

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

KATHERINE VARNUM, PATRICIA HYDE; DAWN BARBOUROSKE, JENNIFER BARBOUROSKE; JASON MORGAN, CHARLES SWAGGERTY; DAVID TWOMBLEY, LAWRENCE HOCH; WILLIAM M. MUSSER, OTTER DREAMING; INGRID OLSON and REVA EVANS,

Plaintiffs,

vs.

TIMOTHY J. BRIEN, in his official capacities as the Polk County Recorder and Polk County Registrar,

Defendant.

CASE NO. CV 5965

ANSWER OF DEFENDANT
TIMOTHY J. BRIEN

FILED
POLK COUNTY, IA
2006 FEB - 6 P 3:07
CLERK DISTRICT COURT

COMES NOW defendant Timothy J. Brien, Polk County Recorder and Polk County Registrar, through the Office of the Polk County Attorney, and sets forth below his answer to plaintiffs' petition for declaratory judgment and supplemental injunctive and mandamus relief. Each and every allegation of said petition is denied unless expressly hereinafter admitted.

1. Paragraph 1 is denied.
2. Paragraph 2 is donied
3. Paragraph 3 is denied.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied for lack of information.
6. Paragraph 6 is denied for lack of information.
7. Paragraph 7 is denied for lack of information.

8. Paragraph 8 is denied for lack of information.
9. Paragraph 9 is denied for lack of information.
10. Paragraph 10 is denied for lack of information.
11. Paragraph 11 is admitted.
12. Paragraph 12 is admitted.
13. Paragraph 13 is admitted.
14. Paragraph 14 is admitted.
15. Paragraph 15 is admitted.
16. Paragraph 16 is admitted.
17. Paragraph 17 is admitted.
18. Paragraph 18 is admitted.
19. Paragraph 19 is admitted.
20. Paragraph 20 is admitted.
21. Paragraph 21 is admitted.
22. Paragraph 22 is denied for lack of information.
23. Paragraph 23 is admitted.
24. Paragraph 24 is denied.
25. Paragraph 25 is denied.
26. Paragraph 26 is denied.
27. Paragraph 27 is denied.
28. Paragraph 28 is denied, including each and every subparagraph presented therein.
29. Paragraph 29 is denied.

COUNT I

30. Defendant reasserts his answers to paragraphs 1 through 29 as if the same were fully set forth herein.

31. Paragraph 31 is denied, except that it is admitted that Iowa's Due Process Clause, Article I, § 9 of the Iowa Constitution, provides that "no person shall be deprived of life, liberty or property, without due process of law," and among the personal interests protected by the Iowa State Constitution's Due Process Clause is the right to privacy.

32. Paragraph 32 is denied.

33. Paragraph 33 is denied.

COUNT II

34. Defendant reasserts his answers to paragraphs 1 through 33 as if the same were fully set forth herein.

35. Paragraph 35 is admitted.

36. Paragraph 36 is denied.

37. Paragraph 37 is denied.

DECLARATORY JUDGMENT AND SUPPLEMENTAL RELIEF

38. Defendant reasserts his answers to paragraphs 1 through 37 as if the same were fully set forth herein.

39. Paragraph 39 is admitted.


40. Paragraph 40 is denied.

41. Paragraph 41 is denied.

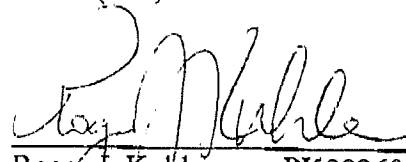
WHEREFORE, defendant Timothy J. Brien, Polk County Recorder and Polk County Registrar, respectfully prays the Court dismiss the entirety of plaintiffs' petition for declaratory judgment and supplemental injunctive and mandamus relief and for such other and further relief as is deemed equitable in the circumstances.

Respectfully submitted,

JOHN P. SARCONI
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PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon the parties to this action by serving a copy upon each of the attorneys listed below on Feb. 6

20 06, by

<input checked="" type="checkbox"/>	U.S. Mail	<input type="checkbox"/>	FAX
<input type="checkbox"/>	Hand Delivered	<input type="checkbox"/>	Electronic Mail
<input type="checkbox"/>	FedEX/Overnight Carrier	<input type="checkbox"/>	Other

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