

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

PATRICK BRAXTON, JAMES *
BALLARD, BARBARA PATRICK, *
JANICE QUARLES, WANDA SCOTT, *
and DOROTHY HOLLEY, *

Plaintiffs, *

v. *

2:23-cv-00127-KD-N

HAYWOOD STOKES III, GARY *
BROUSSARD, JESSE DONALD *
LEVERETT, VONCILLE BROWN *
THOMAS, WILLIE RICHARD TUCKER, *
and the TOWN OF NEWBERN, *

Defendants. *

DEFENDANT'S ANSWER TO
PLAINTIFFS' THIRD AMENDED COMPLAINT

COME NOW Defendant Town of Newbern, by and through counsel, and states the following as its answer to Plaintiffs' Third Amended Complaint:

INTRODUCTION

1. This Defendant denies paragraph 1 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

2. This Defendant denies paragraph 2 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

3. This Defendant denies paragraph 3 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

4. This Defendant denies paragraph 4 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

JURISDICTION AND VENUE

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

PARTIES

9. This Defendant admits that Plaintiff Patrick Braxton is black and is the former Mayor of the Town of Newbern. This Defendant denies the remainder of paragraph 9 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

10. This Defendant has insufficient information to admit or deny the allegations contained in paragraph 10 of Plaintiffs' Third Amended Complaint.

11. This Defendant has insufficient information to admit or deny the allegations contained in paragraph 11 of Plaintiffs' Third Amended Complaint.

12. This Defendant has insufficient information to admit or deny the allegations contained in paragraph 12 of Plaintiffs' Third Amended Complaint.

13. This Defendant has insufficient information to admit or deny the allegations contained in paragraph 13 of Plaintiffs' Third Amended Complaint.

14. This Defendant has insufficient information to admit or deny the allegations contained in paragraph 14 of Plaintiffs' Third Amended Complaint.

15. This Defendant admits that Haywood Stokes III is a white resident of the Town of Newbern and has, at times relevant to this lawsuit, acted as a councilmember and the Mayor of

Newbern. This Defendant denies the remainder of paragraph 15 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

16. This Defendant admits that Gary Broussard is a white resident of the Town of Newbern and has, at times relevant to this lawsuit, acted as a councilmember of Newbern. This Defendant denies the remainder of paragraph 16 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

17. This Defendant admits that Jesse Donald Leverett is a white resident of the Town of Newbern and has, at times relevant to this lawsuit, acted as a councilmember of Newbern. This Defendant denies the remainder of paragraph 17 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

18. This Defendant admits that Voncille Thomas is a black resident of the Town of Newbern and has, at times relevant to this lawsuit, acted as a councilmember of Newbern. This Defendant denies the remainder of paragraph 18 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

19. This Defendant admits that Willie Richard Tucker is a white resident of the Town of Newbern and has, at times relevant to this lawsuit, acted as a councilmember of Newbern. This Defendant denies the remainder of paragraph 19 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

20. Admitted.

FACTUAL ALLEGATIONS

21. This Defendant admits that the Town of Newbern is located in Hale County, Alabama and is a Class 8 municipality. The Defendant has insufficient information to admit or

deny the remainder of paragraph 21 Plaintiffs' Third Amended Complaint and demands strict proof thereof.

22. This Defendant admits that the Town of Newbern has a mayor-council form of government and that a previous version of Ala. Code §11-46-22, which was in effect in July 2020, requires that the Mayor give notice of all municipal elections. This Defendant states that Ala. Code §11-46-22 further provides that "Any qualified elector who will have resided within the municipality, or if the municipality is districted, within the district from which he or she seeks election, for a period of at least 90 days on election day may qualify to run for office by filing the appropriate forms and paying any appropriate fees, as otherwise provided by law." This Defendant denies the remainder of paragraph 22 and demands strict proof thereof.

