

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GARLAND FAVORITO, MICHAEL)
SCUPIN, TREVOR TERRIS, SEAN)
DRAIME, CAROLINE JEFFORDS,)
STACY DORAN, CHRISTOPHER PECK,)
ROBIN SOTIR and BRANDI TAYLOR,)

Petitioners,)

v.)

VERNETTA NURIDIN, AARON)
JOHNSON, AND ALEX WAN,)

Respondents.)

CIVIL ACTION NO.:

2020CV343938

**ANSWER AND AFFIRMATIVE DEFENSES OF ALEX WAN, VERNETTA NURIDDIN
AND AARON JOHNSON TO THE THIRD AMENDED COMPLAINT OF
DECLARATORY AND INJUNCTIVE RELIEF
FILED BY THE FAVORITO PETITIONERS**

INTRODUCTION

Fulton County ran a successful and secure election for the November 2020 general election, and January 2021 runoff election. This has been proven time and again by state and federal officials. Petitioners are not the only ones unhappy with the election’s outcome who have cried “fraud” and thus sought some kind of relief from our state’s and nation’s courts. These efforts have been rebuked by judges throughout Georgia and the United States, even by the Supreme Court. The outcome of this case should be no different. These Petitioners have not raised one valid claim of fraud or valid prayer for relief. The litigation in this matter thus far has been slipshod and haphazard, to say the least. Respondents are not alleged to have committed any fraudulent acts, and the Respondents did not commit any fraudulent acts. They were not derelict in their duties as members of the Fulton County Board of Registration and Elections. They should be commended

for the countless hours and devotion they committed to the citizens of Fulton County in order to orchestrate a successful and secure election, and not the subjects of this lawsuit.

Respondents Alex Wan, Vernetta Nuriddin, and Aaron Johnson (hereinafter the “Respondents”), were added to this litigation in their individual capacity, and now file the following Answer and Affirmative Defenses to the Amended Complaint filed by the “Favorito” group of Petitioners.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Petitioners’ claims are barred, in whole or in part, for failure to state a claim upon which relief can be granted.

SECOND DEFENSE

Petitioners’ claims are barred by the doctrine of Sovereign Immunity.

THIRD DEFENSE

Petitioners’ claims are barred by the doctrine of Official Immunity.

FOURTH DEFENSE

Petitioners are not entitled to declaratory relief because Petitioners are not faced with uncertainty with regards to an alleged right.

FIFTH DEFENSE

Respondents have not breached any official duty or any duty created under the Georgia Constitution compelling them to act with regard to the events allegedly giving rise to the Petitioners’ claim.

SIXTH DEFENSE

Petitioners lack legal standing to bring the claims asserted in the Complaint.

SEVENTH DEFENSE

Respondents have not subjected Petitioners to the deprivation of any rights, due process, equal protection, privileges or immunities afforded by the Georgia Constitution.

EIGHTH DEFENSE

Petitioners' lack any basis for seeking injunctive relief that only requires the Respondents to comply with the law.

NINTH DEFENSE

Petitioners' have intentionally chosen to ignore the methods of challenging an election or the deprivation of the right to vote that the Georgia Legislature has created and lack any basis to seek an ad hoc method of questioning election results or the counting of ballots.

TENTH DEFENSE

This Court lacks the authority – which the Petitioners ask this court to exercise – to remove public officials from their appointed jobs, or to “retain” jurisdiction of this case through a future election.

ELEVENTH DEFENSE

Respondents reserve the right to rely upon any additional defenses to claims asserted by Plaintiff to the extent that such defenses are supported by information developed through discovery or evidence at trial.

ANSWER

Subject to and without waiving the foregoing affirmative defenses, Respondents respond to the individually numbered paragraphs of the Complaint as follows:

1.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

2.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

3.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

4.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

5.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

6.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

7.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

8.

The Respondents admit the allegations contained in this paragraph of the Complaint.

9.

The Respondents admit the allegations contained in this paragraph of the Complaint.

10.

The Respondents admit the allegations contained in this paragraph of the Complaint.

11.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

12.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

13.

The allegations in this paragraph of the Complaint are denied. By way of further response, Ms. Nuriddin is not a current member of the BRE

14.

The Respondents admit the allegations contained in this paragraph of the Complaint.

15.

The Respondents admit the allegations contained in this paragraph of the Complaint.

16.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

17.

The Respondents deny the allegations contained in this paragraph of the Complaint.

18.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

19.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

20.

The Respondents deny the allegations contained in this paragraph of the Complaint.

