

**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 the 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 -9 P 4: 01**

ANSWER

Defendant, POLK COUNTY, a Political Subdivision of the State of Florida, by and through its undersigned counsel, hereby files this Answer to the Complaint filed by Sam Killebrew 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 paragraph 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 paragraph 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 paragraph 10-12 of the complaint.

7. Defendant admits the allegations of paragraph 13-43 of the complaint.

8. Defendant admits the allegations of paragraph 45 of the complaint for jurisdictional purposes.

9. Defendant admits the allegations of paragraph 46-52 of the complaint

10. Defendant is without knowledge as to the allegations in paragraph 53 of the complaint.

11. Defendant admits the allegations of paragraph 55 of the complaint for jurisdictional purposes.

12. Defendant admits the allegations in paragraphs 56-62 of the complaint.

13. Defendant is without knowledge as to the allegations in paragraph 63 of the complaint.

DATED this 9th day of MAY, 2011.

OFFICE OF THE COUNTY ATTORNEY

By: 

Linda L. McKinley

Deputy County Attorney

Florida Bar No.: 325521

P.O. Box 9005, Drawer AT01

Bartow, Florida 33831-9005

Ph: (863) 534-6437

Fax: (863) 534-7654

ATTORNEY FOR POLK COUNTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by regular U.S. Mail this 7th day of May, 2011, to Susan H. Churuti, Esq., BRYANT, MILLER, OLIVE, P.A., One Tampa City Center, Suite 2700, Tampa, Florida 33602; Richard Weiss, Clerk of the Circuit Court, 255 N. Broadway Avenue, Bartow, Florida 32830; Lori Edwards, Supervisor of Elections, 250 S. Broadway Avenue, Bartow, Florida 32830 and Jerry Hill, State Attorney, 255 N. Broadway Avenue, Bartow, Florida 32830.

POLK COUNTY ATTORNEY'S OFFICE

By: 

Linda L. McKinley

Deputy County Attorney

Florida Bar No.: 325521