

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**GORDON VANCE JUSTICE, JR.; SHARON BYNUM;
MATTHEW JOHNSON; ALISON KINNAMAN AND
STANLEY O'DELL**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:11CV138-SA-SAA

**DELBERT HOSEMANN, in his official capacity as
Mississippi Secretary of State; JIM HOOD, in his
official capacity as Attorney General of the State
of Mississippi**

DEFENDANTS

Defendants' Answer and Affirmative Defenses

Defendants Secretary of State Delbert Hosemann and Attorney General Jim Hood submit the following answer and affirmative defenses pertaining to Plaintiffs' complaint.

Affirmative Defenses

1. The plaintiffs lack standing to file this action as the law has not been enforced against them.
2. The action and all relief sought are barred by the doctrine of laches.

Answer

1. The statements in paragraph one are statements of intent for which no response is necessary. If necessary, the Defendants deny the allegations in paragraph one.
2. Denied.
3. Denied.
4. Denied.
5. The statements in paragraph five are statements of intent for which no response is necessary. If necessary, the Defendants deny the allegations in paragraph five.

6. Denied.

7. Denied.

8. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph eight and, therefore, deny those allegations.

9. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph nine and, therefore, deny those allegations.

10. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph ten and, therefore, deny those allegations.

11. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph eleven and, therefore, deny those allegations.

12. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph twelve and, therefore, deny those allegations.

13. Admitted.

14. Admitted.

15. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph fifteen and, therefore, deny those allegations.

16. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph sixteen and, therefore, deny those allegations.

17. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph seventeen and, therefore, deny those allegations.

18. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph eighteen and, therefore, deny those allegations.

19. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph nineteen and, therefore, deny those allegations.

20. Admitted.

21. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph twenty-one and, therefore, deny those allegations.

22. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph twenty-two and, therefore, deny those allegations.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Admitted.

33. Admitted.

34. Admitted.

35. Denied.

36. Admitted.

37. Denied.

38. Admitted.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Admitted.

44. Denied.

45. Denied.

46. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph forty-six and, therefore, deny those allegations.

47. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph forty-seven and, therefore, deny those allegations.

48. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph forty-eight and, therefore, deny those allegations.

49. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph forty-nine and, therefore, deny those allegations.

50. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph fifty and, therefore, deny those allegations.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph fifty-five and, therefore, deny those allegations.

56. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph fifty-six and, therefore, deny those allegations.

57. Denied.

58. Denied.

59. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph fifty-nine and, therefore, deny those allegations.

60. Denied.

61. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph sixty-one and, therefore, deny those allegations.

62. The Defendants lack sufficient information or belief to admit or deny the allegations in paragraph sixty-two and, therefore, deny those allegations.

63. Denied.

64. The Defendant incorporate their responses to paragraphs 1 through 63.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. The Defendants incorporate their responses to paragraphs 1 through 63.

71. Denied.

- 72. Denied.
- 73. Denied.
- 74. Denied.
- 75. The Defendants incorporate their responses to paragraphs 1 through 63.
- 76. Denied.
- 77. Denied.
- 78. Denied.
- 79. Denied.
- 80. The Defendants incorporate their responses to paragraphs 1 through 63.
- 81. Denied.
- 82. Admitted.
- 83. Denied.
- 84. Denied.

The Defendants deny that the Plaintiffs are entitled to any relief in any form. Any allegations not specifically admitted above are denied.

THIS the 8th day of November, 2011.

BY: **JIM HOOD, ATTORNEY GENERAL**
STATE OF MISSISSIPPI

BY: S/Harold E. Pizzetta, III
Harold E. Pizzetta, III (Bar No. 99867)
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically with the Clerk of Court using the Court's ECF system and thereby served on the following persons:

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THIS the 8th day of November, 2011.

S/Harold E. Pizzetta, III
Harold E. Pizzetta, III