

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JERRY YOUNG and
CHRISTY COLLEY,**

PLAINTIFFS

V.

CIVIL ACTION NO.: 3:08-CV-567-TSL-JCS

**DELBERT HOSEMANN, in his official
capacity as the Secretary of State of Mississippi;
KRISTIN BUSE, DEBBY McCAFFERTY,
JOHN M. WAGES, HARRY GRAYSON, Jr.,
and JOHN H. EDWARDS, in their official
capacities as Election Commissioners of Lee
County; and VIVIAN BURKLEY, JULIUS
HARRIS, JIMMY HERRON, BONNIE G.
LAND, and RONALD McMINN, in their
official capacities as Election Commissioners
in Panola County,**

DEFENDANTS

**PLAINTIFFS' RESPONSE IN OPPOSITION
TO THE COUNTY DEFENDANTS' MOTION TO DISMISS**

Plaintiffs, by and through counsel, file this response in opposition to the motion to dismiss filed by Defendants Vivian Burkley, Julius Harris, Jimmy Herron, Bonnie G. Land, and Ronald McMinn on November 7, 2008 [Dkt. 29].

In their motion, Defendants adopt the arguments presented in Defendant Delbert Hosemann's memorandum of law in support of his motion to dismiss the complaint [Dkt. 14]. In response, Plaintiffs incorporate by reference each of the legal arguments as stated in their response in opposition to Defendant Hosemann's motion to dismiss [Dkt. 20]. For the reasons stated in that opposition, Plaintiffs respectfully request that this Court deny Defendants' motion to dismiss.

Respectfully Submitted,

/s/ Nancy Abudu

Nancy G. Abudu

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2008, the foregoing was served on counsel for defendants via the court's ECF noticing system.

/s/Nancy Abudu

Nancy Abudu