

**STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT**

REPUBLICAN PARTY OF NEW MEXICO,  
DAVID GALLEGOS, TIMOTHY  
JENNINGS, DINAH VARGAS, MANUEL  
GONZALES, JR., BOBBY AND DEANN  
KIMBRO, and PEARL GARCIA,

Plaintiffs,

v.

Cause No. D-506-CV-2022-00041

MAGGIE TOULOUSE OLIVER as New  
Mexico Secretary of State, MICHELLE  
LUJAN GRISHAM as Governor of New  
Mexico, HOWIE MORALES as New Mexico  
Lieutenant Governor and President of the New  
Mexico Senate, MIMI STEWART as  
President Pro Tempore of the New Mexico  
Senate, and BRIAN EGOLF as Speaker of the  
House of Representatives,

Defendants.

**LEGISLATIVE DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFFS' COMPLAINT**

COME NOW Defendants Mimi Stewart in her official capacity as President Pro Tempore of the New Mexico Senate and Brian Egolf in his official capacity as Speaker of the New Mexico House of Representatives (“Defendants”), by and through their counsel of record, and in answer to Plaintiffs’ complaint (the “Complaint”) state as follows:

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint and therefore deny them.
2. With respect to the allegations in Paragraph 2 of the Complaint, Defendants admit that Plaintiff David Gallegos is an elected State Senator from Senate District 4. Defendants are without knowledge or information sufficient to form a belief as to where Plaintiff David

Gallegos resides, and therefore deny this allegation. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 2 of Paragraph 2 of the Complaint and therefore deny them. Defendants deny the allegations in the third sentence of Paragraph 2 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 4 of Paragraph 2 of the Complaint and therefore deny them. Defendants deny the allegations in the fifth and sixth sentences of Paragraph 2 of the Complaint.

3. With respect to Paragraph 3 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to where Plaintiff Timothy Jennings resides, and therefore deny this allegation. Defendants admit Plaintiff Timothy Jennings was a State Senator from 1978-2012, representing Senate District 32. Defendants admit that Plaintiff Timothy Jennings served as Senate President Pro Tempore from 2008-2012. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 4 of Paragraph 3 of the Complaint and therefore deny them. Defendants deny the allegations in the fifth sentence of Paragraph 3 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 6 of Paragraph 3 of the Complaint and therefore deny them. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 7 of Paragraph 3 of the Complaint and therefore deny them. Defendants deny the allegations in the eighth, ninth and tenth sentences of Paragraph 3 of the Complaint.

4. With respect to Paragraph 4 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to where Plaintiff Dinah Vargas resides, and therefore deny this allegation. Defendants are without knowledge or information sufficient to

form a belief as to the truth of the allegations in sentence 2 of Paragraph 4 of the Complaint and therefore deny them. Defendants deny the allegations in the third sentence of Paragraph 4 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 4 of Paragraph 4 of the Complaint and therefore deny them. Defendants deny the allegations in the fifth and sixth sentences of Paragraph 4 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in the seventh sentence of Paragraph 4 of the Complaint and therefore deny them. Defendants deny the allegations in the eighth sentence of Paragraph 4 of the Complaint.

5. With respect to Paragraph 5 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to where Plaintiff Manuel Gonzales Jr. resides, and therefore deny this allegation. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 2 of Paragraph 5 of the Complaint and therefore deny them. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 3 of Paragraph 5 of the Complaint and therefore deny them. Defendants deny the allegations in the fourth sentence of Paragraph 5 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 5 of Paragraph 5 of the Complaint and therefore deny them. Defendants deny the allegations in the sixth and seventh sentences of Paragraph 5 of the Complaint.

6. With respect to Paragraph 6 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to where Plaintiffs Bobby and Dee Ann Kimbo reside, and therefore deny this allegation. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 2 of Paragraph 6 of the

Complaint and therefore deny them. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 3 of Paragraph 6 of the Complaint and therefore deny them. Defendants deny the allegations in the fourth sentence of Paragraph 6 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 5 of Paragraph 6 of the Complaint and therefore deny them. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 6 of Paragraph 6 of the Complaint and therefore deny them. Defendants deny the allegations in the seventh and eighth sentences of Paragraph 6 of the Complaint.

