that decision separately from the districting plan in which it was applied constitutes a violation of section 5.
12. DISD denies the allegations of the first and second sentences of Paragraph 12. DISD admits the allegations of the third, fourth, fifth and sixth sentences of Paragraph 12. DISD denies the allegations of the seventh (last) sentence of Paragraph 12.
13. DISD admits the allegations of the third sentence of Paragraph 13, but denies the remaining allegations in that Paragraph.
14. DISD is without sufficient information or knowledge to respond to the allegations of the third sentence of Paragraph 14, and so denies them. DISD denies the allegations of the remainder of Paragraph 14.
15. DISD denies the allegations of Paragraph 15.

New Section 5 Count

16. DISD admits the allegations of Paragraph 16.
17. DISD admits the allegations of the second sentence of Paragraph 17. DISD admits that, for some period of time, Dallas County posted a map on its public website depicting DISD trustee districts that was incorrect. The error was subsequently corrected. DISD denies the remaining allegations of Paragraph 17.

Specific Injuries

18. DISD denies the allegations of the first and second sentences of Paragraph 18. DISD admits the allegations of the third and fourth sentences of that paragraph.
19. DISD admits the allegations of the first sentence of Paragraph 19. DISD is without sufficient information or knowledge to respond to the allegations of the second sentence of that Paragraph, and so denies them.

Claim for Relief

20. DISD denies the allegations of Paragraph 20.

Prayer for relief for Section 5 counts

21. DISD denies that Plaintiffs are entitled to any of the relief requested in Paragraph 21.

Racially discriminatory adoption of a single member district plan Count

22. DISD admits the allegations of Paragraph 22 insofar as they assert that in a properly filed original action a single judge court has jurisdiction over non-section 5 claims under the cited statutes, but denies that jurisdiction exists in this case, which involves section 5 claims.
23. DISD admits the allegations of Paragraph 23.
24. DISD denies the allegations of Paragraph 24.
25. DISD denies the allegations of Paragraph 25.
26. DISD denies the allegations of Paragraph 26.
27. DISD denies the allegations of Paragraph 27.

Redistricting Claim for relief

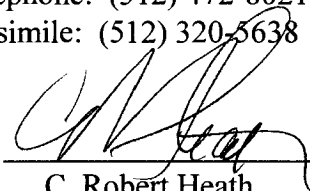
28. DISD denies the allegations of Paragraph 28.
29. DISD denies that Plaintiffs are entitled to any of the relief requested in Paragraph 29.

DEFENSES

30. The court lacks subject matter jurisdiction over the non-section 5 claims asserted.
31. The section 5 claims are claims for which no relief can be granted.
32. The relief sought for the section 5 claims – the setting of a specific date (November 7, 2002) for an election – is beyond the jurisdiction of this court.
33. Plaintiffs lack standing as to both the section 5 claims and the vote dilution claims.

Respectfully submitted,

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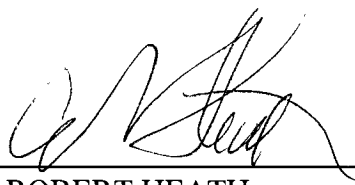
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant's Original Answer to Plaintiffs' First Amended Complaint has been sent to the below listed counsel of record by United States mail, certified, return receipt requested, on this 19th day of August 2002:

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