

UNITED STATE 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**

Defendants, DeSoto Parish and DeSoto Parish Police Jury (collectively, “**DeSoto Parish**” or “**Defendants**”), respectfully submit the following Affirmative Defenses and Answer to the First 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**

Under United States Supreme Court and other precedent, a request for preliminary injunction as to a redistricting plan for an election is untimely and should be denied where, as here, the election is less than four months away and the qualifying period for the election is less than six weeks away from the evidentiary hearing.

**Third Affirmative Defense**

It would be virtually impossible to devise and have approved a new plan by the DeSoto Parish Police Jury without upsetting the current election date of October 14, 2023 given that the qualifying period opens on August 8, 2023. Under Louisiana Revised Statute 18:1495, any redistricting plan must be submitted to the Louisiana Secretary of State at least four weeks before the qualifying period opens which would be on or before July 11, 2023. Plaintiffs' request for a preliminary injunction is untimely and should be rejected as it would upset the currently scheduled election of DeSoto Parish Police Jurors.

**Fourth Affirmative Defense**

Out of an abundance of caution, Defendants assert and incorporate herein by reference all the arguments and defenses raised in their Memorandum in Opposition to Plaintiffs' Amended Motion for Preliminary Injunction to the extent any such argument or defense could be construed as an affirmative defense.

**Fifth 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 denied for lack of sufficient information to justify a belief therein.

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

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

24. 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.

25. 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.

26. The allegations of this Paragraph are admitted.

27. The allegations of this Paragraph are admitted.

28. 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.

29. 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.

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

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

32. 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.

33. The allegations of this Paragraph are denied.

34. 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.

35. 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.

36. 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.

37. 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.

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

39. The allegations of this Paragraph are denied.

40. 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.

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

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

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

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

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

46. 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.

47. 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.

48. 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.

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

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

51. The allegations of this Paragraph are denied.

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

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

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

55. 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.

56. The allegations of this Paragraph are denied.

57. The allegations of this Paragraph are admitted.

58. The allegations of this Paragraph are denied.

59. The allegations of this Paragraph are denied.

60. The allegations of this Paragraph are denied.

61. The allegations of this Paragraph are denied.

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75. The allegations of this Paragraph are denied.

76. The allegations of this Paragraph are denied.

77. The allegations of this Paragraph are denied.

78. The allegations of this Paragraph are denied.

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

80. The allegations of this Paragraph are denied.

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. 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. Defendants restate and incorporate herein by reference the previous responses to Paragraph 1 through 90 as if fully set forth herein and specifically deny all the allegations therein unless expressly admitted.

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. The allegations of this Paragraph are denied.

97. The allegations of this Paragraph are denied.

98. The allegations of this Paragraph are denied.

99. The allegations of this Paragraph are denied.

100. The allegations of this Paragraph are denied.

101. The allegations of this Paragraph are denied.

102. The allegations of this Paragraph are denied.

103. The allegations of this Paragraph are denied.

104. The allegations and requests in the “Prayer for Relief” 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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*/s/ Carroll Devillier, Jr.*

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