

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

CYNTHIA PARHAM, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:20cv572-DPJ-FKB

**MICHAEL D. WATSON, JR., in his official
Capacity as Secretary of State of Mississippi, ET AL.**

DEFENDANTS

DEFENDANTS' ANSWER AND DEFENSES TO PLAINTIFFS' COMPLAINT

Defendants Michael D. Watson, Jr., in his official capacity as Secretary of State of Mississippi, and Lynn Fitch, in her official capacity as Attorney General of the State of Mississippi (collectively “defendants”), file this their Answer and Defenses to plaintiffs’ complaint (“complaint”) [Dkt. 1] and state:

ANSWER

Defendants respond to the allegations in the complaint, paragraph-by-paragraph, as follows:

INTRODUCTION

1. Denied.
2. Denied as stated. Defendants admit only that SARS-CoV-2 is the virus that causes the infectious disease COVID-19 which has created public health risks, and the current official data regarding COVID-19 infections and deaths in Mississippi speaks for itself. Any remaining allegations in paragraph 2 are denied.

3. Denied as stated. Defendants admit only that the statements of public health officials and experts referenced in paragraph 3 speak for themselves. Any remaining allegations in paragraph 3 are denied.

4. Denied as stated. Defendants admit only that any statements of public health experts and public health guidelines referenced in paragraph 4 speak for themselves. Any remaining allegations in paragraph 4 are denied.

5. Denied as stated. Defendants admit only that COVID-19 has created public health risks. Any remaining allegations in paragraph 5 are denied.

6. Denied as stated. Defendants admit only that Mississippi state laws establishing who is eligible to vote by absentee ballot speak for themselves. Any remaining allegations in paragraph 6 are denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied as stated. Defendants admit only that the statute quoted in paragraph 10 speaks for itself. Any remaining allegations in paragraph 10 are denied.

11. Denied as stated. Defendants admit only that the public statements made by the Governor of Mississippi referenced in paragraph 11 speak for themselves. Any remaining allegations in paragraph 11 are denied.

12. Denied.

13. Denied.

14. Denied as stated. Defendants admit only that the statutes referenced in paragraph 14 speak for themselves. Any remaining allegations in paragraph 14 are denied.

15. Denied as stated. Defendants admit only that the statute referenced in paragraph 15 speaks for itself. Any remaining allegations in paragraph 15 are denied.

16. Denied.

JURISDICTION AND VENUE

17. Denied as stated. Defendants admit only that the statutes referenced in paragraph 17 speak for themselves. Any remaining allegations in paragraph 17 are denied.

18. Denied as stated. Defendants admit only that the statutes referenced in paragraph 18 speak for themselves. Any remaining allegations in paragraph 18 are denied.

19. Denied as stated. Defendants admit only that the statutes referenced in paragraph 19 speak for themselves. Any remaining allegations in paragraph 19 are denied.

20. Denied as stated. Defendants admit only that the Court has personal jurisdiction over the defendants and that they have been sued in their official capacities only. Any remaining allegations in paragraph 20 are denied.

21. Denied as stated. Defendants admit only that the statute referenced in paragraph 21 speaks for itself. Any remaining allegations in paragraph 21 are denied.

PLAINTIFFS

22. Denied as stated. Defendants admit only, upon information and belief, that plaintiff Cynthia Parham is a 61 year old resident of Oxford, Mississippi, and a U.S. citizen and registered Mississippi voter. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 22, therefore those allegations are denied.

23. Denied as stated. Defendants admit only, upon information and belief, that plaintiff Jed Oppenheim is a 40 year old resident of Jackson, Mississippi, a U.S. citizen and registered Mississippi voter, and the husband of Harriett Oppenheim. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 23, therefore those allegations are denied.

24. Denied as stated. Defendants admit only, upon information and belief, that plaintiff Cheryl Goggin is a 72 year old resident of Hattiesburg, Mississippi, and a U.S. citizen and registered Mississippi voter. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 24, therefore those allegations are denied.

25. Denied as stated. Defendants admit only, upon information and belief, that plaintiff League of Women Voters of Mississippi is the Mississippi affiliate of the national League of Women Voters, and is a 501(c)(4) organization. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 25, therefore those allegations are denied.

26. Defendants are without sufficient information to admit or deny the truth of the allegations in paragraph 26, therefore those allegations are denied.

