

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

THE PUBLIC INTEREST LEGAL FOUNDATION,

Plaintiff,

v.

Case No. 1:16-CV-1375

SUSAN REED, in her official capacity as General  
Registrar for the City of Manassas,

Defendant.

**ANSWER**

COMES NOW the defendant, Susan Reed, in her official capacity as General Registrar for the City of Manassas, by counsel, and as and for her Answer, states as follows:

1. Paragraph 1 of Complaint does not call for a factual response from the defendant. To the extent a factual response is deemed required, the allegations are denied.
2. Paragraph 2 of Complaint states a legal conclusion to which no factual response is required.
3. Paragraph 3 of Complaint states a legal conclusion to which no factual response is required.
4. The defendant is without sufficient information to either admit or deny the allegations contained in paragraph 4 of the Complaint and, therefore, denies same.
5. The allegations contained in paragraph 5 of the Complaint are admitted.
6. Paragraph 6 of the Complaint states a legal conclusion to which no factual response is required.

7. Paragraph 7 of the Complaint states a legal conclusion to which no factual response is required.

8. Responding to paragraph 8 of the Complaint, it is admitted that the August 8, 2016 letter was received by the defendant. The letter speaks for itself. The remaining statements in paragraph 8 of the Complaint call for legal conclusions, to which no factual response is required.

9. The allegations contained in paragraph 9 of the Complaint are denied.

10. The allegations contained in paragraph 10 of the Complaint are denied.

11. The allegations contained in paragraph 11 of the Complaint are admitted.

12. The allegations contained in paragraph 12 of the Complaint are denied.

13. The defendant is without sufficient information to either admit or deny the allegations contained in paragraph 13 of the Complaint.

14. The allegations contained in paragraph 14 of the Complaint are denied.

15. The allegations contained in paragraph 15 of the Complaint are denied.

16. The defendant is without sufficient information to either admit or deny the allegations contained in paragraph 16 of the Complaint.

17. Paragraph 17 of the Complaint states a legal conclusion to which no factual response is required.

18. Paragraph 18 of the Complaint states a legal conclusion to which no factual response is required.

19. Responding to paragraph 19 of the Complaint, it is admitted that the VERIS database can generate such a report. The defendant is without sufficient information to either admit or deny the remaining allegations contained in paragraph 19 of the Complaint.

20. The allegations contained in paragraph 20 of the Complaint are admitted.

21. The allegations contained in paragraph 21 of the Complaint are denied.

22. The allegations contained in paragraph 22 of the Complaint are denied.

23. The allegations contained in paragraph 23 of the Complaint are denied.

24. The allegations contained in paragraph 24 of the Complaint are denied.

25. Paragraph 25 of the Complaint calls for a legal conclusion to which no factual response is required.

26. Responding to paragraph 26 of the Complaint, the letter speaks for itself.

27. The allegations contained in paragraph 27 of the Complaint are denied.

28. The allegations contained in Paragraph 28 of the Complaint are denied.

29. The allegations contained in Paragraph 29 of the Complaint are denied.

30. The defendant incorporates his responses to paragraphs 1 through 29 of the Complaint as if fully restated herein.

31. The allegations contained in Paragraph 31 of the Complaint are denied.

32. The allegations contained in Paragraph 32 of the Complaint are denied.

33. The allegations contained in Paragraph 33 of the Complaint are denied.

34. The allegations contained in Paragraph 34 of the Complaint are denied.

#### Affirmative Defenses

36. The plaintiff has failed to state a claim for relief under the NVRA.

37. At all times relevant hereto, Ms. Reed acted under the advice and guidance of Mr. Edgardo Cortes, Commissioner of the Commonwealth of Virginia's Department of Elections.

40. Upon information and belief, the Commonwealth of Virginia's Department of Elections responded to the plaintiff's request of Ms. Reed, and of all other General Registrars in the Commonwealth of Virginia, by offering to provide or providing an accurate and comprehensive list of all voter cancellations, inclusive of those cancelled for non-citizenship. Hence, the plaintiff's Complaint is moot.

41. The non-citizen cancellation report sought by plaintiff is created by information from the Virginia Department of Motor Vehicles.

42. The release of personal information generated from state motor vehicle records is barred from disclosure pursuant to 18 U.S.C §2721.

43. Any communications from Ms. Reed to law enforcement are not list maintenance and not subject to disclosure under the NVRA.

44. The non-citizen cancellation report sought by plaintiff is not used in list maintenance by Ms. Reed and is not subject to disclosure under the NVRA.

45. The plaintiff is not entitled to an award of attorney fees.

46. Ms. Reed reserves the right to add additional affirmative defenses as may come to light during the discovery process or trial.

WHEREFORE, defendant, Susan Reed, in her official capacity as General Registrar for the City of Manassas, respectfully moves the Court for entry of an appropriate order dismissing the Complaint filed herein and awarding defendant her attorney fees and costs on its behalf expended and for such other and further relief as the Court may deem appropriate.

SUSAN REED, in her official capacity as General  
Registrar for the City of Manassas

By: \_\_\_\_\_/s/\_\_\_\_\_

William W. Tunner, Esq. (VSB No. 38358)

*ThompsonMcMullan*

100 Shockoe Slip

Richmond, VA 23219-4140

Phone: (804) 649-7545

Fax: (804) 780-1813

*Counsel for Defendant, Susan Reed, in her official capacity as General  
Registrar for the City of Manassas*

**CERTIFICATE OF SERVICE**

I certify that on November 21, 2016, I electronically filed the foregoing Answer with the Clerk of Court using the CM/ECF system, which will serve a copy on all parties entitled thereto.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

William W. Tunner, Esq. (VSB No. 38358)

*ThompsonMcMullan*

100 Shockoe Slip

Richmond, VA 23219-4140

Phone: (804) 649-7545

Fax: (804) 780-1813

*Counsel for Defendant, Susan Reed, in her official capacity  
as General Registrar for the City of Manassas*