IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

OHIO DEMOCRATIC PARTY,

Plaintiff,

v.

OHIO REPUBLICAN PARTY, et al.

Defendants.

CASE NO. 1:16-cv-02645-JG

JUDGE JAMES S. GWIN

ANSWER OF DEFENDANT OHIO REPUBLICAN PARTY

Now comes, Defendant, Ohio Republican Party ("ORP"), by and through counsel submits its Answer[1] to the allegations set forth in the Plaintiff's Complaint.

INTRODUCTION

1. ORP denies the allegations set forth in paragraph 1 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

[1] The instant Answer is being submitted pursuant to the Court's Order of November 1, 2016 in which the Defendants were ordered to file "a response to plaintiff's complaint by the close of business tomorrow, 11/2/16." ORP objects to the truncation, *sua sponte,* of its period in which to object, answer, or otherwise respond to the Plaintiff's Complaint and reserves the right to amend this Answer at a subsequent date. Further, ORP is cognizant of this Court's standing trial order which mandates that Defendants must "file an answer to the complaint, regardless of whether they have filed or plan to file a Motion to Dismiss. The filing of a Motion to Dismiss shall not delay the time in which the party must answer the complaint." ORP is filing, concurrently herewith, a Motion to Dismiss but wishes to comply the Court's standing trial order.

2. The allegations contained in paragraph 2 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.
3. The allegations contained in paragraph 3 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.
4. The allegations contained in paragraph 4 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.
5. ORP denies the allegations set forth in paragraph 5 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.
6. ORP denies the allegations set forth in paragraph 6 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

PARTIES

7. ORP admits the allegations set forth in the first sentence of paragraph 7 of the Plaintiff's Complaint. ORP denies for want of knowledge the balance of the allegations contained therein.
8. ORP admits the allegations set forth in paragraph 8 of the Plaintiff's Complaint.
9. The allegations contained in paragraph 9 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.
10. The allegations contained in paragraph 10 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.
11. ORP admits the allegations set forth in paragraph 11 of the Plaintiff's Complaint.

JURISDICTION AND VENUE

12. The allegations contained in paragraph 12 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the allegations contained in therein.

13. The allegations contained in paragraph 13 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the allegations contained in therein.

14. The allegations contained in paragraph 14 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the allegations contained in therein.

