

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DAVID B. MEANS, ET AL

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE HORNSBY

**AFFIRMATIVE DEFENSES AND
ANSWER TO SECOND AMENDED COMPLAINT**

Defendants, DeSoto Parish and DeSoto Parish Police Jury (collectively, “**DeSoto Parish**” or “**Defendants**”), respectfully submit the following Affirmative Defenses and Answer to the Second Amended Complaint filed by Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Buford, Jack E. Barron, W. Bruce Garlington, Donald Barber, Billy Dwayne Brumley, and Sherry Brumley (collectively “**Plaintiffs**”):

AFFIRMATIVE DEFENSES

Defendants assert the following Affirmative Defenses:

First Affirmative Defense

The plan adopted and approved by DeSoto Parish Police Jury on April 10, 2023 complies with the procedural and substantive requirements of not only state law but also the United States Constitution and U.S. Voting Rights Act of 1965.

Second Affirmative Defense

The equitable doctrine of laches precludes Plaintiffs, who have unreasonably neglected to challenge the 2010 redistricting map for the Parish, from asserting the invalidity of the 2010

redistricting map as a factor to be considered in favor of invalidating the plan adopted and approved by DeSoto Parish Police Jury on April 10, 2023.

Third Affirmative Defense

The equitable doctrine of estoppel precludes Plaintiffs, who have acquiesced to the Department of Justice's upholding the validity of the 2010 redistricting map for the Parish, from asserting the invalidity of the 2010 redistricting map as a factor to be considered in favor of invalidating the plan adopted and approved by DeSoto Parish Police Jury on April 10, 2023.

Fourth Affirmative Defense

Out of an abundance caution, Defendants assert and incorporate any affirmative defenses permitted under the Federal Rules of Civil Procedure, without waiver, and subject to amendment hereafter if additional affirmative defenses become available during the course of discovery.

ANSWER

And now Defendants respond to the numbered paragraphs of the Amended Complaint by denying each and every allegation unless expressly admitted herein and further responds as follows:

1. Defendants admit that Plaintiffs have challenged the redistricting plan adopted by DeSoto Parish but deny that there was any unconstitutional racial gerrymander. The rest of the allegations of this paragraph are denied for the lack of sufficient information to justify a belief therein.

2. Defendants admit that Plaintiffs are seeking a declaratory judgment but deny that they have any basis for their request for relief. To the extent any further response is required, the rest of the allegations are denied.

3. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

4. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

5. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

6. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

7. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

8. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

9. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

10. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

11. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

12. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

13. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

14. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

15. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

16. Defendants deny for lack of sufficient information the allegations regarding the residency and where this Plaintiff is a lawfully registered voter. The rest of the allegations for this Paragraph are denied.

17. Defendants admit the allegations in Paragraph 17.

18. Defendants admit the allegations in Paragraph 18.

19. Defendants admit that this Court has subject matter jurisdiction over this matter.

20. Defendants admit that venue is proper in this jurisdiction.

21. The allegations of this Paragraph are admitted.

22. The allegations of this Paragraph are admitted to the extent that Cedric Floyd was a consultant for the Police Jury in adopting the 2010 redistricting map.

23. The allegations of this Paragraph are denied.

24. The allegations of this Paragraph are denied.

25. The allegations of this Paragraph are denied.

26. The allegations of this Paragraph are denied for lack of sufficient information to justify a belief therein.

27. The allegations of this Paragraph are denied for lack of sufficient information to justify a belief therein.

28. The allegations of this Paragraph are denied for lack of sufficient information to justify a belief therein.

29. Defendants allege that the 2020 Census is the best evidence of its terms. To the extent any further response is required, the allegations are denied.

30. Defendants allege that the 2020 Census is the best evidence of its terms. To the extent any further response is required, the allegations are denied.

31. The allegations of this Paragraph are admitted.

32. The allegations of this Paragraph are admitted.

33. Defendants admit that DeSoto Parish Police Jury worked with consultant Michael Hefner and further avers that input from the public was also obtained. The rest of the allegations of this Paragraph are denied.

34. Defendants admit that Plan C was adopted on April 18, 2022 but avers that said Plan is the best evidence of its terms. The rest of the allegations of this Paragraph are denied.

35. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements from Mr. Hefner during the redistricting process.

36. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements from Mr. Hefner during the redistricting process.

