

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION**

PENNSYLVANIA STATE CONFERENCE OF	)	Civil Action
THE NAACO, ET. AL.	)	
	)	CASE 1:22-CV-00339-SPB
Plaintiffs,	)	
v.	)	
	)	
LEIGH M. CHAPMAN, ET. AL.	)	
E	)	
	)	
Defendants.	)	

**ANSWER TO AMENDED COMPLAINT AND AFFIRMATIVE DEFENSES OF  
DEFENDANT GREENE COUNTY BOARD OF ELECTIONS**

Defendant, Greene County Board of Elections, ("GCBOE") files this Answer and Affirmative Defenses to Plaintiff's Complaint for Declaratory and Emergency Injunctive Relief. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied.

1. The averments contained in Paragraph 1 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.
2. The averments contained in Paragraph 2 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.
3. The averments contained in Paragraph 3 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

4. The averments contained in Paragraph 4 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

5. The averments contained in Paragraph 5 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

6. The averments contained in Paragraph 6 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

7. Admitted.

8. The averments contained in Paragraph 8 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

9. The averments contained in Paragraph 9 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial. Further, the defendant Greene County is without knowledge of additional averments stated at this paragraph.

10. The averments contained in Paragraph 10 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

11. The averments contained in Paragraph 11 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

12. The averments contained in Paragraph 12 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

13. The averments contained in Paragraph 13 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

14. The averments contained in Paragraph 14 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

15. The averments contained in Paragraph 15 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

16. The averments contained in Paragraph 16 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

17. The averments contained in Paragraph 17 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

18. The averments contained in Paragraph 18 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

19. The averments contained in Paragraph 19 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

20. The averments contained in Paragraph 20 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

21. The averments contained in Paragraph 21 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

22. The averments contained in Paragraph 22 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

23. The averments contained in Paragraph 23 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

24. The averments contained in Paragraph 24 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

25. The averments contained in Paragraph 25 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

26. The averments contained in Paragraph 26 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

27. The averments contained in Paragraph 27 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

28. The averments contained in Paragraph 28 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

29. The averments contained in Paragraph 29 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

30. The averments contained in Paragraph 30 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

31. The averments contained in Paragraph 31 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

32. The averments contained in Paragraph 32 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

33. The averments contained in Paragraph 33 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

34. The averments contained in Paragraph 34 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.



35. The averments contained in Paragraph 35 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

36. The averments contained in Paragraph 36 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

37. The averments contained in Paragraph 37 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

38. Admitted.

39. Admitted.

40. The averments contained in Paragraph 40 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

41. Admitted.

42. Admitted.

43. Admitted.

44. The Defendant is without knowledge of the averments contained in Paragraph 44 and therefore denies the same with strict proof thereof demanded at trial.

45. The Defendant is without knowledge of the averments contained in Paragraph 45 and therefore denies the same with strict proof thereof demanded at trial.

46. The Defendant is without knowledge of the averments contained in Paragraph 46 and therefore denies the same with strict proof thereof demanded at trial.

47. The Defendant is without knowledge of the averments contained in Paragraph 47 and therefore denies the same with strict proof thereof demanded at trial.

48. The Defendant is without knowledge of the averments contained in Paragraph 48 and therefore denies the same with strict proof thereof demanded at trial.

49. The Defendant is without knowledge of the averments contained in Paragraph 49 and therefore denies the same with strict proof thereof demanded at trial.

50. The averments contained in Paragraph 50 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

51. The averments contained in Paragraph 51 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

52. The averments contained in Paragraph 52 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

53. The averments contained in Paragraph 53 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

54. The averments contained in Paragraph 54 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

55. The averments contained in Paragraph 55 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

56. The averments contained in Paragraph 56 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

57. The averments contained in Paragraph 57 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

58. The averments contained in Paragraph 58 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

59. Admitted.

60. Admitted.

61. Admitted.

62. Admitted.

63. Admitted.

64. Admitted.

65. The averments contained in Paragraph 65 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

66. The averments contained in Paragraph 66 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

67. The averments contained in Paragraph 67 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

68. The averments contained in Paragraph 68 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

69. The averments contained in Paragraph 69 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

70. Paragraph 70 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

71. The averments contained in Paragraph 71 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.
72. The averments contained in Paragraph 72 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.
73. The averments contained in Paragraph 73 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.
74. The averments contained in Paragraph 74 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.
75. The averments contained in Paragraph 75 do not require an answer, however to the extent that an answer is required the same are denied with strict proof thereof required at trial.
76. The averments contained in Paragraph 76 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.
77. The averments contained in Paragraph 77 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.
78. The averments contained in Paragraph 78 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.
79. The averments contained in Paragraph 79 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.



80. The averments contained in Paragraph 80 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

81. The averments contained in Paragraph 81 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

82. The averments contained in Paragraph 82 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

83. The averments contained in Paragraph 83 do not require an answer, however to the extent that an answer is required the same are denied w with strict proof thereof required at trial.

84. Admitted.

85. The averments contained in Paragraph 85 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

86. The averments contained in Paragraph 86 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

87. The averments contained in Paragraph 87 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

88. The averments contained in Paragraph 88 contain conclusions of law to which no responsive pleading is required. However, to the extent that a response is required the same are denied with strict proof thereof required at trial.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

The Court lacks subject matter jurisdiction over this action.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs lack standing.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the applicable statutes of limitations.

#### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the equitable doctrines of laches.

#### **FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to set forth a claim upon which relief can be granted.

#### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's requested relief would run contrary to the separation of powers and usurp the General Assembly's authority.

#### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are moot.

#### **EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs have failed to join indispensable parties to this action.

**NINTH AFFIRMATIVE DEFENSE**

The Court lacks personal jurisdiction of Defendant GCBOE.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the doctrine of res judicata and collateral estoppel.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the Eleventh Amendment to the United States Constitution.


**TWELFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims should be dismissed under various abstention doctrines recognized by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, the Greene County Board of Elections respectfully requests that the Court enter an order and judgement in its favor and against the Plaintiffs, dismissing all claims against the Greene County Board of Elections with prejudice, granting its costs incurred, and such other relief as the Honorable Court deems necessary and appropriate.

Date: January 4, 2023

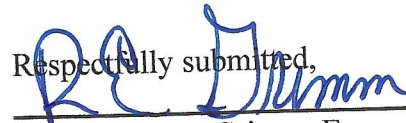
Respectfully submitted,  
  
Robert Eugene Grimm, Esq.  
[rgrimm@co.greene.pa.us](mailto:rgrimm@co.greene.pa.us)  
P. O. Box 430  
Smithfield, PA 15478  
(724) 569-2819  
Attorneys for Defendant  
Greene County Board of Elections

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record this 5th day of January 2023.

Date: January 4, 2023

Respectfully submitted,



Robert Eugene Grimm, Esq.

[rgrimm@co.greene.pa.us](mailto:rgrimm@co.greene.pa.us)

P. O. Box 430

Smithfield, PA 15478

(724) 569-2819

Attorneys for Defendant

Greene County Board of Elections

RETRIEVED FROM DEMOCRACYDOCKET.COM