

J. Mark Stewart (Wyo. Bar No. 6-4121)
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**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

JOHN C. FRANK,
GRASSFIRE, LLC,

Plaintiffs,

vs.

ED BUCHANAN, Wyoming Secretary of State,
LEIGH ANN MANLOVE, Laramie County District
Attorney,
DEBRA LEE, Laramie County Clerk,
in their official capacities,

Defendants.

Case No. 20-CV-138-F

**ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Debra Lee, in her official capacity as Laramie County Clerk, by and through her attorneys Davis & Cannon, LLP, respectfully submits her Answer to Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief, and admits, denies, and affirmatively alleges as follows:

1. Paragraph 1 states legal argument or conclusions to which no response is required. To the extent that a response is required, Ms. Lee denies the allegations of Paragraph 1.

JURISDICTION AND VENUE

2. Paragraph 2 states legal conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 2.

3. Paragraph 3 states legal conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 3.
4. Ms. Lee admits she resided in the District of Wyoming. The remainder of Paragraph 4 states legal conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the remaining allegations of Paragraph 4.

PARTIES

5. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 5 and therefore denies the same.
6. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 6 and therefore denies the same.
7. Answering Paragraph 7, Ms. Lee admits that Ed Buchanan is the Secretary of State of Wyoming. The remainder of Paragraph 7 states legal conclusions to which no response is required. To the extent any further response is required, Ms. Lee denies the allegations of Paragraph 7.
8. Answering Paragraph 8, Ms. Lee admits that Leigh Anne Manlove is the Laramie County District Attorney. The remainder of Paragraph 8 states legal conclusions to which no response is required. To the extent any further response is required, Ms. Lee denies the allegations of Paragraph 8.
9. Answering Paragraph 9, Ms. Lee admits that she is the Laramie County Clerk. The remainder of Paragraph 9 states legal conclusions to which no response is required. To the extent any further response is required, Ms. Lee denies the allegations of Paragraph 9.

STATEMENT OF FACTS

10. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 10 and therefore denies the same.
11. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 11 and therefore denies the same.
12. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 12 and therefore denies the same.
13. Ms. Lee admits the Wyoming primary election was held on August 18, 2020. Ms. Lee denies that the general election is to be held on November 4, 2020. Ms. Lee is without sufficient information to admit or deny the remaining allegations of Paragraph 13 and therefore denies the same.
14. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 14 and therefore denies the same.
15. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 15 and therefore denies the same.
16. Answering Paragraph 16, Ms. Lee admits that the Laramie County Governmental Complex is located at 309 W. 20th Street, Cheyenne, Wyoming; that this building is located on the same block and connected to the courthouse located at 310 W. 19th Street; and that the complex houses court rooms, the board room of the Laramie County Commissioners, the Laramie County Clerk's office, and other agencies. To the extent any further response is required, Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 16 and therefore denies the same.

17. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 17 and therefore denies the same.

18. Paragraph 18 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 18.

19. Paragraph 19 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 19.

20. Paragraph 20 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 20.

21. Paragraph 21 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 21.

22. Paragraph 22 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 22.

23. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 23 and therefore denies the same.

24. Ms. Lee is without sufficient information to admit or deny the allegations of Paragraph 24 and therefore denies the same.

25. Paragraph 25 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 25.

COUNT I

26. Paragraph 26 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 26.

27. Paragraph 27 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 27.

28. Paragraph 28 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 28.
29. Paragraph 29 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 29.
30. Paragraph 30 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 30.
31. Paragraph 31 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 31.
32. Paragraph 32 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 32.
33. Paragraph 33 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 33.
34. Paragraph 34 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 34.
35. Paragraph 35 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 35.
36. Paragraph 36 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 36.
37. Paragraph 37 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 37.
38. Paragraph 38 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 38.

39. Answering Paragraph 39, Ms. Lee likewise acknowledges the outbreak of the Coronavirus or COVID-19. Ms. Lee lacks sufficient information to admit or deny the remaining allegations of Paragraph 39 and therefore denies the same.

40. Paragraph 40 states legal argument or conclusions to which no response is required. To the extent a response is required, Ms. Lee denies the allegations of Paragraph 40.

PRAYER FOR RELIEF

1. Ms. Lee requests the Court deny Plaintiffs' request for declaratory relief.
2. Ms. Lee requests the Court deny Plaintiffs' request for declaratory relief.
3. The Court has denied Plaintiffs' request for a preliminary injunction. Ms. Lee requests the Court deny Plaintiffs' request for a permanent injunction.
4. Ms. Lee requests the Court deny Plaintiffs' request for a permanent injunction.
5. Ms. Lee requests the Court deny Plaintiffs' request for a permanent injunction.
6. Ms. Lee requests the Court deny Plaintiffs' request for costs and attorneys' fees
7. Ms. Lee requests the Court deny Plaintiffs' request for relief.

AFFIRMATIVE DEFENSES

1. Plaintiffs do not allege that Ms. Lee has taken any action to restrict their free speech rights.
2. Each and every action Ms. Lee may take with respect to Plaintiffs will be reasonable, undertaken in good faith, and based upon good cause, consistent with the laws of the United States and Wyoming.
3. Each and every action Ms. Lee may take with respect to Plaintiffs will be within the course and scope of her duties and authorized by law.
4. Plaintiffs are unable to meet the requirements for the entry of declaratory and injunctive relief.

5. Ms. Lee reserves the right to assert additional affirmative defenses as they become known.

WHEREFORE, Ms. Lee requests that this Court deny Plaintiffs' requests for relief and that she be awarded such other relief as this Court deems just and appropriate.

DATED this 15th day of October, 2020.

DAVIS & CANNON, LLP

/s/ J. Mark Stewart

J. Mark Stewart (Wy. Bar No. 6-4121)

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Attorney for Debra Lee, Laramie County Clerk

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served in accordance with and through the District's ECF service rules on 15th day of October, 2020.

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/s/ J. Mark Stewart
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