

**IN THE CIRCUIT COURT OF THE  
TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA**

**IN RE: THE MATTER OF** )  
**SAM KILLEBREW, an individual,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**LORI EDWARDS, Polk County** )  
**Supervisor of Elections, RICHARD M.** )  
**WEISS, Clerk of the Circuit Court for** )  
**Polk County, Florida and Auditor to the** )  
**Board of County Commissioners and** )  
**POLK COUNTY, FLORIDA, a political** )  
**subdivision of the State of Florida,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

Case No.: 53-2011CA-001950-0000-00

FILED - CIVIL  
POLK COUNTY CLERK  
CIRCUIT COURT CIVIL  
2011 MAY 17 A 11:55

**ANSWER**

**COMES NOW Defendant, RICHARD M. WEISS, Clerk of the Circuit Court**  
**for Polk County, Florida, and Auditor to the Board of County Commissioners, by**  
and through his undersigned counsel, and hereby files this Answer to the Complaint filed  
in the above styled action and states as follows:

1. Defendant admits the allegations of paragraph 1 of the complaint for jurisdictional purposes.
2. Defendant admits the allegations of paragraphs 2-5 of the complaint.
3. Defendant is without knowledge as to the allegations in paragraph 6 of the complaint.
4. Defendant admits the allegations of paragraphs 7-8 of the complaint for jurisdictional purposes.

5. Defendant admits that Plaintiff is a resident and voter of Polk County, Florida as alleged in paragraph 9 of the complaint.

6. Defendant admits the allegations of paragraphs 10-12 of the complaint.

7. Defendant admits the allegations of paragraphs 13-22 of the complaint.

8. Defendant is without knowledge as to the allegations in paragraph 23 of the complaint.

9. Defendant admits paragraphs 24-29.

10. Defendant is without knowledge as to the allegations in paragraph 30 of the complaint.

11. Defendant admits the allegations in paragraph 31 of the complaint.

12. Defendant is without knowledge as to the allegations of paragraphs 32-35 of the complaint.

13. Defendant admits the allegations of paragraphs 36-37 of the complaint.

14. Defendant is without knowledge as to the allegations in paragraphs 38-40 of the complaint.

15. Defendant admits the allegations of paragraph 41 of the complaint.

16. Defendant is without knowledge as to the allegations in paragraphs 42-43 of the complaint.

17. Defendant admits the allegations of paragraph 45 for jurisdictional purposes.

18. Defendant admits the allegations of paragraph 46-51 of the complaint.

19. Defendant is without knowledge as to the allegations in paragraphs 52-53 of the complaint.

20. Defendant admits the allegations of paragraph 55 of the complaint for

jurisdictional purposes.

21. Defendant admits the allegations in paragraphs 56-61 of the complaint.

22. Defendant is without knowledge as to the allegations in paragraphs 62-63 of the complaint.

DATED this 17<sup>th</sup> day of May, 2011.



Dawn Grant Kahre  
General Counsel

Polk County Clerk of the Circuit Court  
Drawer CC-1 Post Office Drawer 9000  
Bartow, FL 33831-9000  
(863) 534-4594  
FBN 312800

Attorney for RICHARD M. WEISS

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by regular U.S. Mail this 17<sup>th</sup> of May, 2011, to Susan H. Churuti, Esq., Bryant, Miller, Olive, P.A., One Tampa City Center, Suite 2700, Tampa, Florida 33602; Linda McKinley, Deputy County Attorney, 330 W. Church Street, Drawer AT01, Bartow, FL 33830; Lori Edwards, Supervisor of Elections, 250 S. Broadway Avenue, Bartow, FL 33830 and Jerry Hill, State Attorney, 255 N. Broadway Avenue, Bartow, FL 33830.



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