

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

YELLOWHAMMER FUND, *et al.*,

*Plaintiffs,*

v.

Steve Marshall,

8. The first sentence is admitted. For the second sentence, admitted that Defendant has stated that he is willing to prosecute those who violate Alabama law, otherwise denied. For the third sentence, Defendant lacks sufficient evidence to admit or deny the allegation that his statements have “chilled” Plaintiffs “activities” and thus denies, and the remainder of the third sentence is otherwise denied. For the fourth sentence, Alabama law speaks for itself. For the last sentence, Defendant admits that the consequences of violating the criminal law are serious. Otherwise denied.

18. Defendant admits that he has expressed openness to prosecuting those who violate Alabama law by “assist[ing] pregnant people traveling from Alabama to states where abortion is lawful” to facilitate an abortion that would be illegal in Alabama. Otherwise denied.

19. Denied.

20. Admitted that Defendant discussed “the legal landscape” and the possibility of prosecuting those who break Alabama law on the Jeff Poor Show. Otherwise denied.

21.

31. Alabama law speaks for itself. Otherwise denied.
32. Alabama law speaks for itself. Otherwise denied.
33. Admitted that Defendant mentioned accessory liability as something he would “look at.” Alabama law speaks for itself. Otherwise denied.
34. Admitted that Defendant stated that he would “look at” accessory liability. Alabama law speaks for itself. Otherwise denied.
35. The first sentence is admitted. As to the second sentence, Defendant lacks sufficient information to admit or deny the allegations and thus denies.
36. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
37. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
38. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
39. Denied.
40. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
41. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
42. Defendant lacks sufficient information to admit or deny the allegations and thus denies.
43. Admitted that the United States Supreme Court decided *Dobbs* on June 24, 2022.

spokesperson for Defendant stated that the office was reviewing the conspiracy statute. Otherwise denied.

44. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

45. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

46. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

47. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

48. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

49. Defendant lacks sufficient information to admit or deny the allegations of Plaintiff's beliefs and thus denies. Otherwise denied.

50. Denied.

51. As to the first sentence, Defendant lacks sufficient information to admit or deny the allegations and thus denies. As to the last two sentences, denied that enforcing Alabama conspiracy law violates First Amendment rights.

52. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

53. Admitted that Defendant will prosecute violations of Alabama law. Otherwise denied.

54. Defendant admits that abortion is generally unlawful in the State of Alabama. Defendant otherwise lacks sufficient information to admit or deny the allegations and thus denies.



66. Defendant denies any allegation that prosecution would interfere with any constitutionally protected conduct. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

67. Defendant lacks sufficient information to admit or deny the allegation that Plaintiff has suffered an injury-in-fact and thus denies. Otherwise denied.

68. The first sentence is denied. For the second and third sentences, Defendant lacks

**Count II: Right to Association**

79. The Constitution and § 1983 speak for themselves. Otherwise denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Defendant admits that he acted under the color of State law while making statements about looking into whether assisting out-of-state abortions violated Alabama law. Otherwise denied.

85. Denied.

86. Defendant lacks sufficient information to admit or deny the allegation and thus denies.

**Count III: Right to Travel**

87. The Constitution and § 1983 speak for themselves. Otherwise denied.

88. Admitted as to the first sentence. Otherwise, the Constitution speaks for itself; otherwise denied.

89. Defendant lacks sufficient information to admit or deny the allegation and thus denies.

90. Defendant lacks sufficient information to admit or deny the allegation and thus denies.

91. Defendant admits that Plaintiff attempts to assert the right to travel of others. Otherwise denied.

92. Denied.

93. Denied.



94. Denied.

95. Denied.

96. Defendant admits that he acted under the color of State law when he made statements about enforcing Alabama law. Otherwise denied.

97. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

**Count IV: Extraterritorial Application of State Law**

98. The Constitution and § 1983 speak for themselves. Otherwise denied.

99. Admitted.

100.

2. When admitting certain factual allegations above, Defendant does not agree with any inflammatory language used by the Plaintiff to describe Defendant's statements or the challenged laws.

### **Additional Defenses**

1. Plaintiff has failed to state a claim for which relief may be granted.
2. This Court lacks subject-matter jurisdiction over Plaintiffs' claims on behalf of third parties.
3. Sovereign immunity deprives this Court of subject-matter jurisdiction over Plaintiffs' claims that depend on Defendant Marshall complying with their interpretation of Alabama law.

Respectfully submitted,

Steve Marshall  
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*Deputy Attorney General*

/s/ Benjamin M. Seiss  
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*Counsel for Governor Ivey*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2024, I electronically filed a copy of the foregoing with the Clerk of the Court via CM/ECF which will send notification to all counsel of record.

/s/ Benjamin M. Seiss  
*Counsel for Governor Ivey*