7. With respect to Paragraph 7 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to where Plaintiff Pearl Garcia resides, and therefore deny this allegation. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 2 of Paragraph 7 of the Complaint and therefore deny them. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 3 of Paragraph 7 of the Complaint and therefore deny them. Defendants deny the allegations in the fourth sentence of Paragraph 7 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 5 of Paragraph 7 of the Complaint and therefore deny them. Defendants deny the allegations in the sixth and seventh sentences of Paragraph 7 of the Complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in sentence 8 of Paragraph 7 of the Complaint and therefore deny them. Defendants deny the allegations in the ninth sentence of Paragraph 7 of the Complaint.

8. Defendants admit the allegations in Paragraph 8 of the Complaint.

9. Defendants admit the allegations in Paragraph 9 of the Complaint.

10. Defendants admit the allegations in Paragraph 10 of the Complaint.

11. Defendants admit the allegations in Paragraph 11 of the Complaint.

12. Defendants admit the allegations in Paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 13 can be construed to make factual allegations, Defendants deny them. Defendants affirmatively state that they have filed a Motion to Dismiss on jurisdictional and other grounds.

14. Paragraph 14 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 14 can be construed to make factual allegations, Defendants deny them.

15. Defendants deny the allegations in Paragraph 15 of the Complaint.

16. Defendants deny the allegations in Paragraph 16 of the Complaint.

17. Defendants deny the allegations in Paragraph 17 of the Complaint.

18. Paragraph 18 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 18 can be construed to make factual allegations, Defendants deny them. Defendants affirmatively state the New Mexico and United States Constitutions speak for themselves.

19. Paragraph 19 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 19 can be construed to make factual allegations, Defendants deny them.

20. Paragraph 20 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 20 can be construed to make factual allegations, Defendants deny them.

21. Paragraph 21 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 21 can be construed to make factual allegations, Defendants deny them. Defendants affirmatively state that the principles for court-drawn maps enunciated in *Maestas v. Hall*, 2012-NMCA-006, 274 P.3d 66 do not apply to legislatively enacted redistricting maps. Defendants affirmatively deny that there is any allegation or basis for any allegation that SB 1 violates the one person, one vote doctrine.

22. Paragraph 22 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 22 makes factual allegations, Defendants deny them. Defendants affirmatively state that the principles for court-drawn maps enunciated in *Maestas* does not apply to legislatively enacted redistricting maps. Defendants further deny that the principles related to population deviations cited in Paragraph 22 of the Complaint have any applicability to SB 1, which Plaintiffs do not and cannot challenge based on one person, one vote principles.

23. Paragraph 23 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 23 makes factual allegations, Defendants deny them. Defendants deny that the Legislative Council's guidelines from 2011 were adopted by the Legislature this decennial.

24. Defendants deny the allegations in the first sentence of Paragraph 24 of the Complaint. The remainder of Paragraph 24 of the Complaint states legal conclusions to which

no response is required. To the extent that Paragraph 24 makes factual allegations, Defendants deny them.

25. Paragraph 25 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 25 makes factual allegations, Defendants deny them. Defendants affirmatively state that the cases cited in Paragraph 25 speak for themselves.

26. Paragraph 26 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 26 makes factual allegations, Defendants deny them. Defendants affirmatively state that the cases cited in Paragraph 26 speak for themselves.

27. Paragraph 27 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 27 makes factual allegations, Defendants deny them. Defendants affirmatively state that the cases cited in Paragraph 27 speak for themselves.

28. Paragraph 28 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 28 makes factual allegations, Defendants deny them. Defendants affirmatively state that the cases cited in Paragraph 28 speak for themselves.

29. Paragraph 29 of the Complaint states legal conclusions to which no response is required. To the extent Paragraph 29 makes factual allegations, Defendants deny them.

30. With respect to Paragraph 30 of the Complaint, Defendants admit that there is history of redistricting litigation in New Mexico. Defendants deny all remaining allegations in Paragraph 30 of the Complaint.

31. Defendants admit the allegations in Paragraph 31 of the Complaint.

32. Paragraph 32 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 32 makes factual allegations, defendants deny them.

33. Paragraph 33 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 33 makes factual allegations, Defendants deny them.

34. With respect to Paragraph 34 of the Complaint, Defendants admit that the Guidelines speak for themselves. Defendants deny that the Guidelines cited in *Maestas* were adopted by the Legislature for maps enacted by the Legislature this decennial.

