

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

CARA MCCLURE, et al.,

*Plaintiffs,*

v.

JEFFERSON COUNTY  
COMMISSION,

*Defendant,*

ALEXIA ADDOH-KONDI, et al.,

*Plaintiffs,*

v.

JEFFERSON COUNTY  
COMMISSION,

*Defendant.*

No. 2:23-cv-00443-MHH

No. 2:23-cv-00503-MHH

**DEFENDANT'S ANSWER TO MCCLURE COMPLAINT**

1. The allegations in Paragraph 1 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 1.

2. Defendant admits the Jefferson County Commission adopted the Enacted Plan on November 4, 2021. Paragraph 2 refers to county redistricting resolutions, which speak for themselves; Defendant denies the allegations in

Paragraph 2 to the extent they mischaracterize, vary from, or are inconsistent with county redistricting resolutions. The remaining allegations in Paragraph 2 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 2.

3. The allegations in Paragraph 3 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 3. Defendant denies all other allegations in Paragraph 3.

4. The allegations in Paragraph 4 purport to characterize Plaintiffs' complaint that require no response because the complaint speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations in Paragraph 4. To the extent allegations in Paragraph 4 set forth legal conclusions, no response is required; if a response is required, Defendant denies the remaining allegations in Paragraph 4.

5. The allegations in Paragraph 5 set forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 5. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 5 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

6. Denied.

7. The allegations in Paragraph 7 set forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 7. Paragraph 7 refers to the Enacted Plan and census data, which speak for themselves; Defendant denies the allegations in Paragraph 7 to the extent they mischaracterize, vary from, or are inconsistent with the Enacted Plan and census data.

8. The allegations in Paragraph 8 set forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 8. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 8 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

9. Paragraph 9 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 9 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the Enacted Plan. The remaining allegations in Paragraph 9 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 9. Defendants deny all other allegations in Paragraph 9.

10. The allegations in Paragraph 10 purport to characterize Plaintiffs' complaint that require no response because the complaint speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the

allegations in Paragraph 10. To the extent allegations in Paragraph 10 set forth legal conclusions, no response is required; if a response is required, Defendant denies the remaining allegations in Paragraph 10.

## **PARTIES**

11. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 11, and therefore denies them.

12. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 12, and therefore denies them.

13. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 13, and therefore denies them.

14. Defendant lacks knowledge or information to form a belief about the allegations in the first two sentences of Paragraph 14, and therefore denies them. The remaining allegations in Paragraph 14 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 14.

15. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 15, and therefore denies them.

16. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 16, and therefore denies them.

17. Defendant lacks knowledge or information to form a belief about the allegations in the first two sentences of Paragraph 17, and therefore denies them. The remaining allegations in Paragraph 17 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 17.

18. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 18, and therefore denies them.

19. Defendant lacks knowledge or information to form a belief about the allegations in the first two sentences of Paragraph 19, and therefore denies them. The remaining allegations in Paragraph 19 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 19.

20. Paragraph 20 refers to state and local law, which speaks for itself; Defendant denies the allegations in Paragraph 20 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and local law

1. Defendant denies that Commissioner Stephens is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Stephens was reelected Commissioner for District 3 on November 8, 2022.<sup>1</sup>

2. Defendant denies that Commissioner Knight is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Knight was reelected Commissioner for District 4 on November 8, 2022. Defendant admits that Commissioner Knight is the liaison to the board of registrars, the circuit clerks, the state courts, and the probate judge of Jefferson County. Defendant denies that Commissioner Knight is the liaison to the district attorney.

3. Defendant denies that Commissioner Tyson is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Tyson was reelected Commissioner for District 2 on November 8, 2022.

4. Defendant denies that former-Commissioner Ammons is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant denies that Commissioner Ammons

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<sup>1</sup> Plaintiffs' complaint numbering restarts at page 7.

represents District 5. Defendant avers that District 5 is now represented by Commissioner Mike Bolin.

5. Defendant denies that Commissioner Scales is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Scales was reelected Commissioner for District 1 on November 8, 2022.

