

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

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

**ANSWER TO 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 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.
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 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

4. The averments contained in Paragraph 4 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.

5. Admitted.

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 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

10. The averments contained in Paragraph 10 are outside the knowledge of the defendant and strict proof thereof is demanded 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.

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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.

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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 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.

28. Admitted.

29. Admitted.

30. The averments contained in Paragraph 30 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.

31. Admitted.

32. Admitted.

33. Admitted.

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. Admitted.

37. Admitted.

38. The averments contained in Paragraph 38 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.



39. The Defendant is without knowledge of the averments contained in Paragraph 39 and therefore denies the same with strict proof thereof demanded at trial.

40. The Defendant is without knowledge of the averments contained in Paragraph 40 and therefore denies the same with strict proof thereof demanded at trial.

41. The Defendant is without knowledge of the averments contained in Paragraph 41 and therefore denies the same with strict proof thereof demanded at trial.

42. The Defendant is without knowledge of the averments contained in Paragraph 42 and therefore denies the same with strict proof thereof demanded at trial.

43. The Defendant is without knowledge of the averments contained in Paragraph 43 and therefore denies the same with strict proof thereof demanded at trial.

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 averments contained in Paragraph 47 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

48. The averments contained in Paragraph 48 are outside the knowledge of the defendant and strict proof thereof is demanded at trial.

49. The averments contained in Paragraph 49 are outside the knowledge of the defendant and strict proof thereof is 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. Admitted.

53. Admitted.

54. The averments contained in Paragraph 54 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.

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 57 do not require an answer. However, to the extent that an answer is required the same are denied with strict proof thereof demanded at trial.

58. 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. The averments contained in Paragraph 59 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.

60. The averments contained in Paragraph 60 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.

61. The averments contained in Paragraph 61 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.

62. The averments contained in Paragraph 62 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.

63. The averments contained in Paragraph 63 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.

64. The averments contained in Paragraph 64 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.

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**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

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**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

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