27. Denied as stated. Defendants admit only that the state laws governing absentee voting speak for themselves. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 27, therefore those allegations are denied.

28. Defendants are without sufficient information to admit or deny the truth of the allegations in paragraph 28, therefore those allegations are denied.

29. Denied as stated. Defendants admit only that the state laws governing absentee voting speak for themselves. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' beliefs alleged in paragraph 29, therefore those allegations are denied. Any remaining allegations in paragraph 29 are denied.

30. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' beliefs alleged in paragraph 30, therefore those allegations are denied. Any remaining allegations in paragraph 30 are denied.

31. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' alleged requests for guidance or communications with Mississippi Circuit Clerks, therefore those allegations are denied. Any remaining allegations in paragraph 31 are denied.

32. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' alleged attempts to create a

voter guide, therefore those allegations are denied. Any remaining allegations in paragraph 32 are denied.

33. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' alleged plans to conduct voter education, therefore those allegations are denied. Any remaining allegations in paragraph 33 are denied.

34. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff League of Women Voters' alleged plan to conduct poll worker recruitment programs, therefore those allegations are denied. Any remaining allegations in paragraph 34 are denied.

35. Denied as stated. Defendants admit only, upon information and belief, that plaintiff Mississippi State Conference of the NAACP is a nonprofit membership organization headquartered in Jackson, Mississippi. Defendants are without sufficient information to admit or deny the truth of the remaining allegations in paragraph 35, therefore those allegations are denied.

36. Defendants are without sufficient information to admit or deny the truth of the allegations in paragraph 36, therefore those allegations are denied.

37. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff Mississippi State Conference of the NAACP's alleged beliefs regarding in-person voting, therefore those allegations are denied. Any remaining allegations in paragraph 37 are denied.

38. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff Mississippi State Conference of the NAACP's alleged voter education campaigns, therefore those allegations are denied. Any remaining allegations in paragraph 38 are denied.

39. Defendants are without sufficient information to admit or deny the truth of the allegations in paragraph 39, therefore those allegations are denied.

40. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff Mississippi State Conference of the NAACP's alleged voter education campaigns, therefore those allegations are denied. Any remaining allegations in paragraph 40 are denied.

41. Defendants are without sufficient information to admit or deny the truth of the allegations in paragraph 41, therefore those allegations are denied.

42. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff Mississippi State Conference of the NAACP's alleged community education conversations and programs, therefore those allegations are denied. Any remaining allegations in paragraph 42 are denied.

43. Denied as stated. Defendants are without sufficient information to admit or deny the truth as to plaintiff Mississippi State Conference of the NAACP's alleged voter education plans, therefore those allegations are denied. Any remaining allegations in paragraph 43 are denied.

DEFENDANTS

44. Denied as stated. Defendants admit only that Secretary of State Watson is the duly elected Secretary of State of Mississippi, his duties and authority are defined by law, the Governor of Mississippi's duties and authorities are defined by law, and the statutes and documents referenced in paragraph 44 speak for themselves. Any remaining allegations in paragraph 44 are denied.

45. Denied as stated. Defendants admit only that Attorney General Fitch is the duly elected Attorney General of Mississippi, her duties and authority are defined by law, and the statutes and official opinion request referenced in paragraph 45 speak for themselves. Any remaining allegations in paragraph 45 are denied.

FACTUAL ALLEGATIONS

The allegations in headings I. and A. on page 20 are denied.

46. Denied as stated. Defendants admit only that SARS-CoV-2 is the virus that causes the infectious disease COVID-19 which has created public health risks, and the available and current reliable data and research regarding COVID-19 and its effects speaks for themselves. Any remaining allegations in paragraph 46 are denied.

47. Denied as stated. Defendants admit only that the Presidential declaration and state declarations referenced in paragraph 47 speak for themselves. Any remaining allegations in paragraph 47 are denied.

48. Denied as stated. Defendants admit only that the internet material cited in paragraph 48 speaks for itself. Any remaining allegations in paragraph 48 are denied.

49. Denied as stated. Defendants admit only that the academic journal and newspaper article referenced in paragraph 49 speak for themselves. Any remaining allegations in paragraph 49 are denied.

50. Denied as stated. Defendants admit only that the internet material cited in paragraph 50 speaks for itself. Any remaining allegations in paragraph 50 are denied.