35. Paragraph 35 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 35 makes factual allegations, Defendants deny them. Defendants affirmatively state that *Maestas* speaks for itself, and its enunciated principles for court-drawn maps are inapplicable to legislatively enacted maps.

36. Paragraph 36 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 36 makes factual allegations, Defendants deny them.

37. Paragraph 37 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 37 makes factual allegations, Defendants deny them.

38. Paragraph 38 of the Complaint states legal conclusions to which no response is required. To the extent that Paragraph 38 makes factual allegations, Defendants deny them.

39. With respect to Paragraph 39 of the Complaint, Defendants admit that in April 2021, the State Legislature adopted the Redistricting Act of 2021 (“Redistricting Act”), Laws 2021, ch. 29, § 2 and that this legislation is codified as NMSA 1978, Section 1-3A-1, *et. seq* (2021). Defendants deny the remaining allegations in Paragraph 39 of the Complaint.

40. With respect to the allegations in Paragraph 40 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

41. With respect to the allegations in Paragraph 41 of the Complaint, Defendants state that the Redistricting Act speaks for itself.



42. With respect to the allegations in Paragraph 42 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

43. With respect to the allegations in Paragraph 43 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

44. With respect to the allegations in Paragraph 44 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

45. With respect to the allegations in Paragraph 45 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

46. With respect to the allegations in Paragraph 46 of the Complaint, Defendants state that the Redistricting Act speaks for itself.

47. Paragraph 47 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 47 makes factual allegations, Defendants deny them. Defendants affirmatively state that NMSA 1978, Section 1-3A-7(A) (2021) speaks for itself.

48. Paragraph 48 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 48 makes factual allegations, Defendants deny them. Defendants affirmatively state that NMSA 1978, Section 1-3A-7(C) (2021) speaks for itself.

49. Paragraph 49 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 49 makes factual allegations, Defendants deny them. Defendants affirmatively state that NMSA 1978, Section 1-3A-8 (2021) speaks for itself.

50. Defendants admit the allegations in Paragraph 50 of the Complaint.

51. Defendants admit the allegations in Paragraph 51 of the Complaint.

52. Defendants admit the allegations in Paragraph 52 of the Complaint.

53. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 of the Complaint and therefore deny them and leave Plaintiffs to their proof thereof.

54. Defendants admit the allegations in Paragraph 54 of the Complaint.

55. Defendants admit the allegations in Paragraph 55 of the Complaint.

56. Defendants admit the allegations in Paragraph 56 of the Complaint.

57. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint and therefore deny them and leave Plaintiffs to their proof thereof.

58. Defendants admit the allegations in Paragraph 58 of the Complaint.

59. Paragraph 59 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 59 makes factual allegations, Defendants deny them.

60. Paragraph 60 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 60 makes factual allegations, Defendants deny them. Defendants admit that Concept A is as presented and described in the Citizen Redistricting Committee's materials.

61. Paragraph 61 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 61 makes factual allegations, Defendants deny them. Defendants admit that Concept E is as presented and described in the Citizen Redistricting Committee's materials.

62. Paragraph 62 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 62 makes factual allegations, Defendants deny them.

Defendants admit that Concept E is as presented and described in the Citizen Redistricting Committee's materials. Defendants deny all allegations inconsistent with the same.

63. Paragraph 63 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 63 makes factual allegations, Defendants deny them. Defendants admit that Concept E is as presented and described in the Citizen Redistricting Committee's materials. Defendants deny all allegations inconsistent with the same.

64. Defendants admit the allegations in Paragraph 64 of the Complaint.

65. Defendants admit the allegations in Paragraph 65 of the Complaint.

66. With respect to the allegations in Paragraph 66 of the Complaint, Defendants admit that Concept H is as presented and described in the Citizen Redistricting Committee's materials. Defendants deny all allegations inconsistent with the same.

67. Defendants admit that the Citizen Redistricting Committee's public comments speak for themselves. Defendants deny all remaining allegations in Paragraph 67 of the Complaint.

68. With respect to the allegations in Paragraph 68 of the Complaint, Defendants admit that CD 2 as it existed prior to the enactment of SB 1 was a majority Hispanic district. Defendants admit that the Concept E map proposed by the Citizen Redistricting Committee drew CD such that it would have 54.4% majority Hispanic district. Defendants deny all remaining allegations in Paragraph 68 of the Complaint.