### **JURISDICTION AND VENUE**

6. The allegations in Paragraph 6 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 6.

7. The allegations in Paragraph 7 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 7 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 1331 and 1343.

8. The allegations in Paragraph 8 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 8 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 2201 and 2202.

9. Defendant denies that the individual Commissioners are properly named defendants for the reasons stated in Defendant's Motion to Dismiss and the

Court's December 19, 2023, Order. Paragraph 9 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 9.

10. The allegations in Paragraph 10 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 10 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 1391(b).

### **FACTUAL ALLEGATIONS**

11. Upon information and belief, Defendant admits that from 1931 until 1985, the Jefferson County Commission consisted of three Commissioners elected in the county at large.

12. Paragraph 12 refers to past election results, which speak for themselves; Defendant denies Paragraph 12 to the extent the allegations mischaracterize, vary from, or are inconsistent with those past election results.

13. Paragraph 13 refers to a consent decree, which speaks for itself; Defendant denies the allegations in Paragraph 13 to the extent they mischaracterize, vary from, or are inconsistent with the consent decree.

14. Paragraph 14 refers to a consent decree and census data, which speak for themselves; Defendant denies the allegations in Paragraph 14 to the extent they mischaracterize, vary from, or are inconsistent with the consent decree and census data.



15. Paragraph 15 refers to state law, which speaks for itself; Defendant denies the allegations in Paragraph 15 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state laws. The second sentence in Paragraph 15 sets forth legal conclusions that require no response; to the extent a response is required, denied.

16. Paragraph 16 refers to state law, which speaks for itself; Defendant denies the allegations in Paragraph 16 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state laws.

17. Denied. Commissioner Mike Bolin, who currently represents District 5, was not present during the 2021 redistricting process or elected on November 8, 2022.

### **Background**

18. Allegations in Paragraph 18 refer to census data, which speaks for itself; Defendant denies the allegations in Paragraph 18 to the extent they are inconsistent with that census data.

19. Paragraph 19 refers to past election results, which speak for themselves; Defendant denies Paragraph 19 to the extent the allegations mischaracterize, vary from, or are inconsistent with those past election results.

20. Paragraph 20 refers to past election results, which speak for themselves; Defendant denies Paragraph 20 to the extent the allegations mischaracterize, vary

from, or are inconsistent with those past election results. Defendant lacks knowledge or information to form a belief about the remaining allegations in Paragraph 20, and therefore denies them.

21. Paragraph 21 refers to past election results, which speak for themselves; Defendant denies Paragraph 21 to the extent the allegations mischaracterize, vary from, or are inconsistent with those past election results. Defendant lacks knowledge or information to form a belief about the remaining allegations in Paragraph 21, and therefore denies them. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 21, and therefore denies them.

22. Defendant lacks knowledge or information to form a belief about the allegations in the first sentence of Paragraph 22, and therefore denies them. Defendant denies the remaining allegations in Paragraph 22.

23. Paragraph 23 refers to census data and county redistricting plans, which speak for themselves; Defendant denies the allegations in Paragraph 23 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and county redistricting plans.

**History of Discrimination by the Jefferson County Commission**

24. Denied.

25. Denied that Bull Connor served on the Jefferson County Commission. Admitted that Bull Connor served as the City of Birmingham's Commissioner of

Public Safety from 1937 to 1953 and from 1958 to 1963. Admitted that during his tenure he advocated for segregation and used violence, including in 1963 when he authorized using water cannons and police dogs on civil rights protesters. Denied that Connor's actions 60 years ago are probative of whether the Jefferson County Commission's current districts comply with the 14th Amendment. *See City of Mobile v. Bolden*, 446 U.S. 55, 74 (1980) (“[P]ast discrimination cannot, in the manner of original sin, condemn governmental action that is not itself unlawful.”).

26. Paragraph 26 refers to a consent decree, which speaks for itself; Defendant denies the allegations in Paragraph 26 to the extent they are inconsistent with the consent decree. Defendant denies the allegations regarding caselaw referred to in Paragraph 26 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

27. Paragraph 27 refers to local law, which speaks for itself; Defendant denies those allegations in Paragraph 27 to the extent they mischaracterize, vary from, or are inconsistent with local law. Defendant lacks knowledge or information to form a belief about the remaining allegations in Paragraph 27, and therefore denies them. Defendant further denies that the allegations in Paragraph 27 are legally relevant to Plaintiffs' claim. *See City of Mobile*, 446 U.S. at 74.

