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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JTS
MAY 01 2003

LUTHER D. THOMAS, Clerk
By: *J. [Signature]* Deputy Clerk

SARA LARIOS, et al.,)
)
Plaintiffs,)
)
v.)
)
GEORGE E. "SONNY" PERDUE,)
et al.,)
)
Defendants.)
)

CIVIL ACTION
NO. 1:03-CV-0693 (CAP)

ANSWER OF DEFENDANT SENATOR ERIC B. JOHNSON

Defendant Senator Eric Johnson ("Defendant") hereby answers the numbered paragraphs of the complaint as follows:

1. The allegations in paragraph 1 are a characterization of plaintiffs' action and legal conclusions to which no response is required.
2. The allegations in paragraph 2 are a characterization of plaintiffs' action and legal conclusions to which no response is required.
3. Admit.
4. Admit.
5. Admit.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 7. Defendant admits the other allegations of paragraph 7.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 8. Defendant admits the other allegations of paragraph 8.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 9. Defendant admits the other allegations of paragraph 9.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 10. Defendant admits the other allegations of paragraph 10.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 11. Defendant admits the other allegations of paragraph 11.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

12. Defendant admits the other allegations of paragraph 12.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

13. Defendant admits the other allegations of paragraph 13.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

14. Defendant admits the other allegations of paragraph 14.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

15. Defendant admits the other allegations of paragraph 15.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

16. Defendant admits the other allegations of paragraph 16.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph

17. Defendant admits the other allegations of paragraph 17.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 18. Defendant admits the other allegations of paragraph 18.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 19. Defendant admits the other allegations of paragraph 19.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 20. Defendant admits the other allegations of paragraph 20.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 21. Defendant admits the other allegations of paragraph 21.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 22. Defendant admits the other allegations of paragraph 22.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 23. Defendant admits the other allegations of paragraph 23.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 24. Defendant admits the other allegations of paragraph 24.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 25. Defendant admits the other allegations of paragraph 25.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 26. Defendant admits the other allegations of paragraph 26.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 27. Defendant admits the other allegations of paragraph 27.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 28. Defendant admits the other allegations of paragraph 28.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 29. Defendant admits the other allegations of paragraph 29.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 30. Defendant admits the other allegations of paragraph 30.

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 31. Defendant admits the other allegations of paragraph 31.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 32. Defendant admits the other allegations of paragraph 32.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 33. Defendant admits the other allegations of paragraph 33.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 34. Defendant admits the other allegations of paragraph 34.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 35. Defendant admits the other allegations of paragraph 35.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and last sentences of paragraph 36. Defendant admits the other allegations of paragraph 36.

37. Defendant admits that George E. "Sonny" Perdue is a resident of Georgia and the Governor of the State of Georgia. The remaining allegations in paragraph 37 are characterizations of plaintiffs' action to which no response is required.

38. Defendant admits that Terry Coleman is a resident of the State of Georgia and is the Speaker of the Georgia House of Representatives. Defendant further admits that the Georgia House of Representatives passed the current redistricting plans. The remaining allegations in paragraph 38 are characterizations of plaintiffs' action to which no response is required.

39. Admit.

40. Defendant admits that Cathy Cox is a resident of the State of Georgia and is Georgia's Secretary of State and Chair of the State Elections Board. The remaining allegations in paragraph 40 are characterizations of plaintiffs' action to which no response is required.

41. Defendant is currently without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 41.

42. Admit.

43. Admit.

44. Admit.

45. Admit.

46. Admit.

47. Paragraph 47 contains a legal conclusion to which no response is required.

48. Admit.

49. Admit that alternative Congressional redistricting plans were available to the General Assembly during 2001 in which one person deviations were practicable and easily attained. To the extent that paragraph 49 suggests that alternative plans were easily attained, such allegation is denied.

50. Admit.

51. Defendant admits that the voting strength of citizens in congressional districts 1, 2, 3, 9, 12 and 13 is diluted in comparison to citizens in other congressional districts who have disproportionately greater voting strength.

52. Defendant states that 2 U.S.C. § 2c speaks for itself.

53. The allegations in paragraph 53 are legal conclusions to which no response is required.

54. Paragraph 54 is a legal conclusion to which no response is required.

55. Defendant is without knowledge or information sufficient to form a belief as to whether there are some legitimate state policies which could explain or justify some of the shapes of purported districts in the current Congressional redistricting plan, but Defendant admits that legitimate state policies cannot explain or justify all of the deviations or the shapes of purported districts in the current Congressional redistricting plan.

56. The allegations in paragraph 56 are legal conclusions to which no response is required.

57. Admit.

58. Admit.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59.

60. Admit.

61. Admit.

62. Defendant admits that the voting strength of citizens in state Senate Districts 9, 16, 17, 21, 28, 30, 32, 42, 45, 48, 49, 51, 53, 54, and 56 is diluted as compared to citizens in other districts because Districts 9, 16, 17, 21, 28, 30, 32, 42, 45, 48, 49, 51, 53, 54, and 56 all have population deviations above 4.50%.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 62.

63. Admit.

64. Admit.

65. Admit.

66. Defendant admits that state House districts 123, 117, 26, 87, 20, 35, 41, 4, 28, and 101 have population deviations above 4.50%, and that citizens residing in these districts are not afforded equal representation as residents of less-populated districts.