69. With respect to the allegations in Paragraph 69 of the Complaint, Defendants admit that comments made on the record before the Citizen Redistricting Committee speak for themselves. Defendants deny any representations of those comments which are inconsistent with the record before the Citizen Redistricting Committee. Defendants are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69 of the Complaint and therefore deny them.

70. Paragraph 70 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 70 makes factual allegations, Defendants admit that Concept H is as presented and described in the Citizen Redistricting Committee's materials, and denies any allegations in Paragraph 70 which are inconsistent with the Citizen Redistricting Committee's materials presenting Concept H or unfairly and argumentatively characterize those materials.

71. Defendants admit the allegations in Paragraph 71 of the Complaint.

72. Defendants admit the allegations in Paragraph 72 of the Complaint, and affirmatively state that the Legislature was not obligated to adopt any of the map concepts proposed by the Citizen Redistricting Committee.

73. With respect to the allegations in Paragraph 73 of the Complaint, Defendants admit that the Legislature introduced and adopted Senate Bill 1 to draw New Mexico's congressional district lines. Defendants further state that "legislative days" is a concept distinct from calendar days.

74. Paragraph 74 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 74 makes factual allegations, Defendants deny them. Defendants admit that Senate Bill 1 is as drawn and presented in the statute. Defendants deny all allegations inconsistent with the same.

75. Defendants deny the allegations in Paragraph 75 of the Complaint.

76. Defendants deny the allegations in Paragraph 76 of the Complaint.

77. In response to Paragraph 77, Defendants re-allege and incorporate by reference herein all answers, responses, and denials of all preceding paragraphs of the Complaint.

78. Defendants deny the allegations in the first sentence of Paragraph 78 of the Complaint. Sentence 2 of Paragraph 78 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 78 makes factual allegations, Defendants deny them. Defendants further deny the applicability of the out of context quotes from *Maestas*.

79. Paragraph 79 of the Complaint states a legal conclusion to which no response is required. To the extent that Paragraph 79 makes factual allegations, Defendants deny them.

80. Paragraph 80 states a legal conclusion to which no response is required. To the extent that Paragraph 80 makes factual allegations, Defendants deny them. Defendants affirmatively state that NMSA 1978, Section 1-3A-7 (2021) speaks for itself as it applies to the Citizen Redistricting Committee process.

81. Paragraph 81 states a legal conclusion to which no response is required. To the extent that Paragraph 81 makes factual allegations, Defendants deny them.

82. Paragraph 82 states a legal conclusion to which no response is required. To the extent that Paragraph 82 makes factual allegations, Defendants deny them.

83. Paragraph 83 states a legal conclusion to which no response is required. To the extent that Paragraph 83 makes factual allegations, Defendants deny them.

84. Paragraph 84 states legal conclusions to which no response is required. To the extent that Paragraph 84 makes factual allegations, Defendants deny them.

85. Paragraph 85 states a legal conclusion to which no response is required. To the extent that Paragraph 85 makes factual allegations, Defendants deny them as Defendants cannot speak for the Citizen Redistricting Committee.

86. Defendants deny the allegations in Paragraph 86 of the Complaint.

87. Defendants deny the first sentence of Paragraph 87 of the Complaint. With respect to the remaining allegations in Paragraph 87 of the Complaint, Defendants are without sufficient information to admit or deny the second sentence in paragraph 87 at this time; every county in New Mexico shares common economic, social, and cultural interests, and the allegations as drafted require characterizing the relationships among counties relative to others without any stated metric for comparison. Defendants therefore deny those allegations. Defendants admit the map embedded in paragraph 87 accurately reflects the prior, court-drawn map for District 2 based on the 2010 census.

88. With respect to the allegations in Paragraph 88 of the Complaint, Defendants admit that the map embedded in Paragraph 88 reflects District 2 as drawn under SB 1. Defendants deny all remaining allegations and characterizations in Paragraph 88.

89. Defendants deny the allegations in Paragraph 89 of the Complaint.

90. With respect to the allegations in paragraph 90 of the complaint, the hyperlinked web addresses cited in paragraph 90 are not operational at the time of this Answer, and therefore Defendants are without sufficient information to admit or deny the allegations in Paragraph 90. Defendants further deny that the allegations in Paragraph 90 accurately or completely characterize the meaning of the selected statistics or their relevance to this litigation.