28. Defendant lacks knowledge or information to form a belief about the allegations in the first sentence of Paragraph 28. Paragraph 28 refers to a press

release, which speaks for itself; Defendant denies the allegations in Paragraph 28 to the extent they mischaracterize, vary from, or are inconsistent with the press release.

29. The allegations in Paragraph 29 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant lacks knowledge or information to form a belief about the remaining allegations in the Paragraph 29.

30. The allegations in Paragraph 30 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant further denies the allegations regarding *City of Pleasant Grove v. United States* to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the orders issued in that litigation.

31. The allegations in Paragraph 31 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant further denies the allegations regarding *City of Pleasant Grove vs. United States* to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the Supreme Court's decision.

32. The allegations in Paragraph 32 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant further denies the allegations regarding the Pleasant Grove litigation to the extent

the allegations mischaracterize, vary from, or are otherwise inconsistent with the orders or settlements in that litigation.

33. The allegations in Paragraph 33 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant further denies the allegations regarding the City of Gardendale litigation to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the orders issued in that litigation.

**The Process Leading to the Enactment of the Commission's 2021 Districting Plan**

34. The allegations in Paragraph 34 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Paragraph 34 also refers to state law, which speaks for itself; Defendant denies the allegations in Paragraph 34 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state laws.

35. Paragraph 35 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 35 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data. Defendant denies all other allegations in Paragraph 35.

36. Defendant admits that the Commission worked with the Jefferson County Board of Registrars, including Barry Stephenson, in the redistricting process, and that geographic information system mapping software was used during the

redistricting process. Defendant avers Laura Foster and Laura Smith were employees in the Board of Registrars during the redistricting process.

***The Commission's Redistricting Criteria***

37. Paragraph 37 refers to the recorded public presentation given at a public meeting, which speaks for itself; Defendant denies the allegations in Paragraph 37 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded public presentation.

***The October 5, 2021 Work Session***

38. Paragraph 38 refers to a recorded public meeting, which speaks for itself; Defendant denies the allegations in Paragraph 38 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded public meeting.

39. Paragraph 39 refers to a recorded public meeting, which speaks for itself; Defendant denies the allegations in Paragraph 39 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the public meeting.

40. Paragraph 40 refers to a recorded public meeting, which speaks for itself; Defendant denies the allegations in Paragraph 40 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the public meeting. Paragraph 40 further refers to state law, which speaks for itself; Defendant denies

the allegations in Paragraph 40 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state law.

41. Paragraph 41 refers to the recorded public presentation given at a public meeting, which speaks for itself; Defendant denies the allegations in Paragraph 41 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded public presentation.

42. Paragraph 42 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 42 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

43. Paragraph 43 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 43 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

44. Paragraph 44 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 44 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

45. Paragraph 45 refers to census data and the recorded public presentation given at a public hearing, which speak for themselves; Defendant denies the allegations in Paragraph 45 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the recorded public presentation.

46. Paragraph 46 refers to proposed county redistricting resolutions, which speak for themselves; Defendant denies Paragraph 46 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the proposed plans. Paragraph 46 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 46.

47. Paragraph 47 refers to recorded statements made at a public meeting, which speak for themselves; Defendant denies the allegations in Paragraph 47 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public meeting.

48. Defendant admits the proposed maps were made available for public viewing. The remaining allegations in Paragraph 48 refer to state law, which speaks for itself; Defendant denies the allegations in Paragraph 48 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state law.

***The October 7, 2021 Commission Meeting***

49. Paragraph 49 refers to recorded statements made at a public meeting and a Commission resolution, which speak for themselves; Defendant denies the allegations in Paragraph 49 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public meeting or the Commission resolution.