51. Denied as stated. Defendants admit only that the available and current reliable data and research regarding COVID-19 and treatments for the disease speak for themselves. Any remaining allegations in paragraph 51 are denied.

52. Denied as stated. Defendants admit only that the internet material cited in paragraph 52 speaks for itself. Any remaining allegations in paragraph 52 are denied.

53. Denied as stated. Defendants admit only that the available and current reliable data and research regarding COVID-19 speaks for themselves. Any remaining allegations in paragraph 53 are denied.

54. Denied as stated. Defendants admit only that the available and current reliable data and research regarding COVID-19 speaks for themselves. Any remaining allegations in paragraph 54 are denied.

The allegations in heading B. on page 22 are denied.

55. Denied as stated. Defendants admit only that the internet material cited in paragraph 55 speaks for itself. Any remaining allegations in paragraph 55 are denied.

56. Denied as stated. Defendants admit only that the press release quoted in paragraph 56 speaks for itself. Any remaining allegations in paragraph 56 are denied.

57. Denied as stated. Defendants admit only that the executive orders and internet material cited in paragraph 57 speak for themselves. Any remaining allegations in paragraph 57 are denied.

58. Denied as stated. Defendants admit only that the executive orders cited in paragraph 58 speak for themselves. Any remaining allegations in paragraph 58 are denied.

59. Denied as stated. Defendants admit only that the press releases cited in paragraph 59 speak for themselves. Any remaining allegations in paragraph 59 are denied.

60. Denied as stated. Defendants admit only that the executive orders quoted in paragraph 60 speak for themselves. Any remaining allegations in paragraph 60 are denied.

61. Denied as stated. Defendants admit only that the internet material cited in paragraph 61 speak for themselves. Any remaining allegations in paragraph 61 are denied.

The allegations in the headings II. and A. on page 26 are denied.

62. Denied as stated. Defendants admit only that the state laws governing absentee voting speak for themselves. Any remaining allegations in paragraph 62 are denied.

63. Denied as stated. Defendants admit only that the statute referenced in paragraph 63 speaks for itself. Any remaining allegations in paragraph 63 are denied.

64. Denied as stated. Defendants admit only that the legislation referenced in paragraph 64 speaks for itself. Any remaining allegations in paragraph 64 are denied.

65. Denied as stated. Defendants admit only that the statutes referenced in paragraph 65 speak for themselves. Any remaining allegations in paragraph 65 are denied.

66. Denied as stated. Defendants admit only that the statute referenced in paragraph 66 speaks for itself. Any remaining allegations in paragraph 66 are denied.

67. Denied as stated. Defendants admit only that the statute referenced in paragraph 67 speaks for itself. Any remaining allegations in paragraph 67 are denied.

68. Denied as stated. Defendants admit only that the statute referenced in paragraph 68 speaks for itself. Any remaining allegations in paragraph 68 are denied.

69. Denied as stated. Defendants admit only that the statutes referenced in paragraph 69 speak for themselves. Any remaining allegations in paragraph 69 are denied.

70. Denied as stated. Defendants admit only that the statutes referenced in paragraph 70 speak for themselves. Any remaining allegations in paragraph 70 are denied.

The allegations in heading B. on page 28 are denied.

71. Denied as stated. Defendants admit only that the state laws governing elections and Centers for Disease Control (“CDC”) guidelines referenced in paragraph 71 speak for themselves. Any remaining allegations in paragraph 71 are denied.

72. Denied as stated. Defendants admit only that in-person voting is required for persons not eligible to vote by absentee ballot under state law, and that the state laws governing elections referenced in paragraph 72 speak for themselves. Any remaining allegations in paragraph 72 are denied.

73. Denied as stated. Defendants admit only that the CDC guidelines referenced in paragraph 73 speak for themselves. Any remaining allegations in paragraph 73 are denied.

74. Denied as stated. Defendants admit only that the internet material referenced in paragraph 74 and its footnotes speak for themselves. Any remaining allegations in paragraph 74 and its footnotes are denied.

75. Denied as stated. Defendants admit only that the available and current reliable data and research regarding COVID-19 speaks for themselves. Any remaining allegations in paragraph 75 are denied.

76. Defendants are without sufficient information to admit or deny the truth as to the allegations in paragraph 76, therefore those allegations are denied.

