

3. Admit.

JURISDICTION AND VENUE

17. These Defendants admit that this Court has federal jurisdiction over the claims asserted against them in Counts 1, 2, and 3 related to the constitutional validity of the Resolutions under the First Amendment.

18. These Defendants admit that this Court may hear and decide claims brought pursuant to 42 U.S.C. § 1983 asserted against them in Counts 1, 2, and 3 related to the constitutional validity of the Resolutions under the First Amendment.

20. Admit.

FACTUAL BASIS OF CLAIMS

These Defendants do not have sufficient knowledge or information to form a belief as to the truth of the averments in Paragraphs 14-19.

These Defendants admit that the content-neutral Resolution restricting and regulating certain picketing activities in and around the Guntersville and Albertville Courthouses attached as Exhibit B and that the content-neutral Resolution attached as Exhibit D were duly passed by the Marshall County Commission.

PRELIMINARY COMPLIANCE

These Defendants admit that Wright submitted the attached “Writ to Cure” to the Marshall County Commission; that Wright met with Chairman Hutcheson; and that Wright gave a speech to the Commission. Exhaustion of administrative remedies is not

necessary prior to Wright bringing claims for a violation of the First Amendment pursuant to 42 U.S.C. § 1983. To the extent that Wright may be alleging that these actions would constitute compliance with the Notice of Claims statute under Alabama law, Defendants deny any such allegation.

ENUMERATED AND AFFIRMATIVE DEFENSES

1. Sheriff Sims, in his official capacity, is entitled to absolute immunity from any claim for damages.
2. Punitive damages are not available in this action.
3. Plaintiff is not entitled to an award of any “fees.”
4. The requested injunctive relief is beyond the scope of this Court’s jurisdiction.

Respectfully submitted this the 29th day of September, 2023.

s/Jamie H. Kidd Frawley

JAMIE H. KIDD FRAWLEY (ASB-7661-M76H)

Attorney for Defendants

WEBB, MCNEILL, & WALKER, P.C.

P.O. Box 238

Montgomery, AL 36101-0238

(334) 262-1850 - T

(334) 262-1772 - F

jfrawley@wmwfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of September, 2023, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will provide a copy to the following:

Gary Wayne Wright II (*pro se*)
103 Mayberry Lane
Arab, AL 35016

s/Jamie H. Kidd Frawley
OF COUNSEL