***The November 4, 2021 Public Hearing & Adoption of Enacted Plan***



50. Defendant admits that Commissioners Scales, Tyson, Stephens, and Knight were present at the November 4, 2021, public hearing. Defendant admits that former Commissioner Ammons was also present at the November 4, 2021, hearing. Paragraph 50 refers to a recorded public hearing, which speaks for itself; Defendant denies the allegations in Paragraph 50 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

51. Paragraph 51 refers to the recorded public presentation given at a public hearing, which speaks for itself; Defendant denies the allegations in Paragraph 51 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded public presentation.

52. Paragraph 52 refers to recorded statements made at a public hearing, which speak for themselves; Defendant denies the allegations in Paragraph 52 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

53. Paragraph 53 refers to recorded statements made at a public hearing, which speak for themselves; Defendant denies the allegations in Paragraph 53 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

54. Paragraph 54 refers to recorded statements made at a public hearing, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 54 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

55. Paragraph 55 refers to recorded statements made at a public hearing, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 55 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

56. Paragraph 56 refers to recorded statements made at a public hearing, which speak for themselves; Defendant denies the allegations in Paragraph 56 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

57. Paragraph 57 refers to census data proposed and enacted county redistricting plans, which speak for themselves; Defendant denies the allegations in Paragraph 57 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the proposed and enacted county redistricting plans.

**Contemporaneous Statements and Actions of Key Commissioners**

58. Paragraph 58 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 58. Defendant denies the

remaining allegations in Paragraph 58. Defendant denies all other allegations in Paragraph 58.

59. Paragraph 59 refers to recorded statements made at a public hearing, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 59 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

60. Paragraph 60 refers to recorded statements made at a public hearing, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 60 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing.

61. Paragraph 61 refers to recorded statements made at a public hearing and proposed and enacted redistricting plans, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 61 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing and the proposed and enacted redistricting plans.

62. Paragraph 62 refers to recorded statements made at a public hearing, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 62 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing. Defendant denies the remaining allegations in Paragraph 62.

63. Paragraph 63 refers to state law and Alabama voter files, which speak for themselves; Defendant denies the allegations in Paragraph 63 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state laws or the Alabama voter file. Defendant denies the remaining allegations in Paragraph 63.

64. Paragraph 64 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 64 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the Enacted Plan. Defendant denies the remaining allegations in Paragraph 64.

65. Paragraph 65 refers to a newspaper article and proposed and enacted redistricting plans, which speaks for themselves; Defendant denies the allegations in Paragraph 65 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the statements made in the article and the proposed and enacted redistricting plans.

#### **Deviations from Traditional Redistricting Principles**

66. Paragraph 66 refers to a presentation, which is public record and speaks for itself; Defendant denies the allegations in Paragraph 66 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the presentation. The remaining allegations in Paragraph 66 set forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 66. Defendant

denies the allegations regarding caselaw referred to in Paragraph 66 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

67. The allegations in Paragraph 67 set forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 67. Defendant denies the allegations regarding caselaw referred to in Paragraph 67 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw. Defendant denies the remaining allegations of Paragraph 67.

68. Paragraph 68 refers to recorded statements made at a public hearing and state law, which speak for themselves; Defendant denies the allegations in Paragraph 68 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the recorded statements made at the public hearing or state law.

69. Allegations in Paragraph 69 refer to census data, which speaks for itself; Defendant denies the allegations in Paragraph 69 to the extent they are inconsistent with that census data. Defendant denies the remaining allegations in Paragraph 69.

70. Paragraph 70 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 70 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census

data and the Enacted Plan. Defendant denies the remaining allegations in Paragraph 70.

71. Paragraph 71 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 71 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the Enacted Plan.

72. Paragraph 72 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 72 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the Enacted Plan. Defendant denies the remaining allegations in Paragraph 72.

73. Paragraph 73 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 73 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and the Enacted Plan. Defendant denies the remaining allegations in Paragraph 73.

**Commission Districts 1, 2, 3, 4, and 5 are Racial Gerrymanders**

74. Paragraph 74 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 74. Defendant denies the remaining allegations in Paragraph 74.

75. Paragraph 75 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 75. Defendant denies the remaining allegations in Paragraph 75.

