

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

|                                  |   |                        |
|----------------------------------|---|------------------------|
| BETTE EAKIN, ET. AL.             | ) | Civil Action           |
|                                  | ) | CASE 1:22-CV-00340-SPB |
| Plaintiffs,                      | ) |                        |
| v.                               | ) |                        |
|                                  | ) |                        |
| ADAMS COUNTY BOARD OF ELECTIONS, | ) |                        |
| ET. AL.,                         | ) |                        |
|                                  | ) |                        |
| Defendants.                      | ) |                        |

**AMENDED 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 Amended 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. 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. The averments at Paragraph 7 do not require a response, however to the extent that an answer is required the same are denied with strict proof thereof required at trial.

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.

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. Further, the defendant Greene County is without knowledge of additional averments stated at this paragraph.

11. The averments contained in Paragraph 11 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.

12. The Defendant is without knowledge of the averments contained in Paragraph 12 and therefore denies the same with strict proof thereof demanded at trial.

13. The Defendant is without knowledge of the averments contained in Paragraph 13 and therefore denies the same with strict proof thereof demanded at trial.

14. The Defendant is without knowledge of the averments contained in Paragraph 14 and therefore denies the same with strict proof thereof demanded at trial.

15. The Defendant is without knowledge of the averments contained in Paragraph 15 and therefore denies the same with strict proof thereof demanded at trial.

16. The averments contained in Paragraph 16 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.

17. The averments contained in Paragraph 17 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.

18. The averments at Paragraph 18 are admitted.

19. The averments contained in Paragraph 19 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.

20. The averments contained in Paragraph 20 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.

21. The averments contained in Paragraph 21 are admitted.

22. The Defendant is without knowledge of the averments contained in Paragraph 22 and therefore denies the same with strict proof thereof demanded at trial.

23. The Defendant is without knowledge of the averments contained in Paragraph 23 and therefore denies the same with strict proof thereof demanded at trial.

24. The Defendant is without knowledge of the averments contained in Paragraph 24 and therefore denies the same with strict proof thereof demanded at trial.

25. The Defendant is without knowledge of the averments contained in Paragraph 25 and therefore denies the same with strict proof thereof demanded at trial.

26. The Defendant is without knowledge of the averments contained in Paragraph 26 and therefore denies the same with strict proof thereof demanded at trial.

27. The Defendant is without knowledge of the averments contained in Paragraph 27 and therefore denies the same with strict proof thereof demanded at trial.

28. The Defendant is without knowledge of the averments contained in Paragraph 28 and therefore denies the same with strict proof thereof demanded at trial.

29. The averments contained in Paragraph 29 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.

30. The averments at Paragraph 30 are admitted.

31. The averments at Paragraph 31 are admitted.



32. The averments at Paragraph 32 do not require a response, however to the extent that an answer is required the same are denied with strict proof thereof required at trial.

33. The averments at Paragraph 33 are admitted.

34. The averments at Paragraph 34 are admitted.

35. The averments contained in Paragraph 35 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.

36. The averments contained in Paragraph 36 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.

37. The averments contained in Paragraph 37 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.

38. The averments at Paragraph 38 are denied with strict proof thereof demanded at trial.

39. The averments contained in Paragraph 39 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.

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. The averments contained in Paragraph 41 do not require a response however to the extent that a response is required the same are denied with strict proof thereof demanded at trial.

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42. The averments contained in Paragraph 42 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.

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 averments contained in Paragraph 46 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.

47. The averments contained in Paragraph 47 are denied with strict proof thereof demanded at trial.

48. The averments contained in Paragraph 48 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.

49. The averments contained in Paragraph 49 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: March 15, 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