

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>COLLIN COUNTY REPUBLICAN PARTY,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Civ. A. No. 4:14-cv-732</b>
	§	
<b>LOVEJOY ISD and TED MOORE,</b>	§	
<b>In his official capacity as Superintendent of Lovejoy ISD,</b>	§	
<b>Defendants.</b>	§	

**DEFENDANTS LOVEJOY INDEPENDENT SCHOOL DISTRICT  
AND TED MOORE’S ANSWER TO PLAINTIFF’S SUPPLEMENTAL ORIGINAL  
PETITION AND APPLICATION FOR INJUNCTIVE RELIEF**

Defendant Lovejoy Independent School District (“LISD”) and Ted Moore (collectively referred to herein as “Defendants”) file their Answer as follows:<sup>1</sup>

1. Defendants admit the allegations of Paragraph 1.
2. Defendants admit the allegations of Paragraph 2.
3. Defendants admit the allegations of Paragraph 3.
4. Defendants deny that this case has yet been consolidated with a case filed by

Jodie Laubenberg, but admit that this case was transferred to the 366<sup>th</sup> Judicial District Court and given its own cause number. No order was issued consolidating the two cases, and even after the transfer both parties continued to file separate pleadings in their separate cause numbers.

Defendants admit Plaintiff Laubenberg obtained a temporary restraining order without notice to

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<sup>1</sup> While called a “supplemental” original petition, the pleading incorporates the initial pleading and adds additional claims under the First Amendment. Therefore, Defendants respond to the Supplemental Original Petition as an amended petition and the “live” pleading in this case. It is unclear if there is more than one Plaintiff, since the original petition had only the Collin County Republican Party, but the Supplemental Original Petition also includes Jodie Laubenberg as a plaintiff, yet Jodie Laubenberg is supposedly suing in a different case and with different counsel.

Defendants and without Defendants participation in any hearing. Defendants do not know if a hearing took place in that case. Defendants admit the remaining allegations in Paragraph 4.

5. Defendants admit the allegations of Paragraph 5.

6. Paragraph 6 constitutes an incorporation by reference of the allegations in Plaintiff's Original Petition, all of which, Defendants deny. Defendants admit that Plaintiff's Original Petition and Application for Injunctive Relief (ECF # 1-4 at \*5-14) speaks for itself. Defendants are unaware of the motivations of Plaintiff, and can neither admit nor deny its intentions in filing its Supplemental Complaint. Defendants deny all remaining allegations in Paragraph 6.

7. The allegations of Paragraph 7 constitute conclusions of law to which no response is required. To the extent that Paragraph 7 could be construed to contain allegations of fact, they are denied. Defendants specifically deny that Plaintiff is entitled to any relief.

8. The allegations of Paragraph 8 constitute conclusions of law to which no response is required. To the extent that Paragraph 8 could be construed to contain allegations of fact, they are denied. Defendants specifically deny that Plaintiff is entitled to any relief. On November 13, 2014 the LISD Board of Trustees passed a new policy that is consistent with Texas Election Code § 61.003, and the Board has no intention of reverting to its previous policy. A superseded policy has no force or effect.

9. Defendants admit that Defendant Lovejoy Independent School District has adopted a revised policy following initiation of this lawsuit. Defendants deny the remaining conclusions of law and allegations of fact in Paragraph 9.

10. Paragraph 10 of constitutes the Prayer, which Defendants deny is factual. Defendants specifically deny that Plaintiff is entitled to any of the relief set forth in the Complaint. All allegations set forth in the prayer not admitted herein are denied.

11. Defendants deny all headings and examples set forth in the Complaint.

12. Defendants deny all allegations not specifically admitted herein.

## II. AFFIRMATIVE DEFENSES

### FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to plead or state a valid claim under the First Amendment to the United States Constitution. Plaintiff has failed to state a proper cause of action when suing only under the First Amendment.

### SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are moot.

### THIRD AFFIRMATIVE DEFENSE

Plaintiff does not have standing to bring suit.

### FOURTH AFFIRMATIVE DEFENSE

Defendant Moore is sued in his official capacity and therefore should be dismissed, or in the alternative has qualified immunity from Plaintiff's claims.

Defendants reserve the right to assert additional affirmative defenses to the extent such are subsequently established during discovery.

## III. PRAYER

WHEREFORE, having fully answered Plaintiff's Supplemental Original Petition and Application for Injunctive Relief, Defendants request that this Complaint be dismissed as moot

and that Defendants be granted attorney's fees and reasonable costs and for such other relief as this Court deems necessary and proper in both equity and in law:

Respectfully submitted,

**EICHELBAUM WARDELL  
HANSEN POWELL & MEHL, P.C.**

By: /s/ Dennis J. Eichelbaum  
Dennis J. Eichelbaum  
Texas Bar No. 06491700  
deichelbaum@edlaw.com  
*Lead Counsel*

Carol A. Simpson  
Texas Bar No. 24061293  
csimpson@edlaw.com

Andrea L. Mooney  
Texas Bar No. 24065449  
alm@edlaw.com

5300 Democracy Drive, Suite 200  
Plano, Texas 75024  
(Tel.) 972-377-7900  
(Fax) 972-377-7277  
*Attorneys for Defendants LISD and Moore*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading has been served upon counsel via the electronic filing system of this Court on November 24, 2014 to the following:

George B. Flint  
The Flint Firm, P.C.  
16970 Dallas Pkwy, Ste. 550  
Dallas, Texas 75248  
(972) 509-4805 (facsimile)  
*Attorney for Collin County Republican Party*

/s/ Dennis J. Eichelbaum  
Dennis J. Eichelbaum