76. Paragraph 76 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 76. Paragraph 76 refers to Commission redistricting plans, which speak for themselves; Defendant denies the allegations in Paragraph 76 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with Commission redistricting plans. Defendant denies the remaining allegations in Paragraph 76.

77. Paragraph 77 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 77 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 77.

78. Paragraph 78 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 78 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 78.

79. Paragraph 79 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 79 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 79.

80. Paragraph 80 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 80 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 80.

81. Paragraph 81 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 81 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 81.

***C. Splintering Precincts, Towns, Municipalities, and Neighborhoods on the Basis of Race***

82. Paragraph 82 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 82. Paragraph 82 refers to the Enacted Plan, which speaks for itself; Defendant denies the allegations in Paragraph 82 to the extent the allegations mischaracterize, vary from, or are otherwise



inconsistent with the Enacted Plan. Defendant denies the remaining allegations in Paragraph 82.

83. Paragraph 83 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 83. Paragraph 83 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 83 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 83.

84. Paragraph 84 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 84. Paragraph 84 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 84 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 84.

85. Paragraph 85 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 85. Paragraph 85 also refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 85 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 85.

86. Paragraph 86 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 86 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 86.

87. Paragraph 87 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 87. Paragraph 87 also refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 87 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 87.

88. Paragraph 88 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 88. Paragraph 88 also refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 88 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 88.

89. Paragraph 89 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 89. Paragraph 89 also refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the

allegations in Paragraph 89 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data or the Enacted Plan. Defendant denies the remaining allegations in Paragraph 89.

**Lack of Narrow Tailoring to Achieve a Compelling Interest**

90. Paragraph 90 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 90. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 90 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

91. Paragraph 91 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 91. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 91 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

92. Paragraph 92 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 92. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 92 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

93. Paragraph 93 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 93. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 93 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

94. Admitted that the Commission was not required to and did not “request[] []or conduct[] an analysis of RPV in each district,” where “RPV” is understood to refer to a racially polarized voting analysis in each district ordinarily conducted by political science experts using ecological regression and ecological inference. Paragraph 94 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 94. Defendant denies the remaining allegations in Paragraph 94.

95. Paragraph 95 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 95. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 95 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

96. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 96, and therefore denies them. Paragraph 96 refers to census data and past election results as a predictor of future election results, which speaks

for themselves; Defendant denies the allegations in Paragraph 96 to the extent they are inconsistent with that census data and past election results as a predictor of future election results.

97. Denied.

98. Paragraph 98 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 98.

99. Paragraph 99 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 99. Paragraph refers to past election results, which speak for themselves; Defendant denies Paragraph 99 to the extent the allegations mischaracterize, vary from, or are inconsistent with those past election results.

100. Paragraph 100 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 100.

## **CLAIM FOR RELIEF**

### **COUNT ONE**

#### **VIOLATION OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION U.S. CONST. AMEND. XIV (RACIAL GERRYMANDERING)**

101. Defendant incorporates by reference all prior answers as though fully set forth herein.

102. Paragraph 102 refers to the U.S. Constitution, which speaks for itself; Defendant denies the allegations in Paragraph 102 to the extent the mischaracterize, vary from, or are otherwise inconsistent with the U.S. Constitution.

103. Paragraph 103 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 103.

104. Paragraph 104 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 104. Defendant denies the allegations regarding caselaw referred to in Paragraph 104 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

105. Paragraph 105 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 105. Defendant denies all remaining allegations in Paragraph 105.

106. Paragraph 106 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 106. Defendant denies all remaining allegations in Paragraph 106.

107. Paragraph 107 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 107. Defendant denies all remaining allegations in Paragraph 107.

108. Paragraph 108 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 108.

109. Paragraph 109 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 109. Defendant denies all remaining allegations in Paragraph 109.

### **PRAYER FOR RELIEF**

Defendant denies that Plaintiffs are entitled to any of the relief requested on pages 34-35 of Plaintiffs' complaint.

