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Democratic Organization*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CHRISTINE CONFORTI, ARATI  
KREIBICH, MICO LUCIDE, JOSEPH  
MARCHICA, KEVIN MCMILLAN,  
ZINOVIA SPEZAKIS, and NEW  
JERSEY WORKING FAMILIES  
ALLIANCE, INC.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in  
her official capacity as  
Monmouth County Clerk, SCOTT  
M. COLABELLA, in his official  
capacity as Ocean County  
Clerk, PAULA SOLLAMI COVELLO,  
in her official capacity as  
Mercer County Clerk, JOHN S.  
HOGAN, in his official  
capacity as Bergen County  
Clerk, EDWARD P. MCGETTIGAN,  
in his official capacity as  
Atlantic County Clerk,

Defendants.

CIVIL ACTION  
NO. 3:20-cv-08267-ZNQ-TJB

**INTERVENOR MCDO ANSWER TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT & SEPARATE DEFENSES  
WITH JURY DEMAND**

Intervenor Middlesex County Democratic Organization (the "MCDO"), by way of Answer to Christine Conforti, Arati Kreibich, Mico Lucide, Joseph Marchica, Kevin McMillan, Zinovia Spezakis and New Jersey Working Families Alliance, Inc. (collectively, the "Plaintiffs") First Amended Complaint, says:

**NATURE OF CASE**

1. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

2. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

3. The MCDO is without knowledge or information to admit or deny the allegations in Paragraph 3. The MCDO leaves Plaintiffs to its proofs.

4. The MCDO is without knowledge or information to admit or deny the allegations in Paragraph 4. The MCDO leaves Plaintiffs to its proofs.

5. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

6. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

7. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

8. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent

the allegations are construed as facts, MCDO denies same.

9. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

10. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

11. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

12. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

13. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**JURISDICTION AND VENUE**

14. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. MCDO leaves Plaintiffs to its proofs.

15. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. MCDO leaves Plaintiffs to its proofs.

16. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. MCDO leaves Plaintiffs to its proofs.

17. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. MCDO leaves Plaintiffs to its proofs.

18. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

## **PARTIES**

### **Plaintiffs**

Christine Conforti: Congressional Candidate in 2020 Primary and Future Democratic Candidate

19. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 19. The MCDO leaves Plaintiffs to its proofs.

20. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 20. The MCDO leaves Plaintiffs to its proofs.

21. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 21. The MCDO leaves Plaintiffs to its proofs.

22. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 22. The MCDO leaves Plaintiffs to its proofs.

23. MCDO is without knowledge or information to admit or deny the allegation in Paragraph 23. The MCDO leaves Plaintiffs to its proofs.

Arati Kreibich: Congressional Candidate in 2020 Primary

24. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 24. The MCDO leaves Plaintiffs to its proofs.

25. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 25. The MCDO leaves Plaintiffs to its proofs.

26. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 26. The MCDO leaves Plaintiffs to its proofs.

27. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 27. The MCDO leaves Plaintiffs to its proofs.

Mico Lucide:

28. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 28. The MCDO leaves Plaintiffs to its proofs.

29. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 29. The MCDO leaves Plaintiffs to its proofs.

30. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 30. The MCDO leaves Plaintiffs to its proofs.

31. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 31. The MCDO leaves Plaintiffs to its proofs.

32. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 32. The MCDO leaves Plaintiffs to its proofs.

Joseph Marchica:

33. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 33. The MCDO leaves Plaintiffs to its proofs.

34. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 34. The MCDO leaves Plaintiffs to its proofs.

35. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 35. The MCDO leaves Plaintiffs to its proofs.

36. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 36. The MCDO leaves Plaintiffs to its proofs.

Kevin McMillan:

37. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 37. The MCDO leaves Plaintiffs to its proofs.

38. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 38. The MCDO leaves Plaintiffs to its proofs.

39. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 39. The MCDO leaves Plaintiffs to its proofs.

40. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 40. The MCDO leaves Plaintiffs to its proofs.

41. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 41. The MCDO leaves Plaintiffs to its proofs.

42. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 42. The MCDO leaves Plaintiffs to its proofs.

43. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 43. The MCDO leaves Plaintiffs to its proofs.

Zinovia Spezakis:

44. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 44. The MCDO leaves Plaintiffs to its proofs.

45. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 45. The MCDO leaves Plaintiffs to its proofs.

46. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 46. The MCDO leaves Plaintiffs to its proofs.

47. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 47. The MCDO leaves Plaintiffs to its proofs.

New Jersey Working Families Alliance, Inc.:

48. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 48. The MCDO leaves Plaintiffs to its proofs.

49. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 49. The MCDO leaves Plaintiffs to its proofs.



50. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 50. The MCDO leaves Plaintiffs to its proofs.

51. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 51. The MCDO leaves Plaintiffs to its proofs.

52. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 52. The MCDO leaves Plaintiffs to its proofs.

53. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 53. The MCDO leaves Plaintiffs to its proofs.

54. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 54. The MCDO leaves Plaintiffs to its proofs.

55. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

56. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**Defendants**

57. Admitted.

58. Admitted.

59. Admitted.

60. Admitted.

61. Admitted.

62. Admitted.

63. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

64. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 64. The MCDO leaves Plaintiffs to its proofs.

65. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 65. The MCDO leaves Plaintiffs to its proofs.

#### **STATEMENT OF FACTS AND LAW**

##### **A. Basic Ballot Layout**

66. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

67. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

68. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 68. The MCDO leaves Plaintiffs to its proofs.

**B. Pivot Point**

69. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

70. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 70. The MCDO leaves Plaintiffs to its proofs.

71. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 71. The MCDO leaves Plaintiffs to its proofs.

72. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**C. Bracketing**

73. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

74. MCDO neither admits nor denies the allegations in Paragraph 74 as the law speaks for itself.

75. MCDO neither admits nor denies the allegations in Paragraph 75 as the law speaks for itself.

**D. Ballot Position**

76. MCDO neither admits nor denies the allegations in Paragraph 76 as the law speaks for itself.

77. MCDO neither admits nor denies the allegations in Paragraph 77 as the law speaks for itself.

78. MCDO neither admits nor denies the allegations in Paragraph 78 as the law speaks for itself.

79. MCDO neither admits nor denies the allegations in Paragraph 79 as the law speaks for itself.

80. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

81. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**E. United States Senate and Gubernational Candidates**

82. MCDO neither admits nor denies the allegations in Paragraph 82 as the law speaks for itself.

83. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

84. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

85. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**F. Arbitrary Criteria for Ballot Advantage and Varying Standards of County Clerks**

86. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

87. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

88. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

89. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 89. The MCDO leaves Plaintiffs to its proofs.

**G. Position Bias/Primacy Effect and Other Poor Ballot Design Features**

90. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

91. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

92. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 92. The MCDO leaves Plaintiffs to its proofs.

93. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 93. The MCDO leaves Plaintiffs to its proofs.

94. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 94. The MCDO leaves Plaintiffs to its proofs.

95. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

96. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 96. The MCDO leaves Plaintiffs to its proofs.

97. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

98. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

99. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

100. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**H. Conforti Ballot Draw/Ballot Placement**

101. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 101. The MCDO leaves Plaintiffs to its proofs.

102. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 102. The MCDO leaves Plaintiffs to its proofs.

**a. Conforti's Monmouth County Ballot Draw and Ballot Placement**

103. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 103. The MCDO leaves Plaintiffs to its proofs.

104. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 104. The MCDO leaves Plaintiffs to its proofs.

105. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 105. The MCDO leaves Plaintiffs to its proofs.

106. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 106. The MCDO leaves Plaintiffs to its proofs.

107. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 107. The MCDO leaves Plaintiffs to its proofs.

108. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 108. The MCDO leaves Plaintiffs to its proofs.

**b. Conforti's Ocean County Ballot Draw and Ballot Placement**

109. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 109. The MCDO leaves Plaintiffs to its proofs.

110. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 110. The MCDO leaves Plaintiffs to its proofs.

111. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 111. The MCDO leaves Plaintiffs to its proofs.

112. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 112. The MCDO leaves Plaintiffs to its proofs.

113. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 113. The MCDO leaves Plaintiffs to its proofs.

**c. Conforti's Mercer County Ballot Draw and Ballot Placement**

114. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 114. The MCDO leaves Plaintiffs to its proofs.



115. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 115. The MCDO leaves Plaintiffs to its proofs.

116. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 116. The MCDO leaves Plaintiffs to its proofs.

117. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 117. The MCDO leaves Plaintiffs to its proofs.

**I. Kreibich Ballot Draw/Ballot Placement**

118. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 118. The MCDO leaves Plaintiffs to its proofs.

119. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 119. The MCDO leaves Plaintiffs to its proofs.

120. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 120. The MCDO leaves Plaintiffs to its proofs.

121. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 121. The MCDO leaves Plaintiffs to its proofs.

122. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 122. The MCDO leaves Plaintiffs to its proofs.

123. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 123. The MCDO leaves Plaintiffs to its proofs.

124. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 124. The MCDO leaves Plaintiffs to its proofs.

125. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 125. The MCDO leaves Plaintiffs to its proofs.

**J. Atlantic County Ballot Draw/Ballot Placement and Lucide's Upcoming Primary**

126. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 126. The MCDO leaves Plaintiffs to its proofs.

127. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 127. The MCDO leaves Plaintiffs to its proofs.

128. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 128. The MCDO leaves Plaintiffs to its proofs.

129. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 129. The MCDO leaves Plaintiffs to its proofs.

130. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 130. The MCDO leaves Plaintiffs to its proofs.

131. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 131. The MCDO leaves Plaintiffs to its proofs.

**K. Marchica Ballot Draw/Ballot Placement**

132. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 132. The MCDO leaves Plaintiffs to its proofs.

133. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 133. The MCDO leaves Plaintiffs to its proofs.

134. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 134. The MCDO leaves Plaintiffs to its proofs.

135. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 135. The MCDO leaves Plaintiffs to its proofs.

136. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 136. The MCDO leaves Plaintiffs to its proofs.

137. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 137. The MCDO leaves Plaintiffs to its proofs.

138. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 138. The MCDO leaves Plaintiffs to its proofs.

139. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 139. The MCDO leaves Plaintiffs to its proofs.

140. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 140. The MCDO leaves Plaintiffs to its proofs.

141. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 141. The MCDO leaves Plaintiffs to its proofs.

**L. McMillian Ballot Draw/Ballot Position**

142. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 142. The MCDO leaves Plaintiffs to its proofs.

143. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 143. The MCDO leaves Plaintiffs to its proofs.

144. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 144. The MCDO leaves Plaintiffs to its proofs.

145. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 145. The MCDO leaves Plaintiffs to its proofs.

146. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 146. The MCDO leaves Plaintiffs to its proofs.

147. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 147. The MCDO leaves Plaintiffs to its proofs.

148. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 148. The MCDO leaves Plaintiffs to its proofs.

149. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 149. The MCDO leaves Plaintiffs to its proofs.

150. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 150. The MCDO leaves Plaintiffs to its proofs.

151. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 151. The MCDO leaves Plaintiffs to its proofs.

**M. Bergen and Hudson County Ballot Draws/Ballot Placement and Spezakis' Upcoming Primary**

152. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 152. The MCDO leaves Plaintiffs to its proofs.

153. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 153. The MCDO leaves Plaintiffs to its proofs.

**a. Bergen County Ballot Draw/Ballot Placement**

154. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 154. The MCDO leaves Plaintiffs to its proofs.

155. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 155. The MCDO leaves Plaintiffs to its proofs.

156. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 156. The MCDO leaves Plaintiffs to its proofs.

157. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 157. The MCDO leaves Plaintiffs to its proofs.

158. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 158. The MCDO leaves Plaintiffs to its proofs.

159. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 159. The MCDO leaves Plaintiffs to its proofs.

160. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 160. The MCDO leaves Plaintiffs to its proofs.

**b. Hudson County Ballot Draw/Ballot Placement**

161. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 161. The MCDO leaves Plaintiffs to its proofs.

162. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 162. The MCDO leaves Plaintiffs to its proofs.

163. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 163. The MCDO leaves Plaintiffs to its proofs.

164. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 164. The MCDO leaves Plaintiffs to its proofs.

165. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 165. The MCDO leaves Plaintiffs to its proofs.

166. MCDO is without knowledge or information to admit or deny the allegations in Paragraph 166. The MCDO leaves Plaintiffs to its proofs.

**N. NJWF**

167. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**CLAIMS FOR RELIEF**

**COUNT 1**

**U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983**

**Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Right to Vote/Vote Dilution)**

168. The MCDO repeats and realleges the answers to Paragraphs 1-167 as if fully set forth at length herein.

169. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

170. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.



171. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

172. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

173. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

174. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

175. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

176. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

177. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

178. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

179. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

180. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

181. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

182. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**WHEREFORE**, the MCDO demands judgment dismissing Plaintiffs Complaint with prejudice, awarding MCDO attorney fees, costs, and any other relief as the Court deems just and equitable.

**COUNT II**

**U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983**

**Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Equal Protection)**

183. The MCDO repeats and realleges the answers to Paragraphs 1-182 as if fully set forth at length herein.

184. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

185. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

186. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

187. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

188. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

189. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

190. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

191. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

192. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

193. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

194. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**WHEREFORE**, the MCDO demands judgment dismissing Plaintiffs' First Amended Complaint with prejudice, awarding MCDO attorney fees, costs, and any other relief as the Court deems just and equitable.

**COUNT III**

**U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983**

**Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Freedom of Association)**

195. The MCDO repeats and realleges the answers to Paragraphs 1-194 as if fully set forth at length herein.

196. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

197. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

198. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

199. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

200. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

201. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

202. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

203. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

204. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

205. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

206. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

207. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

208. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**WHEREFORE**, the MCDO demands judgment dismissing Plaintiffs' First Amended Complaint with prejudice, awarding MCDO attorney fees, costs, and any other relief as the Court deems just and equitable.