67. Defendant admits that citizens residing in single member districts have only one vote on a given matter through their single representative, while citizens residing in multimember districts have more than one vote through their multiple representatives. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67.

68. Defendant admits that the voting strength of citizens in state House districts 4, 26, 28, 35, 41, 67, 87, 101, 117, and 123 is diluted in comparison to citizens in other districts who have disproportionately greater voting strength. Defendant further admits that citizens residing in single member districts are afforded less representation than residents of multimember districts.

69. Admit.

70. Admit that alternative state legislative redistricting plans were available to the General Assembly during 2001 in which lower population deviations were practicable and easily attained. To the extent that paragraph 70 suggests that alternative plans were easily attained, such allegation is denied. Admit that alternative plans distributed state legislative seats geographically according to population figures.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71.

72. Defendant admits that the votes of voters in the overpopulated state legislative districts in northern Georgia are diluted vis-à-vis the votes of voters in the underpopulated legislative districts in urban Fulton County, DeKalb County and southern Georgia, and that growth patterns indicate that this dilution will be exacerbated throughout the decade. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 72.

73. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73.

74. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 74.

75. Paragraph 75 contains a legal conclusion to which no response is required.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76.

77. Defendant admits that the current state redistricting plans will deprive citizens of the benefit of the principle of one person, one vote. Defendant is without knowledge or information sufficient to form a belief as to whether there are legitimate state policies which could explain or justify some of the population deviations in the current state legislative redistricting plans, but Defendant admits that legitimate state policies cannot explain or justify all of the population deviations in the current state legislative redistricting plans.

78. Admit.

79. The allegations in paragraph 79 are characterizations of plaintiffs' action and legal conclusions to which no response is required.

80. Defendant incorporates by reference the responses contained in paragraphs 1-79 of this answer as if set forth herein.

81. Defendant states that Article 4, Section 2 of the United States Constitution speaks for itself. Defendant further states that the last sentence of paragraph 81 contains legal conclusions to which no response is required.

82. Defendant states that Section 1 of the Fourteenth Amendment to the United States Constitution speaks for itself.

83. Defendant states that the Fourteenth Amendment to the United States Constitution speaks for itself.

84. Defendant states that 42 U.S.C. § 1983 speaks for itself.

85. Defendant states that the first sentence of paragraph 85 contains a legal conclusions to which no response is required. Defendant admits the remaining allegations in paragraph 85.

86. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 86.

87. Defendant states that the first sentence of paragraph 87 contains a legal conclusions to which no response is required. Defendant admits the remaining allegations in paragraph 87.

88. Admit.

89. Defendant states that the allegation in paragraph 89 are legal conclusions to which no response is required

90. Admit.

91. Defendant is without knowledge or information sufficient to form a belief as to whether there are some legitimate state policies which could explain or justify some of the population deviations in the current state legislative redistricting plans, but Defendant admits that legitimate state policies cannot explain or justify all of the population deviations in the current state legislative redistricting plans. Defendant admits the second sentence of paragraph 91. Defendant states that the third sentence of paragraph 91 is a legal conclusion to which no response is required.

92. Defendant states that the first and last sentences of paragraph 92 are legal conclusions to which no response is required. Defendant admits the remaining allegations of paragraph 92.

93. Defendant states that paragraph 93 is a request for relief to which no response is required.

94. Defendant incorporates by reference the responses in paragraphs 1-93 of this answer as if set forth herein.

95. Defendant states that the First Amendment to the United States Constitution speaks for itself. Defendant further states that the remaining allegation in paragraph 95 are legal conclusions to which no response is required.

96. Admit.

97. Defendant states that paragraph 97 is a request for relief to which no response is required.

98. Defendant incorporates by reference the responses in paragraphs 1-97 of this answer as if set forth herein.

99. Defendant states that Article 1, Section 2 of the United States Constitution speaks for itself. Defendant further states that the last sentence of paragraph 99 contains legal conclusions to which no response is required.

100. Defendant states that paragraph 100 is a request for relief to which no response is required.

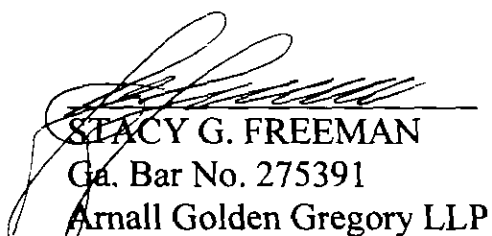
101. Defendant incorporates by reference the responses in paragraphs 1-100 of this answer as if set forth herein.

102. Defendant states that 2 U.S.C. § 2c speaks for itself. Defendant further states that the second and last sentences of paragraph 102 are legal conclusions to which no response is required. Defendant admits the remaining allegations of paragraph 102.

103. Defendant states that paragraph 103 is a request for relief to which no response is required.

This 1st day of May, 2003.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that I have this day served or caused to be served a copy of the within and foregoing **ANSWER OF DEFENDANT SENATOR ERIC B. JOHNSON** prior to filing the same, by first class U.S. mail, properly addressed to counsel for Plaintiffs and Defendants as follows:

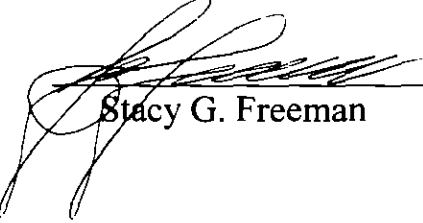
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This 1st day of May, 2003.



Stacy G. Freeman