

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

**MARIA FABELA, ALFONSO BALADEZ, §  
AMELIA BALADEZ, MARIA BALADEZ, §  
MARIA JACOBO, ANTONIO REYES, §  
MARIA REYES, DIANA ROSAS, §  
LETICIA TORRES, AND JOSE §  
VILLANEDA, §**

**Plaintiffs**

**V.**

**CITY OF FARMERS BRANCH, TEXAS, §  
AND TIM O'HARE, HAROLD §  
FROELICH, MICHELLE HOLMES, §  
DAVID KOCH, BEN ROBINSON, AND §  
TIM SCOTT, In Their Official Capacities, §**

**Defendants**

**CIVIL ACTION NO. 3:10-CV-1425-D**

**DEFENDANTS' ANSWER TO PLAINTIFFS'  
ORIGINAL COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendants for answer to Plaintiffs' Original Complaint for Declaratory and Injunctive Relief under the Voting Rights Act of 1965 allege:

1. In response to the first two unnumbered paragraphs of the First Amended Complaint, which are entitled "Preliminary Statement," defendants admit that the city conducts at-large elections, but deny that the members of the council are unresponsive to the concerns of minority voters. Defendants deny that the at-large system is intended to deny representation to some of Irving's voters. Defendants further deny that the plaintiffs are victims of an intentionally pernicious system and that there is any violation of the Voting Rights Act. Defendants admit that the percentage of Hispanics set out in the complaint is

an estimate for the three-year American Community Survey although it is subject to specified sampling error and is not limited to persons who are eligible to register to vote.

2. In response to paragraphs 1-10, defendants do not contest the allegations of the complaint.
3. In response to paragraphs 11-17, defendants admit the allegations of the complaint.
4. In response to paragraph 18, defendants admit that a claim under section 2 of the Voting Rights Act (42 U.S.C. § 1973) is a federal question within the meaning of 28 U.S.C. § 1331.
5. In response to paragraph 19, defendants admit the allegations of the paragraph.
6. In response to paragraph 20, defendants have no information to admit or deny the allegations about the plaintiffs. Defendants deny that the election system in Farmers Branch is intentionally discriminatory or that it denies the plaintiffs and other Hispanics the opportunity to vote for representatives of their choice.
7. In response to paragraphs 21-24, defendants admit the allegations of those paragraphs except for the characterization in the last sentence of paragraph 24. In regard to that sentence, defendants admit that no Hispanics serve on the city council.
8. In response to paragraph 25, defendants admit the allegations of that paragraph.
9. In response to paragraph 26, defendants deny the first sentence and admit the second sentence of the paragraph. In regard to the third and fourth sentences, defendants are without information that would permit them to admit or deny the representations regarding the plaintiffs' expectations and awareness. Defendants deny the fifth sentence of the paragraph.

10. In response to paragraph 27, defendants deny the allegations in that paragraph.
11. In response to paragraph 28, defendants deny the allegations of that paragraph.
12. In response to paragraph 29, defendants admit the allegation in the first two sentences of that paragraph and deny the remainder of the paragraph.
13. Paragraphs 30 and 31 require no response.
14. Defendants deny the allegations in paragraphs 32 and 33.
15. In response to the request for relief, defendants deny that the plaintiffs are entitled to any relief.

Respectfully submitted,

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By: s/ C. Robert Heath  
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**CERTIFICATE OF SERVICE**

On November 18, 2010, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served counsel of record listed below via electronic transmission through the Court's ECF system:

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