

FILED

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DEC 29 2014

*Forrest County Clerk*  
FORREST COUNTY CIRCUIT CLERK

CARTER CARROLL and  
KIM BRADLEY

PLAINTIFFS

VS.

CAUSE NO. CI14-0212

JOHNNY L. DUPREE, in his official  
Capacity as Mayor of the City of Hattiesburg

DEFENDANT

ANSWER

COMES NOW Defendant, Johnny L. DuPree, by and through the undersigned attorney, and file this Answer to the Complaint filed in this cause and in response thereto states and would show unto the Court the following to-wit:

1.

Defendant admits that Plaintiffs have filed an action seeking an order of mandamus but denies the remaining allegations contained in paragraph 1 of the Complaint.

2.

Defendant admits the allegations contained in paragraphs 2, 3, and 4 of the Complaint.

3.

Defendant admits the allegations contained in paragraphs 5, 6, and 7 of the Complaint.

4.

Defendant admits the allegations contained in paragraph 8 of the Complaint.

5.

Defendant admits the allegations contained in paragraph 9 of the Complaint that the Plaintiffs are suing in their individual capacities but denies the remaining allegations contained therein.

6.

Defendant admits the allegations contained in paragraph 10 of the Complaint.

7.

Defendant admits the allegations contained in paragraph 11 of the Complaint regarding the statement of law as set forth in Miss. Code Ann. § 21-8-23 but denies the remaining allegations contained therein.

8.

Defendant denies the allegations contained in paragraph 12 of the Complaint.

9.

Defendant denies the allegations contained in paragraph 13 of the Complaint that he has failed and refused to submit the majority of his department directors and would affirmatively show that when he offered to make a submission for a department where he had a candidate for consideration he was rebuffed by Plaintiff, Bradley, as President of the Council, and informed that his department directors would not be considered on a one by one basis and that all of his remaining department directors should be submitted at the same time.

10.

Defendant denies the allegations contained in paragraph 14 of the Complaint that this is not the first time this issue has existed or the first time that said issue has been before this Court as this issue is distinguishable from the issue presented after the 2005 election as the Defendant has presented some of his department directors for confirmation and has offered to present others and that said offer for further presentment has been rejected unless and until the remaining department directors are presented together at one council meeting.

11.

Defendant admits the allegations contained in paragraph 15 of the Complaint that an Attorney General's opinion was issued and subsequent thereto that litigation was had and that the ruling to the Circuit Court was appealed and the decision affirmed by the Supreme Court and further that he submitted his directors for confirmation and Defendant denies any allegations not specifically admitted.

12.

Defendant admits the allegations contained in paragraph 16 of the Complaint that the Plaintiffs have made inquiries regarding when he would submit his remaining directors but denies all other allegations contained in said paragraph. Further, Defendant would show that he has demonstrated a willingness to comply with the law and carry out his duties by offering to make a submission or submissions for department directors but that his offer has been refused unless it is on the terms as requested by the Council President and Plaintiff, Bradley, that all submissions must be made at one time, even though no such requirement is set forth in Miss. Code Ann. § 21-8-23.

13.

Defendant denies the allegations contained in paragraph 17 of the Complaint and would show that he has demonstrated his willingness to submit his nominees and has offered to continue to make his submission but that said offer has been rejected.

14.

Defendant denies the allegations contained in paragraph 18 of the Complaint.

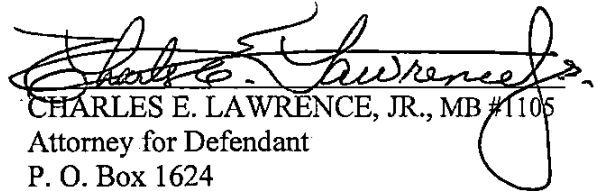
15.

Defendant denies the allegations contained in the last unnumbered paragraph beginning with the word "WHEREFORE" commonly referred to as the prayer or request for relief and further deny that the Plaintiffs are entitled to any relief.

Respectfully submitted,

JOHNNY L. DUPREE, Defendant

BY:



CHARLES E. LAWRENCE, JR., MB #1105

Attorney for Defendant

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Hattiesburg, MS 39403-1624

Telephone (601) 582-4157

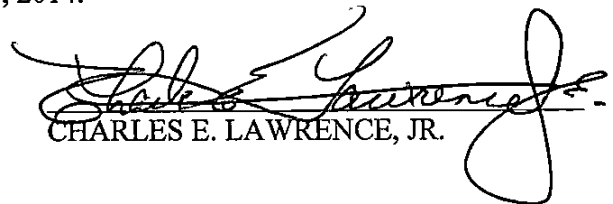
Facsimile (601) 582-4140

Email: [celawjr@hotmail.com](mailto:celawjr@hotmail.com)

#### CERTIFICATE OF SERVICE

I, CHARLES E. LAWRENCE, JR., Attorney for Defendant, do hereby certify that I have this day cause to be mailed a true and correct copy of the above and foregoing Answer to Plaintiffs' Attorneys, Robert D. Gholson and Katherine B. Sumrall, at their last known and usual mailing address by U.S. mail, postage prepaid at P. O. Box 1289, Laurel, MS 39441-1289.

THIS the 27<sup>th</sup> day of December, A.D., 2014.



CHARLES E. LAWRENCE, JR.



**Charles E. Lawrence, Jr.**

ATTORNEY AND COUNSELOR-AT-LAW

P.O. Box 1624 • 1105 EDWARDS STREET • HATTIESBURG, MS 39403-1624

TELEPHONE (601) 582-4157 • FAX (601) 582-4140

December 24, 2014

Mrs. Lou Ellen Adams  
Circuit Clerk  
P. O. Box 992  
Hattiesburg, MS 39403-0992

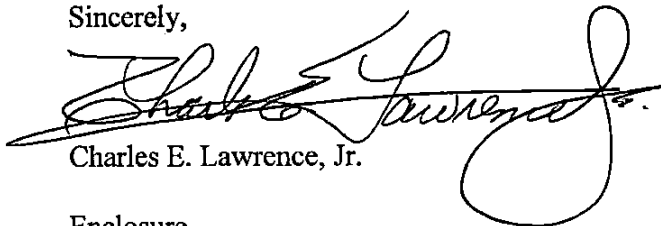
Re: Carroll, et al v. DuPree – Circuit Court of Forrest County  
Cause No. CI14-0212

Dear Mrs. Adams:

Enclosed is a copy of the Answer that I am submitting to be filed on behalf of Mayor DuPree in the above reference matter.

Thanking you for your attention in this matter.

Sincerely,



Charles E. Lawrence, Jr.

Enclosure

Cc: Attorney Robert D. Gholson, w/enc.

Celjr