

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**CHOKWE A. LUMUMBA, IN HIS OFFICIAL  
CAPACITY AS MAYOR OF THE CITY OF JACKSON**

**PETITIONER**

**V.**

**CAUSE NO. 2022-281**

**THE CITY COUNCIL OF JACKSON, MISSISSIPPI**

**RESPONDENT**

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**ANSWER AND AFFIRMATIVE DEFENSES OF  
THE CITY COUNCIL OF JACKSON, MISSISSIPPI**

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**COME NOW**, Respondent, The City Council of Jackson, Mississippi (“CCJ”), by and through counsel, and file this, its *Answer and Affirmative Defenses to Emergency Complaint for Declaratory Judgment* [1] filed herein and in support thereof, would respectfully show unto the Court the following, to-wit:

**ANSWER**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.

11. Denied as stated.
12. Denied as stated.
13. Denied as stated.
14. Denied as stated.
15. Denied as stated - this includes 15(a) through 15(o) collectively.
16. Denied as stated - this includes 16(a) through 16(h) collectively.
17. Denied.
18. Denied – this includes 18(a) through 18(c) individually and collectively.
19. The CCJ denies allegations in unnumbered paragraph beginning with “WHEREFORE”.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

The Complaint fails to state a claim in which relief can be granted. Therefore, the Complaint should be dismissed pursuant to Rule 12(b)(6) of the Mississippi Rules of Civil Procedure.

#### **SECOND DEFENSE**

Petitioner lacks standing to bring some, or all, of the claims contained in the Complaint.

#### **THIRD DEFENSE**

Petitioner has failed to exhaust the available administrative remedies for some, or all, of its claims.

#### **FOURTH DEFENSE**

There is insufficiency of process on Respondent.

#### **FIFTH DEFENSE**

There is insufficiency of service of process on Respondent.

SIXTH DEFENSE

This Court lacks personal jurisdiction over Respondent.

SEVENTH DEFENSE

This Court lacks subject matter jurisdiction of this matter.

EIGHTH DEFENSE

The claims asserted in this cause of action are barred by the applicable statute of limitations.

NINTH DEFENSE

Respondent specifically deny any and all allegations of the Complaint not hereinbefore specifically admitted regardless of paragraph number, or letter, or lack thereof.

TENTH DEFENSE

Respondent asserts all defenses available pursuant to Rule 12(b) of the Mississippi Rules of Civil Procedure.

ELEVENTH DEFENSE

Respondent reserves all other defenses available to it pursuant to any Mississippi statute, or regulation.

Respectfully submitted, this the 14<sup>th</sup> day of March 2022.

THE CITY COUNCIL OF JACKSON, MISSISSIPPI

/s/ Deshun T. Martin  
DESHUN T. MARTIN, MSB #101526

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Attorney for Respondent

**CERTIFICATE OF SERVICE**

I, Deshun T. Martin, do hereby certify that I have this day electronically filed the foregoing document with the Clerk of the Court utilizing the MEC system, which sent notification to all counsel of record.

This the 14<sup>th</sup> day of March 2022.

/s/ Deshun T. Martin  
DESHUN T. MARTIN, MSB #101526

OF COUNSEL:

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