

1 LLOYD W. PELLMAN, County Counsel
2 JUDY W. WHITEHURST, Senior Deputy County Counsel
3 STATE BAR NO.: 182855
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, CA 90012-2713
7 Telephone: (213) 974-8948
8 Facsimile: (213) 626-2105

FILED
03 AUG 18 PM 4:30
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *m. mauer* DEPUTY

9 Attorneys for CONNY MCCORMACK,
10 Registrar-Recorder/County Clerk of Los Angeles County

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

VIA FAX

13 FRANK PARTNOY, an individual; LAURA
14 ADAMS, an individual; RACHANA
15 PATHAK, an individual; PETER STRIS, an
16 individual; JASON WILSON, an individual;
17 and CALIFORNIA INFORMED VOTERS
18 GROUP, an unincorporated association,

CASE NO. 03 CV 1460-BTM

ANSWER BY DEFENDANT CONNY
MCCORMACK TO COMPLAINT IN
INTERVENTION

19 Plaintiffs,

Date: August 20, 2003
Time: 10:00 a.m.
Place: Courtroom 15, 5th Floor

20 v.

THE HONORABLE BARRY
MOSKOWITZ

21 KEVIN SHELLEY, in his official capacity as
22 Secretary of State for the State of California;
23 SALLY MCPHERSON, in her official
24 capacity as the Registrar of Voters for the
25 County of San Diego; and CONNY
26 MCCORMACK, in her official capacity as
27 the Registrar-Recorder/County Clerk for the
28 County of Los Angeles,

Defendants.

1. Defendant, CONNY MCCORMACK, in her official capacity as the Registrar
Recorder/County Clerk of County of Los Angeles (hereinafter "County of Los Angeles")
answers the Complaint in Intervention and admits, denies, and alleges as follows:

CR

1 conduct of any recall election because the Courts lacks authority to interpret the state statutes.

2 **Affirmative Defenses**

3 **First Affirmative Defense**

4 1. The Complaint fails to allege facts sufficient to state a cause of action against the
5 County of Los Angeles.

6 **Second Affirmative Defense**

7 2. The County of Los Angeles is acting in a ministerial capacity and is immune from
8 liability for legislative acts.

9 **Third Affirmative Defense**

10 3. Intervenor lacks standing.

11 **Fourth Affirmative Defense**

12 4. The County of Los Angeles acted at all times in good faith and without intent to
13 deprive Intervenor of his constitutional rights or to cause other injury.

14 **Fifth Affirmative Defense**

15 5. The County of Los Angeles Los Angeles County acted at all times in good faith and
16 with the reasonable belief that their actions were valid.

17 **Sixth Affirmative Defense**

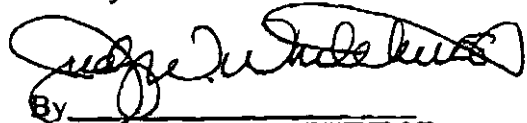
18 6. The Complaint in Intervention is barred by the doctrine of laches, in that he failed to
19 seek timely relief.

20 **Seventh Affirmative Defense**

21 9. Intervenor is not entitled to attorney's fees against the County of Los Angeles.

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23 DATED: August 18, 2003

LLOYD W. PELLMAN
County Counsel

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26 By JUDY W. WHITEHURST
27 Senior Deputy County Counsel
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