77. Denied as stated. Defendants admit only that the internet material referenced in paragraph 77 and its footnote speak for themselves. Any remaining allegations in paragraph 77 and its footnote are denied.

78. Denied as stated. Defendants admit only that the CDC guidelines referenced in paragraph 78 speak for themselves. Any remaining allegations in paragraph 78 are denied.

The allegations in the heading 1. on page 32 are denied.

79. Denied as stated. Defendants admit only that the CDC guidelines referenced in paragraph 79 speak for themselves. Defendants are without sufficient information to admit or deny the truth as to the allegations regarding plaintiffs Goggin, Parham, and some organization plaintiffs' members' underlying medical conditions, or the allegations regarding plaintiff Oppenheim's relatives' medical conditions, therefore those allegations are denied. Any remaining allegations in paragraph 79 are denied.

80. Denied.

The allegations in heading 2. on page 32 are denied.

81. Denied.

82. Denied as stated. Defendants admit only that the internet material cited in paragraph 82 speaks for itself. Any remaining allegations in paragraph 82 are denied.

83. Denied as stated. Defendants admit only that the internet material cited in paragraph 83 and its footnotes speak for themselves. Any remaining allegations in paragraph 83 are denied.

84. Denied as stated. Defendants admit only that the documents showing any research, statements, and data referenced in paragraph 84 speak for themselves. Any remaining allegations in paragraph 84 are denied.

85. Denied as stated. Defendants admit only that the internet material referenced in paragraph 85 speak for themselves. Any remaining allegations in paragraph 85 are denied.

86. Denied as stated. Defendants admit only that the internet material referenced in paragraph 86 speak for themselves. Any remaining allegations in paragraph 86 are denied.

87. Denied as stated. Defendants admit only that the information from the CDC and other internet material referenced and/or quoted in paragraph 87 speaks for themselves. Any remaining allegations in paragraph 87 are denied.

88. Denied.

The allegations in heading 3. on page 36 are denied.

89. Denied.

90. Denied as stated. Defendants admit only that the information from the CDC referenced and/or quoted in paragraph 90 speaks for itself. Any remaining allegations in paragraph 90 are denied.

91. Denied as stated. Defendants admit only, upon information and belief, that plaintiff Goggin is over age 65. Defendants are without sufficient information to admit or deny the truth of the allegation that many members of the organizational plaintiffs are over age 65, therefore those allegations are denied. Any remaining allegations in paragraph 91 are denied.

92. Denied as stated. Defendants admit only that the internet material referenced in paragraph 92 speaks for itself. Any remaining allegations in paragraph 92 are denied.

93. Denied as stated. Defendants admit only that the CDC guidelines and internet material referenced and/or quoted in paragraph 93 speak for themselves. Any remaining allegations in paragraph 93 are denied.

94. Denied as stated. Defendants admit only that the internet material referenced and/or quoted in paragraph 94 speaks for itself. Any remaining allegations in paragraph 94 are denied.

The allegations in heading 4. on page 38 are denied.

95. Denied.

96. Denied as stated. Defendants admit only that the CDC guidelines and internet material referenced and/or quoted in paragraph 96 speak for themselves. Any remaining allegations in paragraph 96 are denied.

97. Denied as stated. Defendants admit only that voters with certain disabilities may seek assistance when voting in-person. Any remaining allegations in paragraph 97 are denied.

98. Denied.

99. Denied as stated. Defendants admit only that the state laws governing absentee voting referenced in paragraph 99 speak for themselves. Any remaining allegations in paragraph 99 are denied.

The allegations in heading C. on page 39 are denied.

100. Denied as stated. Defendants admit only that the internet material referenced in paragraph 100 speaks for itself. Any remaining allegations in paragraph 100 are denied.

101. Denied as stated. Defendants admit only that the statute and legislation referenced in paragraph 101 speak for themselves. Any remaining allegations in paragraph 101 are denied.

102. Denied as stated. Defendants admit only that the legislator statements and statute referenced in paragraph 102 speak for themselves. Any remaining allegations in paragraph 102 are denied.

103. Denied as stated. Defendants admit only that the legislation and internet material referenced in paragraph 103 speak for themselves. Any remaining allegations in paragraph 103 are denied.

104. Denied as stated. Defendants admit only that the internet material referenced and/or quoted in paragraph 104 speaks for itself. Any remaining allegations in paragraph 104 are denied.