21.

The Respondents deny the allegations contained in this paragraph of the Complaint.

22.

The Respondents deny the allegations contained in this paragraph of the Complaint.

23.

The Respondents deny the allegations contained in this paragraph of the Complaint.

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The Respondents deny the allegations contained in this paragraph of the Complaint.

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The Respondents deny the allegations contained in this paragraph of the Complaint.

33.

The Respondents deny the allegations contained in this paragraph of the Complaint.

34.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

35.

The Respondents deny the allegations contained in this paragraph of the Complaint.

36.

The Respondents deny the allegations contained in this paragraph of the Complaint.

37.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

38.

The Respondents deny the allegations contained in this paragraph of the Complaint.

39.

The Respondents deny the allegations contained in this paragraph of the Complaint.

40.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

41.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

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Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

48.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

49.

The Respondents deny the allegations contained in this paragraph of the Complaint.

50.

The Respondents deny the allegations contained in this paragraph of the Complaint.

51.

The Respondents deny the allegations contained in this paragraph of the Complaint.

52.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

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Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

63.

Respondents are without sufficient information to form a belief regarding the truthfulness of this allegation and therefore it is denied.

64.

The Respondents deny the allegations contained in this paragraph of the Complaint.

65.

The Respondents deny the allegations contained in this paragraph of the Complaint.

66.

This allegation simply recites a legal principle that requires no response from Respondents. As such, the allegations in this Paragraph of the Complaint require no response and stand denied by operation of law. By way of further response, though Respondents agree with the basic legal principles recited in the Complaint, the Respondents do not agree with the Petitioner's opinions about the application of the law to the facts of this case.

67.

This allegation simply recites a legal principle that requires no response from Respondents. As such, the allegations in this Paragraph of the Complaint require no response and stand denied by operation of law. By way of further response, though Respondents agree with the basic legal

principles recited in the Complaint, the Respondents do not agree with the Petitioner's opinions about the application of the law to the facts of this case.

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69.

The Respondents deny the allegations contained in this paragraph of the Complaint.

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The Respondents deny the allegations contained in this paragraph of the Complaint.

89.

The allegations in this paragraph do not regard the Respondents and do not require a response. They stand denied by operation of law. By way of further response, Respondents deny

the allegations in the affidavits, particularly any allegation that implies that they did anything in connection with the 2020 election.

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The Respondents deny the allegations contained in this paragraph of the Complaint.

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The Respondents deny the allegations contained in this paragraph of the Complaint.

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the allegations in the affidavits, particularly any allegation that implies that they did anything in connection with the 2020 election.

224.

The Respondents deny the allegations contained in this paragraph of the Complaint.

225.

The Respondents deny each and every allegation of Petitioners' Complaint not herein admitted, controverted, or specifically denied.

WHEREFORE, the Respondents pray as follows:

- a) That this Complaint be dismissed with all costs cast against Petitioners.
- b) The Court impanel a jury of twelve, should this case be tried; and
- c) For such other and further relief as the Court may deem just proper.

RESPECTFULLY SUBMITTED,

GARLAND, SAMUEL & LOEB, P.C.

/s/ Donald F. Samuel
DONALD F. SAMUEL, ESQ.
Georgia State Bar No.: 624475

/s/ Amanda Clark Palmer
AMANDA CLARK PALMER
Georgia State Bar No.: 130608

Counsel for Alex Wan, Vernetta Nuriddin and
Aaron Johnson

3151 Maple Drive, N.E.
Atlanta, Georgia 30305
Tel.: 404-262-2225
Fax.: 404-365-5041
Email: dfs@gslaw.com
aclark@gslaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed this ANSWER AND AFFIRMATIVE DEFENSES OF ALEX WAN, VERNETTA NURIDDIN AND AARON JOHNSON TO THE THIRD AMENDED COMPLAINT OF DECLARATORY AND INJUNCTIVE RELIEF FILED BY THE FAVORITO PETITIONERS using the ODYSSEY eFileGA system which will automatically send email notification of such filing to all attorneys and parties of record.

This the 12th day of August, 2021.

GARLAND, SAMUEL & LOEB, P.C.

/s/ Donald F. Samuel

DONALD F. SAMUEL, ESQ.

Georgia State Bar No.: 624475

Counsel for Alex Wan, Vernetta Nuriddin and
Aaron Johnson

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Atlanta, Georgia 30305
Tel.: 404-262-2225
Fax.: 404-365-5041
Email: dfs@gslaw.com