### **AFFIRMATIVE DEFENSES**

Including for the reasons explained in Defendant's Motion to Dismiss, which this Court granted in part and denied in part on December 19, 2023:

1. Plaintiffs lack standing to bring their claims, rendering Plaintiffs' complaint beyond the scope of the federal judicial power under Article III of the U.S. Constitution.

2. Plaintiffs fail to state a claim for which relief can be granted.

3. Plaintiffs improperly named as defendants the individual commissioners in their official capacities.

4. Plaintiffs' complaint does not seek "an acceptable Article III remedy." *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 107 (1998).

5. Plaintiffs' request for relief is barred by the doctrine of laches.

6. The Commission did not racially gerrymander or discriminate on the basis of race when it drew new Commission districts.

7. Any other relief as the Court deems equitable and just.

Dated: January 8, 2024

Respectfully submitted,  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

CARA MCCLURE, et al.,

*Plaintiffs,*

v.

JEFFERSON COUNTY  
COMMISSION,

*Defendant,*

ALEXIA ADDOH-KONDI, et al.,

*Plaintiffs,*

v.

JEFFERSON COUNTY  
COMMISSION,

*Defendant.*

No. 2:23-cv-00443-MHH

No. 2:23-cv-00503-MHH

**DEFENDANT’S ANSWER TO ADDOH-KONDI COMPLAINT**

1. Defendant admits the Jefferson County Commission adopted Commission districts in Resolution No. 2021-929 on November 4, 2021. The remaining allegations in Paragraph 1 set forth legal conclusions that require no response; if a response is required, Defendant denies the remaining allegations in Paragraph 1.

2. The allegations in Paragraph 2 purport to characterize court filings that require no response because those filings speak for themselves and are the best evidence of their contents; if a response is required, Defendant denies the allegations in Paragraph 2. To the extent allegations in Paragraph 2 set forth legal conclusions, no response is required; if a response is required, Defendant denies the remaining allegations in Paragraph 2.

3. Defendant admits that from 1931 to 1985 the Jefferson County Commission consisted of three Commissioners, who were each elected at large. Paragraph 3 refers to a consent decree, which speaks for itself; Defendant denies the allegations in Paragraph 3 to the extent they are inconsistent with the consent decree.

4. Paragraph 3 refers to a consent decree, which speaks for itself; Defendant denies the allegations in Paragraph 3 to the extent they are inconsistent with the consent decree. The remaining allegations in Paragraph 4 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations.

5. Upon information and belief, Defendant admits that the first elections in the 1985 single-member districts were held in the June 1986 primary and November 1986 general elections. Paragraph 5 refers to county redistricting resolutions, which speak for themselves; Defendant denies the allegations in Paragraph 5 to the extent they are inconsistent with the resolutions. The remaining

allegations in Paragraph 5 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations.

6. The allegations in Paragraph 6 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant further denies the allegations regarding *Shelby County v. Holder*, *Wisconsin Legislature v. Wisconsin Elections Commission*, and *Cooper v. Harris* to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the opinions or orders issued in that litigation.

7. Defendant denies the allegations in the first sentence of Paragraph 7. Allegations in Paragraph 7 refer to census data, which speaks for itself; Defendant denies the allegations in Paragraph 7 to the extent they are inconsistent with that census data. The remaining allegations in Paragraph 7 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations.

8. Defendant denies the allegations regarding the boundary lines of Census Designated Places and municipalities to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the Enacted Plan. Defendant denies all other allegations in Paragraph 8.

9. The allegations in the first sentence of Paragraph 9 purport to characterize Plaintiffs' Complaint and require no response because the Complaint speaks for itself and is the best evidence of its contents; if a response is required,

Defendant denies the allegations in the first sentence of Paragraph 9. Defendant denies the allegations regarding caselaw referred to in Paragraph 9 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw. The remaining allegations in Paragraph 9 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations.

10. The allegations in the first three sentences of Paragraph 10 purport to characterize Plaintiffs' Complaint and require no response because the Complaint speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations in the first three sentences of Paragraph 10. Defendant denies the allegations regarding caselaw referred to in Paragraph 10 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw. The remaining allegations in Paragraph 10 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations.

