

KIM BRIMER	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff</i>	§	
	§	
v.	§	
	§	
STEPHEN C. MAXWELL, in his	§	TARRANT COUNTY, TEXAS
capacity as Chairman of the	§	
Democratic Party of Tarrant County,	§	
BOYD RICHIE, in his capacity as	§	
Chairman of the Texas Democratic	§	
Party, and WENDY DAVIS	§	236 <sup>th</sup> JUDICIAL DISTRICT

**WENDY DAVIS’  
ANSWER TO PLAINTIFF’S ORIGINAL PETITION**

TO THE HONORABLE TOM LOWE, JUDGE:

Wendy Davis, Defendant, (“Davis”) files her answer to Plaintiff’s original petition in the above-captioned cause and would show the Court as follows:

I.

GENERAL DENIAL

Davis denies generally every allegation contained in Plaintiff’s Original Petition and demands strict proof thereof by a preponderance of the credible evidence in as expeditious a fashion as allowed by law. Davis prays that Mr. Brimer’s suit be dismissed promptly in the interests of substantial justice and the rights of the voters of Texas Senate District 10.

## II.

### SPECIAL DENIAL

Davis denies that Mr. Brimer is entitled to relief under any set of facts that he can truthfully allege. Davis lawfully resigned her city council seat well prior to becoming a candidate for State Senate District 10. Moreover, Davis' successor on the city council was elected and qualified before she filed her application for the ballot on January 2<sup>nd</sup> of this year. Finally, Mr. Brimer himself admits that Davis' tenure on the city council ended no later than January 8<sup>th</sup> of this year, well before her election to the Senate would occur. Under any and all of these circumstances, Davis is an eligible candidate for the Texas Senate.

## III.

### IMMEDIATE TRIAL SETTING

Because Davis is an eligible opponent of Mr. Brimer, this lawsuit can serve no purpose other than as a blatant, politically motivated attempt to impede her campaign and to deprive the voters of State Senate District 10 of their choice for Senator for the coming term. As such, Davis has contacted Mr. Brimer's counsel to request an immediate trial setting and/or hearing in this cause in order to

obtain prompt dismissal of Mr. Brimer's meritless claims. Should Mr. Brimer object to an expeditious presentation of this matter to the Court for prompt resolution, Davis requests that the Court immediately set this matter for hearing and trial on the merits over any objection of Mr. Brimer to the contrary.

IV.

PRAYER

WHEREFORE, Davis requests judgment of this Court that Plaintiff take nothing, along with all other further relief to which she may be justly entitled.

Respectfully submitted,

RAY, WOOD & BONILLA

By: \_\_\_\_\_

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**ATTORNEYS FOR WENDY DAVIS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing original answer has been delivered via Certified Mail, Return Receipt Requested, and by facsimile to the following:

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on this the 8<sup>th</sup> day of July, 2008.

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Robert John Myers