

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 4:05cv33 TSL-AGN

IKE BROWN, et al.

DEFENDANTS

**DEFENDANTS IKE BROWN AND THE NOXUBEE COUNTY EXECUTIVE
COMMITTEE'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

COME NOW Defendants Ike Brown and the Noxubee County Executive Committee, by and through undersigned counsel, and answer Plaintiff's *First Amended Complaint* as follows:

FIRST DEFENSE

Pursuant to Rule 12(b)(6), *F.R.C.P.*, Plaintiff's First Amended Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The relief being sought is not appropriate under the Fourteenth Amendment and infringes against Defendants rights under the First, Fifth, and Thirteenth Amendments.

THIRD DEFENSE

Defendants invoke the Doctrine of Equitable Estoppel.

FOURTH DEFENSE

AND NOW, without waiving the Defendants' right to first be heard on all the above and foregoing defenses, the Defendants answer the Plaintiff's First Amended Complaint, paragraph by paragraph, as follows:

1. Defendants admit that the Attorney General is filing this action and deny the remaining allegations contained in paragraph 1 of the amended complaint.
2. Defendants admit the allegations contained in paragraph 2 of the amended complaint.
3. Defendants admit the allegations contained in paragraph 3 of the amended complaint.
4. Defendants admit the allegations contained in paragraph 4 of the amended complaint.
5. Defendants admit the allegations contained in paragraph 5 of the amended complaint.
6. Defendants admit the allegations contained in paragraph 6 of the amended complaint.
7. Defendants admit the allegations contained in paragraph 7 of the amended complaint.
8. Defendants neither admit nor deny the allegations contained in paragraph 8 of the amended complaint inasmuch as they have not researched the census data, but have no reason to dispute said allegations.
9. Defendants admit the allegations contained in paragraph 9 of the amended complaint.
10. Defendants deny the allegations contained in paragraph 10 of the amended complaint.
11. Defendants deny the allegations contained in paragraph 11 of the amended complaint.

12. Defendants deny the allegations contained in paragraph 12 of the amended complaint.
13. Defendants admit the allegations contained in paragraph 13 of the amended complaint.
14. Defendants admit to the existence of §23-15-715 of the Mississippi Code but deny that paragraph 14 of the amended complaint represents an accurate and complete summarization. Furthermore, the Defendants assert that the statute speaks for itself.
15. Defendants admit to the existence of §23-15-715(b) and §23-15-721 of the Mississippi Code but deny that paragraph 15 of the amended complaint represents an accurate and complete summarization. Furthermore, the Defendants assert that the statute speaks for itself.
16. Defendants admit to the existence of §23-15-639 and §23-15-641 of the Mississippi Code but deny that paragraph 16 of the amended complaint represents an accurate and complete summarization. Furthermore, the Defendants assert that the statute speaks for itself.
17. Defendants admit to the existence of §23-15-579 of the Mississippi Code but deny that paragraph 17 of the amended complaint represents an accurate and complete summarization. Furthermore, the Defendants assert that the statute speaks for itself.
18. Defendants deny the allegations contained in paragraph 18 of the amended complaint.
19. Defendants deny the allegations contained in paragraph 19 of the amended

complaint.

20. Defendants deny the allegations contained in paragraph 20 of the amended complaint.

21. Defendants deny the allegations contained in paragraph 21 of the amended complaint.

22. Defendants deny the allegations contained in paragraph 22 of the amended complaint.

23. Defendants are without sufficient information to either admit or deny the allegations of paragraph 23 of the amended complaint and therefore deny the same.

24. Defendants deny the allegations contained in paragraph 24 of the amended complaint.

25. Defendants deny the allegations contained in paragraph 25 of the amended complaint.

26. Defendants incorporate by reference their answers to the allegations contained in paragraphs 1-25 of the amended complaint.

27. Defendants admit the allegations contained in paragraph 27 of the amended complaint.

28. Defendants deny the allegations contained in paragraph 28 of the amended complaint.

29. Defendants deny the allegations contained in paragraph 29 of the amended complaint.

30. Defendants incorporate by reference their answers to the allegations contained in

paragraphs 1-25 of the amended complaint.

31. Defendants admit the allegations contained in paragraph 31 of the amended complaint.

32. Defendants deny the allegations contained in paragraph 32 of the amended complaint.

33. Defendants deny the allegations contained in paragraph 33 of the amended complaint.

34. Defendants incorporate by reference their answers to the allegations contained in paragraphs 1-25 of the amended complaint.

35. Defendants admit the allegations contained in paragraph 35 of the amended complaint.

36. Defendants are without sufficient information to either admit or deny the allegations of paragraph 36 of the amended complaint and therefore deny the same.

37. Defendants are without sufficient information to either admit or deny the allegations of paragraph 37 of the amended complaint and therefore deny the same.

38. Defendants incorporate by reference their answers to the allegations contained in paragraphs 1-25 of the amended complaint.

39. Defendants admit the allegations contained in paragraph 39 of the amended complaint.

40. Defendants deny the allegations contained in paragraph 40 of the amended complaint.

41. Defendants deny the allegations contained in paragraph 41 of the amended complaint.

42. Defendants deny the allegations contained in the last unnumbered paragraph of Plaintiff's amended complaint, which begins "WHEREFORE, the Plaintiff", including all subparts, and the Defendants specifically deny that the Plaintiff is entitled to any relief whatsoever.

Respectfully submitted, this the 24th day of July, 2006.

BY: /s/ Edward L. Pleasants, III
EDWARD L. PLEASANTS, III
(MSB # 101857)
**Counsel for Defendants Ike Brown and
The Noxubee County Democratic
Executive Committee**

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CERTIFICATE OF SERVICE

I, Edward L. Pleasants III, hereby certify that a copy of the foregoing document was served upon the following counsel of record by electronic means: Ellis Turnage, Esq., Christopher D. Hemphill, Esq., J. Christian Adams, Esq., Christopher Coates, Esq., Karen L. Ditzler, Esq., and Joshua L. Rogers, Esq.

This document will be delivered by other means to:

Dunn Lampton, U.S. Attorney's Office
188 E. Capitol Street, Suite 500
Jackson, MS 39201.

This the 24th day of July, 2006.

/s/ Edward L. Pleasants III
Edward L. Pleasants III