11. The allegations in the first sentence of Paragraph 11 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations. Defendant denies the remaining allegations in Paragraph 11.

### **JURISDICTION AND VENUE**

12. The allegations in Paragraph 12 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph

12 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4), and 1357.

13. The allegations in Paragraph 13 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 13 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 2201 and 2202.

14. The allegations in Paragraph 14 set forth legal conclusions that require no response; if a response is required, Defendant denies the allegations in Paragraph 14 to the extent they mischaracterize, vary from, or are otherwise inconsistent with 28 U.S.C. §§ 1391(b).

### **PARTIES**

15. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 15, and therefore denies them.

16. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 16, and therefore denies them.

17. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 17, and therefore denies them.

18. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 18, and therefore denies them.

19. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 19, and therefore denies them.

20. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 20, and therefore denies them.

21. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 21, and therefore denies them.

22. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 22, and therefore denies them.

23. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 23, and therefore denies them.

24. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 24, and therefore denies them.

25. Defendant lacks knowledge or information to form a belief about the allegations in Paragraph 25, and therefore denies them.

26. Admit that Jefferson County Commission is the governing body of Jefferson County and that its members are elected from five single-member districts. The remaining allegations in Paragraph 26 refers to state and local law, which speaks for itself; Defendant denies the allegations in Paragraph 26 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and local law.

27. Defendant denies that Commissioner Scales is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Scales resides in the Huffman neighborhood of Birmingham.

28. Defendant denies that Commissioner Tyson is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Tyson resides in the West End neighborhood of Birmingham.

29. Defendant denies that Commissioner Stephens is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Stephens resides in Bessemer.

30. Defendant denies that Commissioner Knight is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant admits that Commissioner Knight resides in Trussville.

31. Defendant denies that former-Commissioner Ammons is a properly named defendant for the reasons stated in Defendant's Motion to Dismiss and the Court's December 19, 2023, Order. Defendant denies that Commissioner Ammons

represents District 5. Defendant avers that District 5 is now represented by Commissioner Mike Bolin.

### **ALLEGATIONS OF FACT**

32. Upon information and belief, Defendant admits that from 1931 until 1985, the Jefferson County Commission consisted of three Commissioners elected in the county at large. The remaining allegations in Paragraph 32 refer to local, state, and federal law, which speaks for itself; Defendant denies the remaining allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with local, state, and federal law.

33. Paragraph 33 refers to a consent decree and related correspondence, which speak for themselves; Defendant denies the allegations in Paragraph 33 to the extent they mischaracterize, vary from, or are inconsistent with the consent decree and related correspondence. Defendant denies the remaining allegations of Paragraph 33.

34. Paragraph 34 refers to a consent decree and the Enacted Plan, both of which speak for themselves; Defendant denies the allegations in Paragraph 34 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the consent decree or the Enacted Plan. Defendant denies all other allegations in Paragraph 34.



35. Paragraph 35 refers to the consent decree, related correspondence, and 1980 census data; Defendant denies the allegations in Paragraph 35 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the consent decree, related correspondence, or census data.

36. Defendant denies the allegations regarding the 1990, 2000, and 2010 census data referred to in Paragraph 36 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

37. Paragraph 37 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 37 to the extent the mischaracterize, vary from, or are inconsistent with that census data. The remaining allegation in Paragraph 37 set forth legal conclusions that require no response; to the extent a response is required, denied. Defendant further denies the allegations regarding caselaw referred to in Paragraph 37 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw. Defendant denies all other allegations in Paragraph 37.

38. Paragraph 38 refers to census data and a county redistricting resolution, which speak for themselves; Defendant denies the allegations in Paragraph 38 and Appendix B to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and a county redistricting resolution.

39. Paragraph 39 refers to census data and county redistricting resolutions, which speak for themselves; Defendant denies in Paragraph 39 and Appendix C to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data and county redistricting resolutions.

40. Paragraph 40 refers to census data, which speaks for itself; Defendant denies the allegations in Paragraph 40 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

41. Paragraph 41 refers to census data, a county redistricting resolution, and the consent decree, which speak for themselves; Defendant denies the allegations in Paragraph 41 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data, redistricting resolution, or consent decree. Defendant denies all other allegations in Paragraph 41.

