

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**BEAUMONT CHAPTER OF THE NAACP §
and JESSICA DAYE §**

VS. §

CASE NO. 1:22-CV-488

JEFFERSON COUNTY, TEXAS ET AL §

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR
ORDER TO SHOW CAUSE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **JEFFERSON COUNTY, TEXAS** **JEFFERSON COUNTY COMMISSIONERS COURT, LAURIE LEISTER**, in her official capacity as the **Jefferson County Clerk** and **MARY BETH BOWLING**, in her official capacity as **Presiding Judge of the John Paul Davis Community Center** and files this response to Plaintiffs' motion for order to show regarding defendants' compliance with temporary restraining order. *See* Doc. 42.

1. Defendants assert that Plaintiffs' motion is one for discovery before discovery has begun and is thus harassing and filed for no other reason than to increase the cost of litigation. There is no legal basis for the filing of their motion.

2. Plaintiffs cite no authority that they are entitled to Defendants explaining to them how the TRO was complied with. The Order, also, does not require this of Defendants. In addition, Plaintiffs make no allegation that there was a violation of any order of this Court. Plaintiffs, likewise, fail to state there were complaints by any voter for issues they raised in their complaint for a temporary restraining order. Plaintiffs' motion is merely a fishing expedition.

3. Plaintiffs cite no authority that they are entitled to the filing of a motion to force counsel for Defendants to explain a statement she made to them. Plaintiffs have harassed defense

counsel, specifically shown by their own motion. See Doc. 42, P.3-6. Defendants are not obligated to answer Plaintiffs' questions outside of discovery. This is a discovery request crouched in a motion to show cause. Plaintiffs are not seeking sanctions or an order of contempt, **"Plaintiffs simply need to know..."** See Doc. 42 at P.7-8. Plaintiffs' motion is an improper pleading for seeking discovery prior to discovery opening and Plaintiffs' motion should be denied.

WHEREFORE, PREMISES CONSIDERED, Defendants JEFFERSON COUNTY, TEXAS, JEFFERSON COUNTY COMMISSIONERS COURT, LAURIE LEISTER, in her official capacity, and MARY BETH BOWLING, in her official capacity pray that the Court deny Plaintiffs' motion to show cause, Doc. 42, and for any other and further relief, both in law and in equity, to which these Defendants may show themselves justly entitled.

Respectfully submitted

JEFFERSON COUNTY DISTRICT
ATTORNEY'S OFFICE

By: /s/ Kathleen M. Kennedy

Kathleen M. Kennedy
Chief Civil Attorney
1085 Pearl St. 3rd Floor
Beaumont, Texas 77701
kathleen.kennedy@jeffcotx.us
(409) 835-8550
(409) 784-5893 FAX
Texas Bar# 00798314

ATTORNEY FOR DEFENDANTS

Certificate of Service

I hereby certify that a true and correct copy of the foregoing *Response to Plaintiffs' Motion for Order to Show Cause* has been forwarded to all counsel of record by E-FILE on this 11th day of January, 2023.

/s/ Kathleen M. Kennedy
KATHLEEN M. KENNEDY

RETRIEVED FROM DEMOCRACYDOCKET.COM