15. ORP denies the allegations set forth in paragraph 15 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

16. ORP denies the allegations contained in paragraph 16 of the Plaintiff's Complaint.

FACTUAL ALLEGATIONS

I. CONGRESS REGULATES VOTER INTIMIDATION FOR OVER A CENTURY IN RESPONSE TO POLLING PLACE VIGILANTISM

17. The allegations contained in paragraph 17 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

18. The allegations contained in paragraph 18 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

19. The allegations contained in paragraph 19 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

20. The allegations contained in paragraph 20 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

II. TRUMP AND STONE ISSUE A CALL TO INTIMIDATE VOTERS IN THE 2016 ELECTION ON THE BASIS OF BOGUS CLAIMS OF VOTER FRAUD

21. The allegations contained in paragraph 21 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

22. The allegations contained in paragraph 22 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

23. The allegations contained in paragraph 23 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

24. The allegations contained in paragraph 24 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

25. The allegations contained in paragraph 25 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

26. The allegations contained in paragraph 26 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

27. The allegations contained in paragraph 27 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

28. The allegations contained in paragraph 28 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

29. The allegations contained in paragraph 29 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

30. The allegations contained in paragraph 30 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

31. The allegations contained in paragraph 31 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

32. The allegations contained in paragraph 32 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

33. The allegations contained in paragraph 33 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

34. The allegations contained in paragraph 34 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

35. The allegations contained in paragraph 35 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

36. The allegations contained in paragraph 36 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

37. The allegations contained in paragraph 37 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

38. The allegations contained in paragraph 38 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

39. The allegations contained in paragraph 39 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

40. The allegations contained in paragraph 40 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

41. The allegations contained in paragraph 41 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

42. The allegations contained in paragraph 42 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

43. The allegations contained in paragraph 43 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

44. The allegations contained in paragraph 44 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

45. The allegations contained in paragraph 45 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

46. The allegations contained in paragraph 46 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

III. REPUBLICAN NATIONAL AND STATE COMMITTEES CONSPIRE WITH TRUMP AND STONE TO ENCOURAGE VOTER INTIMIDATION

47. ORP denies the allegations set forth in paragraph 47 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

48. The allegations contained in paragraph 48 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

49. ORP denies the allegations set forth in paragraph 49 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

50. ORP denies the allegations set forth in paragraph 50 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

51. ORP denies the allegations set forth in paragraph 51 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

52. The allegations contained in paragraph 52 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

IV. CO-CONSPIRATORS RESPOND WITH PROTESTS TO INTIMIDATE VOTERS

53. The allegations contained in paragraph 53 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

54. The allegations contained in paragraph 54 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

55. The allegations contained in paragraph 55 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

56. The allegations contained in paragraph 56 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

57. The allegations contained in paragraph 57 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

58. The allegations contained in paragraph 58 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

59. The allegations contained in paragraph 59 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

60. The allegations contained in paragraph 60 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

61. The allegations contained in paragraph 61 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

62. The allegations contained in paragraph 62 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

63. The allegations contained in paragraph 63 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

64. The allegations contained in paragraph 64 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

65. The allegations contained in paragraph 65 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

V. DEFENDANTS' PLANNED ACTIONS ARE NEITHER LEGITIMATE NOR LAWFUL MEASURES TO PROTECT AGAINST VOTER FRAUD

66. The allegations contained in paragraph 66 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted to them.

67. The allegations contained in paragraph 67 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the allegations contained in therein.

68. The allegations contained in paragraph 68 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the allegations contained in therein.

69. ORP denies the allegations set forth in paragraph 69 of the Plaintiff's Complaint insofar as such allegations apply to it. The allegations contained in paragraph 69 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the remaining allegations contained in therein.

70. ORP denies the allegations set forth in paragraph 70 of the Plaintiff's Complaint insofar as such allegations apply to it. The allegations contained in paragraph 70 of the Plaintiff's Complaint call for a legal conclusion. Further answering, ORP denies for want of knowledge the remaining allegations contained in therein.

71. The allegations contained in paragraph 71 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted.

COUNT ONE: KU KLUX KLAN ACT

72. ORP realleges and reavers the allegations set forth above as it fully rewritten herein.

73. ORP denies the allegations set forth in paragraph 73 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

74. The allegations contained in paragraph 74 of the Plaintiff's Complaint do not pertain to ORP and are rhetorical in nature. As such, no response from ORP is warranted to them.

75. ORP denies the allegations set forth in paragraph 75 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

76. ORP denies the allegations set forth in paragraph 76 of the Plaintiff's Complaint.

77. ORP denies the allegations set forth in paragraph 77 of the Plaintiff's Complaint.

COUNT TWO: VOTING RIGHTS ACT

78. ORP realleges and reavers the allegations set forth above as it fully rewritten herein.

79. ORP denies the allegations set forth in paragraph 79 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

80. ORP denies the allegations set forth in paragraph 80 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

81. ORP denies the allegations set forth in paragraph 81 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

82. ORP denies the allegations set forth in paragraph 82 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

83. ORP denies the allegations set forth in paragraph 83 of the Plaintiff's Complaint insofar as such allegations apply to it. ORP denies for want of knowledge the balance of the allegations contained therein.

AFFIRMATIVE DEFENSES OF OHIO REPUBLICAN PARTY ("ORP")

Defendant ORP sets forth the following affirmative defenses.

1. Plaintiff has failed to allege any jurisdictional basis over ORP.
2. Acts and/or omissions of Plaintiff and/or other persons or entities over whom ORP had no control and for whom ORP is not responsible, intervened and acted as an independent, proximate or sole cause for the allegations set forth herein.
3. The Court has impermissibly shortened the time allowed by Rule for ORP to respond to the Plaintiff's Complaint, thereby prejudicing ORP.
4. Plaintiff's claims violate the due process provisions of the United States Constitution and the correlative provisions of the Ohio Constitution.

5. Plaintiff's claims are barred by the defense of frustration of purpose and/or impossibility of performance.
6. ORP reserves the right to amend or supplement this pleading to assert a counterclaim against Plaintiff for any damages incurred in the future arising from the issuance of a preliminary injunction and/or temporary restraining order, including, but not limited to, damages incurred as a result of claims filed by third parties by reason of Plaintiffs obtaining the injunctive relief sought herein.
7. Plaintiff's claims are barred by improper venue.
8. Plaintiff fails to state a claim upon which relief may be granted.
9. Plaintiffs have failed to join as party defendants one or more persons or entities needed for the just adjudication of matters of controversy.
10. Any allegation in the Plaintiff's Complaint which has not been addressed herein is denied.

ORP reserves the right to amend this Answer and assert such additional defenses as may become apparent through discovery, evidence at trial or clarification of Plaintiff's pleadings.

PRAYER FOR RELIEF

WHEREFORE, Defendant Ohio Republican Party prays this Court dismisses the Complaint of the Plaintiff with prejudice and that it be awarded its reasonable attorney's fees and expenses for the cost associated with its defense herein. Additionally, Defendant Ohio Republican Party prays that this Court grant any such other relief as it may deem appropriate.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 2, 2016, the foregoing document was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Christopher M. Ernst
Christopher M. Ernst (#0056159)
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