23. This Defendant denies paragraph 23 and demands strict proof thereof. This Defendant states that a previous version of Ala. Code §11-46-25, which was in effect in July 2020, requires that "any qualified elector who, by 5:00 P.M. on the third Tuesday in July preceding the date set for the election," file "a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state that such person is duly qualified to hold the office for which the person desires to become a candidate."

24. This Defendant denies paragraph 24 and demands strict proof thereof. This Defendant states that a previous version of Ala. Code §11-46-26, which was in effect in July 2020, states, "In the event only one person has filed a statement of candidacy for an office by 5:00 P.M. on the third Tuesday in July preceding the date set for an election of municipal officers pursuant to subsection (g) of Section 11-46-25, then such person shall for all purposes be deemed elected to such office, any provisions of this article to the contrary notwithstanding."

25. This Defendant admits that the Town of Newbern has not held an election for years prior to Braxton being elected Mayor and Haywood Stokes, III, Gary Broussard, Jesse Donald Leverett, Voncille Thomas Brown, and Willie Richard Tucker being elected to the Town Council. This Defendant denies the remainder of paragraph 25 of the Plaintiffs' Third Amended Complaint and demands strict proof thereof.

26. This Defendant denies paragraph 26 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

A. Ongoing Racial Discrimination against Black Voters in Alabama

27. This Defendant denies paragraph 27 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

28. This Defendant denies paragraph 28 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

29. This Defendant denies paragraph 29 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

30. This Defendant denies paragraph 30 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

31. This Defendant denies paragraph 31 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

B. Ongoing Discrimination in Education, Healthcare, the Environment and Employment against Black People in Alabama

32. This Defendant denies paragraph 32 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

33. This Defendant denies paragraph 33 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

34. This Defendant denies paragraph 34 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

35. This Defendant denies paragraph 35 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

36. This Defendant denies paragraph 36 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

37. This Defendant denies paragraph 37 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

38. This Defendant denies paragraph 38 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

C. Mayor Braxton Challenges the White Majority.

39. This Defendant denies paragraph 39 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

40. This Defendant admits that Defendant Stokes was acting as Mayor but denies the remainder of paragraph 40 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

41. This Defendant admits that, at some point, Plaintiff Braxton informed Defendant Haywood Stokes III of his intentions to qualify as a Mayoral candidate. This Defendant denies the remainder of paragraph 41 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

42. This Defendant admits that no preparations were made for conducting an election. This Defendant denies the remainder of paragraph 42 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

43. This Defendant has insufficient information to admit or deny the remainder of paragraph 43 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

44. This Defendant admits that Plaintiff Braxton paid a \$50.00 qualifying fee and gave the Lynn Williams his statement of candidacy on the last day to qualify. This Defendant has insufficient information to admit or deny the remainder of paragraph 44 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

45. This Defendant admits that Defendant Stokes did not attempt to qualify as a candidate for Mayor and that Plaintiff Braxton was the only person qualified. This Defendant denies the remainder of paragraph 45 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

46. This Defendant denies paragraph 46 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

47. Admitted.

48. This Defendant admits that Plaintiff Braxton was the only person who qualified as a candidate for Mayor and that no other individuals qualified for Town Council. This Defendant denies the remainder of paragraph 48 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

49. This Defendant denies paragraph 49 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

**D. The Defendants Stokes, Broussard, Thomas, and Tucker
Conspire to Unlawfully Remain in Office**

50. This Defendant denies paragraph 50 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

51. This Defendant denies paragraph 51 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

52. This Defendant denies paragraph 52 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

53. This Defendant denies paragraph 53 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

54. This Defendant denies paragraph 54 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

55. This Defendant denies paragraph 55 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

56. This Defendant denies paragraph 56 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

57. This Defendant denies paragraph 57 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

58. This Defendant denies paragraph 58 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

59. This Defendant denies paragraph 59 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

60. This Defendant denies paragraph 60 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

61. This Defendant denies paragraph 61 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

62. This Defendant denies paragraph 62 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

63. This Defendant denies paragraph 63 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

64. This Defendant denies paragraph 64 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

65. This Defendant denies paragraph 65 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

E. The Defendants Prevent Mayor Braxton and Plaintiffs Braxton, Ballard, Patrick, Quarles, and Scott from Exercising Their Official Duties