105. Denied as stated. Defendants admit only that the statute, internet material, and other documents referenced in paragraph 105 speak for themselves. Any remaining allegations in paragraph 105 are denied.

106. Denied.

107. Denied as stated. Defendants admit only that the complaint document referenced in paragraph 107 speaks for itself. Any remaining allegations in paragraph 107 are denied.

108. Denied.

The allegations in heading D. on page 42 are denied.

109. Denied as stated. Defendants admit only that the statutes referenced in paragraph 109 speak for themselves. Any remaining allegations in paragraph 109 are denied.

110. Denied as stated. Defendants admit only that the executive order referenced in paragraph 110 speaks for itself. Any remaining allegations in paragraph 110 are denied.

111. Denied as stated. Defendants admit only that the executive order referenced in paragraph 111 speaks for itself. Any remaining allegations in paragraph 111 are denied.

112. Denied.

113. Denied as stated. Defendants admit only that the internet material referenced in paragraph 113 speaks for itself. Any remaining allegations in paragraph 113 are denied.

114. Denied as stated. Defendants admit only that the judicial opinion referenced and/or quoted in paragraph 114 speaks for itself. Any remaining allegations in paragraph 114 are denied.

115. Denied.

116. Denied as stated. Defendants admit only that the CDC guidelines referenced in paragraph 116 speak for themselves. Any remaining allegations in paragraph 116 are denied.

117. Denied.

118. Denied as stated. Defendants admit only that state laws regarding the absentee voting process speak for themselves. Any remaining allegations in paragraph 118 are denied.

The allegations in heading E. on page 45 are denied.

119. Denied as stated. Defendants admit only that the statutes referenced and/or quoted in paragraph 119 speak for themselves. Any remaining allegations in paragraph 119 are denied.

120. Denied.

121. Denied as stated. Defendants admit only that the statutes, documents and internet material referenced and/or quoted in paragraph 121 speak for themselves. Any remaining allegations in paragraph 121 are denied.

122. Denied as stated. Defendants admit only that the document referenced in paragraph 122 speaks for itself. Any remaining allegations in paragraph 122 are denied.

123. Denied as stated. Defendants admit only that the statute referenced in paragraph 123 speaks for itself. Any remaining allegations in paragraph 123 are denied.

124. Denied.

The allegations in heading “Count 1” on page 48 are denied.

125. Defendants incorporate their responses to the prior paragraphs.

126. Denied as stated. Defendants admit only that the judicial opinions referenced and/or quoted in paragraph 126 speak for themselves. Any remaining allegations in paragraph 126 are denied.

127. Denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

The allegations in heading “Count 2” on page 49 are denied.

132. Defendants incorporate their responses to the prior paragraphs.

133. Denied.

134. Denied.

135. Denied.

136. Denied.

The allegations in heading “Count 3” on page 50 are denied.

137. Defendants incorporate their responses to the prior paragraphs.

138. Denied.

139. Denied as stated. Defendants admit only that the judicial opinions referenced and/or quoted in paragraph 139 speak for themselves. Any remaining allegations in paragraph 139 are denied.

140. Denied as stated. Defendants admit only that the statute referenced in paragraph 140 speaks for itself. Any remaining allegations in paragraph 140 are denied.

141. Denied.

142. Denied.

143. Denied.

144. Denied.

145. Denied.

146. Denied.

147. Denied.

The allegations in heading “Count 4” on page 52 are denied.

148. Defendants incorporate their responses to the prior paragraphs.

149. Denied.

150. Denied.

151. Defendants incorporate their responses to the prior paragraphs.

152. Denied as stated. Defendants admit only that the judicial opinions referenced in paragraph 152 speak for themselves. Any remaining allegations in paragraph 152 are denied.

153. Denied.

154. Denied.

155. Denied as stated. Defendants admit only that the statutes referenced in paragraph 155 speak for themselves. Any remaining allegations in paragraph 155 are denied.

156. Denied.

The allegations in heading “Count 6” on page 54 are denied.

157. Defendants incorporate their responses to the prior paragraphs.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

PRAYER FOR RELIEF

Defendants deny the allegations contained in the unnumbered paragraph beginning with “Plaintiffs respectfully pray that the Court...” on page 55, including all its subparts, and specifically deny that plaintiffs are not entitled to any relief whatsoever.

