

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

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 4:05cv33TSL-AGN

IKE BROWN, et al.

DEFENDANTS

**DEFENDANTS IKE BROWN AND THE NOXUBEE COUNTY
EXECUTIVE COMMITTEE'S SUPPORTING AFFIDAVIT OF
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE
DESIGNATION OF DEFENDANT'S EXPERT**

Ike Brown, being duly sworn, deposed and says:

1. That I have personal knowledge of the facts set forth in this affidavit.
2. That I have no excess income and I live from month to month. Therefore, I am an indigenuous defendant in this case. The Noxubee County Democratic Executive Committee is a volunteer organization and has less than \$100.00 in the party's bank account and therefore, no money available to pay for their defense. Thus they are also indigenuous defendants.
3. That I am dependent on donations and volunteer legal aid to engage in discovery and all other aspects of my defense in this lawsuit. To this date, I have only been able to raise less than \$6,000 to pay expenses and costs associated with this lawsuit.
4. The Government argues that my expert report should be excluded because it was submitted out of time. I got my expert report when I was able to raise the funds to pay my expert witness for his time. The Government would argue that because I am unable to keep up at the pace they spend money that I should not be able to defend myself in this lawsuit and I should lose, which is basically being punished for being poor. I do not have copies of all the depositions that have been conducted in this

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case. I have not been able to pay for the depositions that I noticed myself! I have no money to subpoena witnesses or to have investigators go out and conduct interviews throughout the county with people. I would estimate that the Government has spent well over \$250,000.00 in this case in expenses and other costs.

5. The Government also argues that I sought and received a trial continuance and reopening of discovery for the specific purpose of attempting to get my expert report in. That allegation is not only wrong but another example of how the plaintiff will shamelessly make damaging accusations about me to this court in an attempt to degrade my character and person without knowing what they are talking about. I submitted my expert report when I received it and at the time that I asked for a continuance, I did not have an expert report, nor did I know if my expert would even be able to provide me with one. I have not paid him all of his money and he had stopped working on it.
6. That plaintiff's motion states our expert report should be stricken because of the prejudice to the United States that would follow but there is no prejudice. They don't want my expert report admitted because they know that my expert has shown that their case is not based on facts but rather on unproved allegations, incorrect assumptions, and exaggerations of events. My expert report is simply a response to the expert report that the plaintiff has produced. Again, the Government will do whatever they can to win this case on anything - except the merits. They have worked extensively to make this case as costly as they could so that I couldn't keep up financially and lose by submission. The average cost of the thirty one (31) deposition transcriptions that the Government conducted are approximately \$700 each whereas the average cost of the deposition transcriptions we conducted are approximately

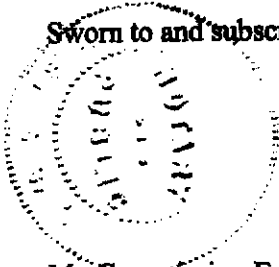
\$240 each. Every deposition they conducted was been purposely longwinded, they lasted for hours longer than they should have and almost every witness they deposed complained extensively about how long the depositions were and how they (Government) asked the same questions over and over. They have also generated hundreds, if not thousands of document copies that I cannot afford to pay costs for. It is easy to get expert report months ahead of time and conduct dozens of depositions and spend thousands of dollars on a lawsuit when all you have to do is print off a check. The Plaintiff has the assets of the United States of America available and we have practically nothing.

7. I am not asking the court to give me special treatment because I'm poor. I'm asking the court to recognize that this is a case pitting the endless resources of the United States Government against poor volunteers from one of the ten poorest counties in the United States. The Government is trying to win this case by overwhelming me financially. After the case got continued, I was able to get additional resources and decided to use that towards getting an expert report and could not afford the additional discovery. The only prejudice that the plaintiff asserts is the lack of ability to depose my expert. The trial is continued to January, the Government can simply ask the court for leave to depose him and state a prejudice if denied that opportunity. But instead, they want to keep the report out all together because they want to keep this lawsuit unevenly balanced and to their unfair advantage. It is the Government's position that if you are poor, then you should lose because you can't keep up with the rate of expenditures of the Government.

8. That this affidavit is executed by affiant for the purpose of supporting the Defendants' *Response to the Plaintiff's Motion to Strike Defendant's Expert Designation.*

Ike Brown
Ike Brown

Sworn to and subscribed before me this the 23rd day of October, 2006.



Alshawn K. Butler
Notary Public

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 4, 2009
COMM. #0212121