66. This Defendant denies paragraph 66 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

1. The Defendants Denied Plaintiffs Braxton, Ballard, Patrick, Quarles and Scott Access to Town Hall.

67. Admitted.

68. This Defendant denies paragraph 68 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

69. This Defendant denies paragraph 69 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

70. This Defendant denies paragraph 70 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

71. This Defendant denies paragraph 71 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

2. Defendant Stokes and His Agents Denied Mayor Braxton Access to Town Bank Accounts.

72. Admitted.

73. This Defendant has insufficient information to admit or denies paragraph 73 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

74. This Defendant has insufficient information to admit or denies paragraph 74 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

75. This Defendant has insufficient information to admit or denies paragraph 75 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

76. This Defendant denies any liability alleged in paragraph 76 of Plaintiffs' Third Amended Complaint and demands strict proof thereof. This Defendant have insufficient information to admit or deny the remainder of paragraph 76 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

77. This Defendant denies any liability alleged in paragraph 77 of Plaintiffs' Third Amended Complaint and demands strict proof thereof. This Defendant has insufficient information to admit or deny the remainder of paragraph 77 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

3. Defendant Stokes and his agents Denied Mayor Braxton Access to Official Town Mail and Diverted Mail Addressed to Mayor Braxton.

78. This Defendant has insufficient information to admit or deny paragraph 78 of Plaintiffs' Amended Complaint and demands strict proof thereof.

79. This Defendant denies any liability alleged in paragraph 79 of Plaintiffs' Third Amended Complaint and demands strict proof thereof. This Defendant has insufficient information to admit or deny the remainder of paragraph 79 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

80. This Defendant has insufficient information to admit or deny paragraph 80 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

81. This Defendant has insufficient information to admit or deny paragraph 81 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

82. This Defendant denies any liability alleged in paragraph 82 of Plaintiffs' Third Amended Complaint and demands strict proof thereof. This Defendant has insufficient information to admit or deny the remainder of paragraph 82 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

4. Defendants' Denied Mayor Braxton Access to Official Town Information and Documents.

83. This Defendant denies paragraph 83 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

84. This Defendant denies paragraph 84 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

85. This Defendant has insufficient information to admit or deny paragraph 85 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

86. This Defendant has insufficient information to admit or deny paragraph 86 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

87. This Defendant has insufficient information to admit or deny paragraph 87 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

88. This Defendant denies paragraph 88 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

5. Defendants Held Town Meetings Without Notice to Plaintiffs Braxton, Ballard, Patrick, Quarles and Scott and in Private Residences.

89. This Defendant denies paragraph 89 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

90. This Defendant denies paragraph 90 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

91. This Defendant denies paragraph 91 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

92. This Defendant denies paragraph 92 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

6. Defendant Stokes' Retaliation Against Mayor Braxton.

93. This Defendant denies paragraph 93 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

94. This Defendant denies paragraph 94 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

95. This Defendant denies paragraph 95 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

96. This Defendant denies paragraph 96 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

97. This Defendant denies paragraph 97 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

7. Defendants' Improper Removal of Patrick Braxton as Mayor.

98. This Defendant denies paragraph 98 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

99. This Defendant denies paragraph 99 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

100. This Defendant denies paragraph 100 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

101. This Defendant denies paragraph 101 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

COUNT I

(Section 1983 - Equal Protection)

102. This Defendant adopts and incorporates all prior paragraphs as if fully set out herein.

103. This Defendant denies paragraph 103 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

104. This Defendant admits that the individuals were, at all times relevant to this lawsuit, acting under the color of law. This Defendant denies the remainder of paragraph 104 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