Any and all legal conclusions in the complaint, and any and all allegations not specifically admitted above, are hereby denied.

FIRST DEFENSE

Plaintiffs’ claims should be dismissed for lack of subject matter jurisdiction.

SECOND DEFENSE

Plaintiffs' claims fail to state a claim upon which relief may be granted.

THIRD DEFENSE

Some or all of plaintiffs' claims are barred due to: their lack of standing, whether allegedly associational, organization, or otherwise; the mootness doctrine; as unripe for judicial review; due to plaintiffs' lack of prudential standing; as insufficient to warrant an award of injunctive and/or declaratory relief; and/or for lack of a private right of action.

FOURTH DEFENSE

Some or all of plaintiffs' claims are barred by the Eleventh Amendment.

FIFTH DEFENSE

Some or all of plaintiffs' claims are barred by the doctrines of laches, waiver, and/or estoppel.

SIXTH DEFENSE

Plaintiffs are not entitled to injunctive relief due to lack of irreparable injury, and due to plaintiffs' unreasonable delay in filing suit and/or failure to timely seek injunctive relief.

SEVENTH DEFENSE

Pursuant to Fed. R. Civ. P. 12(b)(7), defendants affirmatively assert that plaintiffs have failed to join proper and/or indispensable parties under Rule 19.

EIGHTH DEFENSE

Plaintiffs' claims fail to state a claim under 42 U.S.C. § 1983.

NINTH DEFENSE

Plaintiffs' claims fail to state a justiciable claim for relief under 28 U.S.C. § 2201 and/or 28 U.S.C. § 2202.

TENTH DEFENSE

Defendants affirmatively assert all sovereign, common law, and/or statutory immunities to which they are entitled.

ELEVENTH DEFENSE

The complaint only asserts claims against defendants in their official capacities. To the extent plaintiffs may contend otherwise, some or all of plaintiffs' claims would be barred by defendants' immunity under the qualified immunity doctrine as plaintiffs have not been deprived of any constitutional or federal statutory right, much less any alleged right which was clearly established at the time of defendants' alleged violation of law. Defendants have acted at all times in good faith within their official capacities, and course and scope of their duties authorized by law, and in an objectively reasonable manner in light of then clearly established law, at all times relevant to plaintiffs' allegations.

TWELFTH DEFENSE

Some or all of plaintiffs' claims are barred by res judicata and/or collateral estoppel.

THIRTEENTH DEFENSE

Defendants affirmatively assert all defenses to which they are entitled, or may become entitled, under 42 U.S.C. § 1983 and/or any other applicable provisions of federal or state law.

FOURTEENTH DEFENSE

Some or all of plaintiffs' claims are barred by the *Pullman* abstention doctrine.

FIFTEENTH DEFENSE

Some or all of plaintiffs' claims are barred by the *Parratt-Hudson* doctrine and/or the *Rooker-Feldman* doctrine.

SIXTEENTH DEFENSE

Some or all of plaintiffs' claim for injunctive relief are barred by the *Purcell* principle.

SEVENTEENTH DEFENSE

Defendants affirmatively assert all defenses to which they are entitled, or may become entitled through further discovery, pursuant to Fed. R. Civ. P. 8(c) and/or 12(b).

FOR THESE REASONS, defendants respectfully request that their answer and defenses be received and that, upon completion of the appropriate proceedings in this matter, plaintiffs' claims be dismissed, and that the Court award defendants costs as well as attorneys' fees and expenses which may be appropriate under the

federal rules, 28 U.S.C. § 1927, 28 U.S.C. § 1988, or any other applicable rule or statute.

THIS the 25th day of September, 2020

Respectfully submitted,

LYNN FITCH,
Attorney General

By: Krissy C. Nobile (Bar No. 103577)
Deputy Solicitor General
Justin L. Matheny (Bar No. 1000754)
Assistant Solicitor General
Candice L. Rucker (Bar No. 105355)
Special Assistant Attorney General
MISSISSIPPI ATTORNEY GENERAL'S OFFICE
P.O. Box 220
Jackson, MS 39205-0220
Telephone: (601) 359-3680
krissy.nobile@ago.ms.gov
justin.matheny@ago.ms.gov
candice.rucker@ago.ms.gov

*Counsel for Defendants Secretary of State
Watson and Attorney General Fitch*