**COUNT IV**

**U.S. Const. Art. I, § 4, cl. 1, 42 U.S.C. § 1983**

**Violation of Elections Clause Under Federal Constitution**

209. The MCDO repeats and realleges the answers to Paragraphs 1-208 as if fully set forth at length herein.

210. MCDO neither admits nor denies the allegations in Paragraph 210 as the law speaks for itself.

211. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

212. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

213. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

214. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

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221. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

**WHEREFORE**, the MCDO demands judgment dismissing Plaintiffs' First Amended Complaint with prejudice, awarding MCDO attorney fees, costs, and any other relief as the Court deems just and equitable.

**COUNT V**

**42 U.S.C. § 1983**

**Violation of Civil Rights Act**

222. The MCDO repeats and realleges the answers to Paragraphs 1-221 as if fully set forth at length herein.

223. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

224. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.

225. MCDO makes no response as the allegations are argumentative and may amount to legal conclusions. To the extent the allegations are construed as facts, MCDO denies same.



**WHEREFORE**, the MCDO demands judgment dismissing Plaintiffs' First Amended Complaint with prejudice, awarding MCDO attorney fees, costs, and any other relief as the Court deems just and equitable.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND SEPARATE DEFENSE**

Plaintiffs' claims are barred by the doctrines of laches, estoppel, ratification, acquiesces and waiver.

**THIRD SEPARATE DEFENSE**

The relief sought by Plaintiffs is barred by public policy.

**FOURTH SEPARATE DEFENSE**

Plaintiffs' claims, if any, are barred by the Doctrines of Collateral Estoppel, Res Judicata, the entire controversy doctrine and other issue or claim preclusion doctrines.

**FIFTH SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint fails to name and join all necessary, indispensable and proper parties.

**SIXTH SEPARATE DEFENSE**

The relief sought by Plaintiffs is barred by the applicable statutes of limitation.

**SEVENTH SEPARATE DEFENSE**

Plaintiffs failed to exhaust all available remedies.

**EIGHTH SEPARATE DEFENSE**

The relief sought by Plaintiffs is barred by the doctrine of avoidable consequences.

**NINTH SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint is barred by the Doctrine of Laches.

**TENTH SEPARATE DEFENSE**

Granting the relief sought by Plaintiffs would impair free speech and association rights held by intervenor under the Constitutions of the United States and the State of New Jersey.

**ELEVENTH SEPARATE DEFENSE**

At all pertinent and relevant times, the MCDO acted within the scope of their statutory authority.

**TWELFTH SEPARATE DEFENSE**

Plaintiffs are not entitled to attorneys' fees.

**THIRTEENTH SEPARATE DEFENSE**

The Court lacks jurisdiction over Plaintiffs' claims.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint and the claims therein are barred by the doctrine of unclean hands.

**FIFTEENTH SEPARATE DEFENSE**

Plaintiffs have not been deprived or denied any right, privilege, or immunity guaranteed to them by the United States Constitution, any Act of Congress, or the constitution of the State of New Jersey.

**SIXTEENTH SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint and the claims therein are barred for failure to exhaust administrative remedies.

**SEVENTEENTH SEPARATE DEFENSE**

Plaintiffs' First Amended Complaint and the claims therein are barred because Plaintiffs cannot demonstrate that MCDO had the requisite intent for the asserted claims.

**EIGHTEENTH SEPARATE DEFENSE**

Plaintiffs suffered no damages and/or any damages suffered by Plaintiff were a result of either Plaintiffs' own conduct or

the conduct of third parties for which the MCDO has no control of.

**NINETEENTH SEPARATE DEFENSE**

Plaintiffs have failed to mitigate any damages they allegedly suffered, if any.

**TWENTIETH SEPARATE DEFENSE**

Plaintiffs claim damages that are not recoverable in whole or in part as a matter of law.

**TWENTY-FIRST SEPARATE DEFENSE**

Plaintiffs have failed to state a claim for punitive damages.

The MCDO reserves all rights related to their ability to assert additional affirmative defenses based on any and all other issues, including but not limited to, jurisdictional issues.

**JURY DEMAND**

The MCDO hereby demands a trial by jury as to all issues contained therein.

**RULE 11.2 CERTIFICATION**

The undersigned counsel hereby certifies that the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration or administrative

proceeding and that, to the best of counsel's knowledge, there is no other party who should be joined in this action.

**McManimon, Scotland & Baumann, LLC**  
*Attorneys for Middlesex County  
Democratic Organization*

By: /s/ William W. Northgrave  
William W. Northgrave

Dated: April 28, 2023

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**CERTIFICATION OF SERVICE**

I hereby certify that I caused the foregoing to be electronically filed with the Court using CM/ECF, which will send notification of such filing to all counsel of record.

Dated: April 28, 2023

/s/ William W. Northgrave  
William W. Northgrave

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