

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
(Tampa Division)

CASE NO. 8:04-cv-1680-T-30TBM

REV. NANCY WILSON, et. al.,
Plaintiffs

v.

RICHARD L. AKE, et. al.,
Defendants

_____/

AMENDED ANSWER AND DEFENSES BY DEFENDANT RICHARD L. AKE

Defendant RICHARD L. AKE, Clerk of Circuit and County Courts for Hillsborough, Florida (Clerk) responds as follows to the Complaint for Declaratory Judgment (Complaint).

Answer

1. Admitted only that federal question jurisdiction exists.
2. Admitted that venue lies in this Court.
3. Admitted only as to the allegations relating to the Clerk. The Clerk is without knowledge as to the allegations relating to Defendant John Ashcroft and denies them.
4. These allegations consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they

are denied.

5. These allegations consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
6. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
7. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
8. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
9. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
10. The Clerk is without knowledge and denies the allegations.
11. The Clerk is without knowledge and denies the allegations.
12. The Clerk is without knowledge and denies the allegations.
13. The Clerk is without knowledge and denies the allegations.

14. The Clerk is without knowledge and denies the allegations.
15. To the extent these allegations quote the text of the federal Defense of Marriage Act, the Act speaks for itself and response is unnecessary. The Clerk admits that Exhibit A attached to the Amended Complaint may be considered a part thereof. All remaining allegations consist of legal conclusions to which response is unnecessary. To the extent response is necessary, the Clerk is without knowledge and denies them.
16. These remaining allegations consist of legal conclusions to which response is unnecessary. To the extent response is necessary, the Clerk is without knowledge and denies them.
17. Admitted only that Exhibit B sets forth the Florida statute. The remaining allegations consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
18. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied..
19. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.

20. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
21. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent response is necessary, they are denied.
22. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent a response is necessary, they are denied.
23. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent a response is necessary, they are denied.
24. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent a response is necessary, they are denied.
25. The allegations here consist of conclusory legal and factual arguments to which response is unnecessary. To the extent a response is necessary, they are denied.
26. The Clerk is without knowledge and denies these allegations.
27. The Clerk denies that Plaintiffs are entitled to any of the relief sought

under the heading “Relief Sought” or elsewhere in the Complaint. The Clerk particularly denies Plaintiffs’ demand for an attorney fee, on the ground that there is no legal authority for a fee award.

28. Any allegations and demands for relief not specifically addressed above are denied.

Defenses

29. The Complaint fails to state a claim under which relief can be granted.
30. The Court lacks subject matter jurisdiction because there is no case or controversy, Plaintiffs lack standing, and the matters described in the Complaint are not ripe for judicial determination.
31. There is a reasonable relationship between the Florida statute and the furtherance of valid governmental objectives.
32. The Florida statute is narrowly tailored to further a compelling governmental interest.
33. Plaintiffs’ Massachusetts marriage is null and void because they entered it contrary to Chap. 207, § 11, A.L.M. (2004).

WHEREFORE, the Clerk responds as shown to the Complaint.

I CERTIFY that on August 9, 2004, copies hereof were furnished electronically and by mail to Ellis Rubin, Law Offices of Ellis Rubin, Counsel for Plaintiffs, 4141 NE 2nd Avenue, Suite 203A, Miami FL 33137-3539, and to W. Scott Simpson, Senior

Counsel, Counsel for Defendant John Ashcroft, U.S. Department of Justice, Civil
Division, Federal Programs Branch, P O Box 883, Washington DC 20044.

Respectfully submitted,

CHARLES J. CRIST, JR.
FLORIDA ATTORNEY GENERAL

s/David J. Glantz
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