91. Defendants admit that a Republican has held CD2 for all but one term since 2012. The remainder of Paragraph 91 is argument to which no answer is required. To the extent an answer is required, Defendants deny the remaining allegations in paragraph 91.

92. Defendants deny the allegations in the first sentence of Paragraph 92 of the Complaint. With respect to the remaining allegations in Paragraph 92, Defendants admit that SB

I redrew congressional district lines in many areas of the state and speaks for itself. Defendants deny all allegations and characterizations in Paragraph 92 which are inconsistent with SB 1.

93. Defendants deny the allegations in the first sentence of Paragraph 93 of the Complaint. With respect to the remaining allegations in Paragraph 93, Defendants admit that SB 1 redrew congressional district lines in many areas of the state and speaks for itself. Defendants deny all allegations and characterizations in Paragraph 93 which are inconsistent with SB 1.

94. Defendants deny the allegations in the first sentence of Paragraph 94 of the Complaint. Defendants deny the second sentence of Paragraph 94 of the Complaint. With respect to the third sentence of Paragraph 94, Defendants admit that the editorial says what it says, but deny that the sentence makes factual allegations to which an answer is required, fairly describes SB1, or provides evidence admissible in this matter for any purpose.

95. Defendants deny the allegations in the first sentence of Paragraph 95 of the Complaint.

- a. With respect to subsection a of Paragraph 95, Defendants admit that SB 1 redrew congressional district lines in many areas of the state and speaks for itself.  
Defendants deny all allegations and characterizations in Paragraph 95(a) which are inconsistent with SB 1.
- b. With respect to subsection b of paragraph 95, Defendants admit that SB 1 redrew congressional district lines in many areas of the state and speaks for itself.  
Defendants deny all allegations and characterizations in Paragraph 95(b) which are inconsistent with SB 1.
- c. Defendants admit the allegation in subsection c of Paragraph 95 of the Complaint.

96. Defendants deny the allegations in Paragraph 96 of the Complaint.

97. Paragraph 97 states a legal conclusion to which no response is required. To the extent that Paragraph 97 makes factual allegations, Defendants deny them. Defendants admit that the prior map was drawn by the court. Defendants deny that courts may appropriately restrict the Legislature by imposing on it restrictions that only apply when the democratically-elected branches of government fail to agree on redistricting maps. Defendants affirmatively deny that the congressional map is a “hopelessly partisan map that casts aside traditional redistricting principles to ensure a Democratic sweep through the dilution of votes.” Defendants admit that the Albuquerque Journal Editorial Board said what it said but denies that those comments are allegations to which an answer is required, fairly depict SB1, or provide evidence admissible in this matter for any purpose.

98. Defendants deny the allegations in Paragraph 98 of the Complaint.

99. Defendants deny that Plaintiffs are entitled to any of the relief sought in their Prayer for Relief on page 27 of the Complaint.

100. Defendants deny all allegations in the Complaint that have not been expressly admitted herein.

### **AFFIRMATIVE DEFENSES**

**First Affirmative Defense:** Plaintiffs’ complaint fails to state a claim upon which relief may be granted.

**Second Affirmative Defense:** Plaintiff’s complaint presents a nonjusticiable political question.



**Third Affirmative Defense:** Redistricting is constitutionally a legislative task. To provide the relief being sought would violate the separation of powers doctrine.

**Fourth Affirmative Defense:** Plaintiffs' claims in this action are barred by the doctrine of laches.

**Fifth Affirmative Defense:** Plaintiffs' claims in this action are barred by the doctrine of estoppel.

**Sixth Affirmative Defense:** Plaintiffs' claims in this action are barred by the doctrine of unclean hands.

**Seventh Affirmative Defense:** The legislation that is the subject of Plaintiffs' complaint has a rational relationship to a legitimate state interest.

Respectfully submitted,

**PEIFER, HANSON, MULLINS & BAKER, P.A.**

*/s/ Sara N. Sanchez*

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*Attorneys for Mimi Stewart and Brian Egolf*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2022, I caused the foregoing along with this Certificate of Service, to be served and filed electronically through the Tyler Technologies Odyssey File & Serve electronic filing system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

PEIFER, HANSON, MULLINS & BAKER, P.A.

/s/ Sara N. Sanchez  
Sara N. Sanchez