37. Defendants aver that the public notice for the adoption of Plan C is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

38. The allegations of this Paragraph are denied.

39. Defendants aver that Plan C is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

40. Defendants aver that Plan C is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

41. Defendants aver that Plan C is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

42. Defendants aver that the November 18, 2022 letter is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

43. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements from Mr. Hefner during the redistricting process.

44. The allegations of this Paragraph are denied.

45. Defendants admit that Plan C was rescinded at a meeting on or around December 5, 2022. The rest of the allegations of this Paragraph are denied.

46. The allegations of this Paragraph are denied as written.

47. The allegations of this Paragraph are denied as written.

48. The allegations of this Paragraph are denied as written.

49. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements made during the redistricting process.

50. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements made during the redistricting process.

51. Defendants aver that Plan H (Revised) is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

52. Defendants aver that the February 3, 2023 letter is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

53. Defendants aver that the February 3, 2023 letter is the best evidence of its terms. To the extent any further response is required, the allegations of this Paragraph are denied.

54. The allegations of this Paragraph are denied as written.

55. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements made during the redistricting process.

56. The allegations of this Paragraph are denied.

57. The allegations of this Paragraph are denied as written because they isolate and paraphrase selected statements made during the redistricting process.

58. The allegations of this Paragraph are denied as written.

59. The allegations of this Paragraph are denied as written.

60. Defendants admit that on April 10, 2023, the DeSoto Parish Police Jury voted on a plan which it adopted (the “Enacted Plan”). Defendants aver that the Enacted Plan is the best

evidence of its terms. If any further response is required, the rest of the allegations of this Paragraph are denied.

61. The allegations of this Paragraph are denied.
62. The allegations of this Paragraph are admitted.
63. The allegations of this Paragraph are denied.
64. The allegations of this Paragraph are denied.
65. The allegations of this Paragraph are denied.
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81. The allegations of this Paragraph are denied.

82. The allegations of this Paragraph are denied.

83. The allegations of this Paragraph are denied.

84. Defendants aver that the 2020 Census is the best evidence of its terms. The rest of the allegations of this Paragraph are denied.

85. The allegations of this Paragraph are denied.

86. The allegations of this Paragraph are denied.

87. The allegations of this Paragraph are denied.

88. The allegations of this Paragraph are denied.

89. The allegations of this Paragraph are denied.

90. The allegations of this Paragraph are denied.

91. The allegations of this Paragraph are denied.

92. The allegations of this Paragraph are denied.

93. The allegations of this Paragraph are denied.

94. The allegations of this Paragraph are denied.

95. The allegations of this Paragraph are denied.

96. It is admitted that the parties participated in a preliminary injunction hearing on July 11 and July 12, 2023. This Paragraph makes further reference to the transcript of said hearing. Defendants defer to the transcript of the hearing, which is the best evidence of its contents and object to any referenced thereto inasmuch as the preliminary injunction hearing is not dispositive of any of the claims at issue in this case nor of the evidence to be adduced at trial. The remaining allegations in this Paragraph are denied.

97. The allegations of this Paragraph are denied as written. It is admitted that the Court declined to issue a preliminary injunction.

98. The allegations of this Paragraph are denied.

99. Defendants restate and incorporate herein by reference the previous responses to Paragraph 1 through 98 as if fully set forth herein and specifically deny all the allegations therein unless expressly admitted.

100. This Paragraph contains statements of law that do not require an admission or denial from these Defendants. To the extent an answer is required, the allegations in this Paragraph are denied.

101. This Paragraph contains statements of law that do not require an admission or denial from these Defendants. To the extent an answer is required, the allegations in this Paragraph are denied .

102. This Paragraph contains statements of law that do not require an admission or denial from these Defendants. To the extent an answer is required, the allegations in this Paragraph are denied.

103. The allegations of this Paragraph are denied.

104. This Paragraph contains statements of law that do not require an admission or denial from these Defendants. To the extent an answer is required, the allegations in this Paragraph are denied.

105. The allegations of this Paragraph are denied.

106. The allegations of this Paragraph are denied.

107. The allegations of this Paragraph are denied.

108. The allegations of this Paragraph are denied.

109. The allegations of this Paragraph are denied.

110. The allegations of this Paragraph are denied.

111. The allegations of this Paragraph are denied.

112. The allegations of this Paragraph are denied.

WHEREFORE, Defendants respectfully request that the claims of Plaintiffs be rejected at their costs, that this action be dismissed with prejudice, and for all other just and equitable relief for which they may be entitled.

RESPECTFULLY SUBMITTED,

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