105. No answer is required of this Defendant as to paragraph 105 of Plaintiffs' Third Amended Complaint.

106. This Defendant denies paragraph 106 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

107. This Defendant denies paragraph 107 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

108. This Defendant denies paragraph 108 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

109. This Defendant denies paragraph 109 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

110. This Defendant denies paragraph 110 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

111. This Defendant denies paragraph 111 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

112. This Defendant denies paragraph 112 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

113. This Defendant denies paragraph 113 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

114. This Defendant denies paragraph 114 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

115. This Defendant denies paragraph 115 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

116. This Defendant denies paragraph 116 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

COUNT II

(Section 1983 - Intentional Race Discrimination in Defendants' Denial and Abridgment of the Rights of Black Candidates to Qualify to Run for Office in Violation of the Fourteenth and Fifteenth Amendments to the United States Constitution)

117. This Defendant adopts and incorporates all prior paragraphs as if fully set out herein.

118. This Defendant admits that, at all times relevant to this lawsuit, Stokes, Broussard, Leverett, Thomas, and Tucker were acting under the color of law. This Defendant denies the

remainder of paragraph 118 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

119. This Defendant denies paragraph 119 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

120. This Defendant admits that, at all times relevant to this lawsuit, Stokes, Broussard, Leverett, Thomas, and Tucker were acting under the color of law. This Defendant denies the remainder of paragraph 120 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

121. This Defendant denies paragraph 121 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

122. This Defendant denies paragraph 122 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

123. This Defendant denies paragraph 123 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

124. This Defendant denies paragraph 124 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

125. This Defendant denies paragraph 125 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

126. This Defendant denies paragraph 126 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

127. This Defendant denies paragraph 127 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

128. This Defendant denies paragraph 128 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

129. This Defendant denies paragraph 129 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

130. This Defendant denies paragraph 130 of Plaintiffs' Third Amended Complaint and demand strict proof thereof.

131. This Defendant denies paragraph 131 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

132. This Defendant denies paragraph 132 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

133. This Defendant denies paragraph 133 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

134. This Defendant denies paragraph 134 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

135. This Defendant denies paragraph 135 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

136. This Defendant denies paragraph 136 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

137. This Defendant denies paragraph 137 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

COUNT VI

(Section 1983 – Violation of Due Process)

157. This Defendant adopts and incorporates all prior paragraphs as if fully set out herein.

158. No answer is required of this Defendant as to paragraph 158 of Plaintiffs' Third Amended Complaint.

159. No answer is required of this Defendant as to paragraph 159 of Plaintiffs' Third Amended Complaint.

160. No answer is required of this Defendant as to paragraph 160 of Plaintiffs' Third Amended Complaint.

161. This Defendant admits that, at all times relevant to this lawsuit, Stokes, Broussard, Leverett, Thomas, and Tucker were acting under the color of law.

162. Admitted.

163. This Defendant denies paragraph 163 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

164. This Defendant denies paragraph 164 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

165. This Defendant denies paragraph 165 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

166. This Defendant denies paragraph 166 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

167. This Defendant denies paragraph 167 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

168. This Defendant denies paragraph 168 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

COUNT VII

(Section 1983 - Violation of Section 2 of the Voting Rights Act)

169. This Defendant adopts and incorporates all prior paragraphs as if fully set out herein.

170. No answer is required of this Defendant as to paragraph 170 of Plaintiffs' Third Amended Complaint.

171. No answer is required of this Defendant as to paragraph 171 of Plaintiffs' Third Amended Complaint.

172. No answer is required of this Defendant as to paragraph 172 of Plaintiffs' Third Amended Complaint.

173. This Defendant denies paragraph 173 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

174. This Defendant denies paragraph 174 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

175. This Defendant denies paragraph 175 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

176. This Defendant denies paragraph 176 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

177. This Defendant denies paragraph 177 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

178. This Defendant denies paragraph 178 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

179. This Defendant denies paragraph 179 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

180. This Defendant denies paragraph 180 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

181. This Defendant denies paragraph 181 of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

PRAYER FOR RELIEF

182. This Defendant denies the entire "Prayer for Relief" labeled paragraph 107 set forth at the end of Plaintiffs' Third Amended Complaint and demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. This Defendant affirmatively pleads that Plaintiffs have failed to state a claim upon which relief may be granted.