42. Defendant denies the allegations in the first sentence of Paragraph 42. Paragraph 42 refers to state and local laws, which speak for themselves; Defendant denies the allegations in Paragraph 42 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and local laws.

43. Denied.

44. Paragraph 44 refers to census data and the Enacted Plan, which speak for themselves; Defendant denies the allegations in Paragraph 44 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census

data and the Enacted Plan. Defendant denies the remaining allegations in Paragraph 44.

45. Paragraph 45 refers to the Enacted Plan, which speaks for itself; Defendant denies the allegations in Paragraph 45 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the Enacted Plan. Defendant denies the remaining allegations in Paragraph 45.

46. Paragraph 46 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 46. Defendant further denies the allegations regarding caselaw referred to in Paragraph 46 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

47. The allegations in Paragraph 47 purport to characterize Appendix E and require no response because Appendix E speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations Paragraph 47.

48. The allegations in Paragraph 48 purport to characterize Appendix E and require no response because Appendix E speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations Paragraph 48. Defendant further denies the allegations regarding the census data referred to in Paragraph 48 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

49. The allegations in Paragraph 49 purport to characterize Appendix F and require no response because Appendix F speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations Paragraph 49. To the extent Paragraph 49 sets forth legal conclusions regarding a deviation standard, they require no response; if a response is required, Defendant denies Paragraph 49.

50. The allegations in Paragraph 50 purport to characterize Appendix F and require no response because Appendix F speaks for itself and is the best evidence of its contents; if a response is required, Defendant denies the allegations Paragraph 50. Defendant further denies the allegations regarding the census data referred to in Paragraph 50 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with the census data.

51. Paragraph 51 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 51.

## **COUNT I**

### **RACIAL GERRYMANDERING IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT**

52. Defendant incorporates by reference all prior answers as though fully set forth herein.

53. Paragraph 53 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 53.

54. The first sentence of Paragraph 54 sets forth legal conclusions that require no response; if a response is required, Defendant denies the first sentence of Paragraph 54. Defendant denies the remaining allegations regarding caselaw referred to in Paragraph 54 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

55. Paragraph 55 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 55. Defendant denies the allegations regarding caselaw referred to in Paragraph 55 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

56. Paragraph 56 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 56. Defendant denies the allegations regarding caselaw referred to in Paragraph 56 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

57. The first sentence of Paragraph 57 sets forth legal conclusions that require no response; if a response is required, Defendant denies the first sentence of Paragraph 57. Defendant denies the remaining allegations in Paragraph 57.

58. Paragraph 58 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 58. Defendant denies the

allegations regarding caselaw referred to in Paragraph 58 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

59. Paragraph 59 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 59.

60. Paragraph 60 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 60. Defendant denies the allegations regarding caselaw referred to in Paragraph 60 to the extent the allegations mischaracterize, vary from, or are otherwise inconsistent with that caselaw.

61. Paragraph 61 sets forth legal conclusions that require no response; if a response is required, Defendant denies Paragraph 61.

### **PRAYER FOR RELIEF**

Defendant denies that Plaintiffs are entitled to any of the relief requested on pages 20-21 of Plaintiffs' complaint.

### **AFFIRMATIVE DEFENSES**

Including for the reasons explained in Defendant's Motion to Dismiss, which this Court granted in part and denied in part on December 19, 2023:

1. Plaintiffs lack standing to bring their claims, rendering Plaintiffs' complaint beyond the scope of the federal judicial power under Article III of the U.S. Constitution.

2. Plaintiffs fail to state a claim for which relief can be granted.

3. Plaintiffs improperly named as defendants the individual commissioners in their official capacities.

4. Plaintiffs' complaint does not seek "an acceptable Article III remedy." *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 107 (1998).

5. Plaintiffs' requested relief is barred by the doctrine of laches.

6. The Commission did not racially gerrymander or discriminate on the basis of race when it drew new Commission districts.

7. Any other relief as the Court deems equitable and just.

Dated: January 8, 2024

Respectfully submitted,

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