2. This Defendant affirmatively pleads the general issue.

3. This Defendant affirmatively pleads lack of notice.

4. This Defendant affirmatively pleads that Plaintiffs did not comply with the statutory requirements to maintain this lawsuit.

5. This Defendant affirmatively pleads that Plaintiffs claims are barred by the statute of limitations.

6. This Defendant affirmatively pleads immunity.

7. This Defendant affirmatively pleads the actions of Stokes, Broussard, Leverett, Thomas, and Tucker were justified.

8. This Defendant affirmatively pleads that the actions of Stokes, Broussard, Leverett, Thomas, and Tucker were privileged.

9. This Defendant affirmatively pleads that the actions of Stokes, Broussard, Leverett, Thomas, and Tucker were based upon a reasonable belief.

10. This Defendant affirmatively pleads good faith.

11. The Defendants affirmatively pleads that the actions of Stokes, Broussard, Leverett, Thomas, and Tucker were lawful.

12. This Defendant affirmatively pleads that the Plaintiffs were not deprived of equal protection or of equal privileges and immunities.

13. This Defendant affirmatively pleads that the Plaintiffs were not deprived of any right or privilege.

14. This Defendant affirmatively pleads a lack of intent to deprive Plaintiffs' of equal protection or privileges and immunities.

15. This Defendant affirmatively pleads a lack of intent to deprive Plaintiffs of having and/or exercising any right or privilege.

16. This Defendant affirmatively pleads that it did not violate Plaintiffs' rights under the Voting Rights Act.

17. This Defendant affirmatively pleads that no conspiracy existed.

18. This Defendant affirmatively pleads that their actions lacked any racial or otherwise class-based discriminatory motive.

19. This Defendant affirmatively pleads that the actions of Stokes, Broussard, Leverett, Thomas, and Tucker lacked any racial or otherwise class-based discriminatory animus.

20. This Defendant affirmatively pleads a lack of damages.

21. This Defendant affirmatively pleads failure to mitigate damages.

22. This Defendant affirmatively pleads mistaken belief.

23. This Defendant affirmatively pleads that the actions of Stokes, Broussard, Leverett, Thomas, and Tucker were not the moving force behind Plaintiffs' alleged constitutional violation.

24. This Defendant affirmatively pleads lack of widespread abuse.

25. This Defendant affirmatively pleads a policy or custom was not the proximate cause of Plaintiffs' alleged violation.

26. This Defendant affirmatively pleads that Plaintiffs' Voting Rights claim is not a valid course of action for a private citizen. See *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, 91 F.4th 967 (8th Cir. 2024).

/s/ Rick A. Howard

Rick A. Howard (ASB-9513-W79R)

M. Ashley Tidwell (ASB-3974-O48M)

Attorneys for Haywood Stokes III,

Gary Broussard, Jesse Donald Leverett,

Voncille Brown Thomas, and Willie Richard

Tucker, and Town of Newbern

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon:

Richard P. Rouco
George N. Davies
Quinn, Connor, Weaver, Davies & Rouco, LLP
2 North 20th Street, Suite 930
Birmingham, AL 35203

Morenike Fajana
Leah Wong
40 Rector Street, 5th Floor
New York, NY 10006

by placing same in the United States Mail, postage prepaid, or through the court's electronic filing service, on this the 20th day of May, 2024.

/s/Rick A. Howard

OF COUNSEL

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