

IN THE SUPREME COURT )

Action no. 14 SSC 002 )

William Piontek )  
Plaintiff )

VERSUS )

John Harris )  
Student Bar Association Elections Committee Chair )

Nana Asante )  
Robert Sparks )  
Meghan Boyd )  
Tanisha Edwards )  
Rachel Morgan )  
Annie Kouba )  
Jesse Ramos )  
Student Bar Association Write-in Candidates )

Defendants )

**ANSWER**

**INTRODUCTION**

Through its Chair, the Student Bar Association Elections Committee (the “Committee”) hereby responds to the allegations raised by the Plaintiff, Mr. Billy Piontek (“Mr. Piontek”). Although the Committee does not dispute Mr. Piontek’s right to bring this appeal pursuant to the relevant jurisdictional and standing provisions of the Student Code and the Student Bar Association Bylaws (the “Bylaws”), the Committee has reached vastly different conclusions regarding the underlying allegations and associated interpretations of the Bylaws. Consequently, the Committee respectfully requests that this court affirm our decision finding that the April 1 Elections were conducted fairly and that the Write-in candidates did not violate the Bylaws.

**JURISDICTION**

1. Plaintiff’s allegation that he establishes grounds for jurisdiction under III S.G.C. 600.A.1 because his allegations present questions of law under the Student Bar Association governing documents is admitted. To the extent there are other allegations made in this paragraph, they are denied.

## STANDING

2. Plaintiff's allegation that he has standing pursuant to III S.G.C. 640(1) is admitted. To the extent there are other allegations made in this paragraph, they are denied.

## NECESSARY DEFENDANTS

3. Plaintiff's allegations as to the parties whom he must join as necessary defendants are admitted. To the extent there are other allegations made in this paragraph, they are denied.

## PLAINTIFF'S REQUESTED RELIEF AND DEMAND FOR RELIEF

4. Plaintiff makes a number of allegations in Paragraph 4 of his Complaint. I note at the outset that most of the allegations made in this paragraph involve significant characterization of facts or events. To the extent that I can separate the facts from Plaintiff's characterizations, I will attempt to do so. To the extent I cannot, the allegations are denied, and I have designated these with a \*. All other allegations are denied because they are either (a) conclusory, and the Committee disagrees with the conclusion, or (b) because they are factually inaccurate. Each allegation shall be taken in turn:

- (1) The allegations in Paragraph 4(1) are admitted.
- (2) The allegation in Paragraph 4(2) that Dean Jack Boger sent an email to the Classes of 2016 and 2017 on March 31, 2015, at 11:08pm is admitted. All other allegations in this paragraph are denied.
- (3) The allegations in Paragraph 4(3) are denied.
- (4) The allegations in Paragraph 4(4) are denied.\*
- (5) The allegations in Paragraph 4(5) are denied.
- (6) The allegation in Paragraph 4(6) that Dean Boger's email stated "a wise way to proceed" and "does not seem consistent with North Carolina's motto, *Esse Quam Videre* ('to be rather than to seem') or our deepest values" is admitted. All other allegations in this paragraph are denied.
- (7) The allegations in Paragraph 4(7) are denied.\*
- (8) The allegations in Paragraph 4(8) are denied.\*
- (9) The allegations in Paragraph 4(9) are denied.\*
- (10) The allegations in Paragraph 4(10) are denied.
- (11) Upon information and belief, the allegations in Paragraph 4(11) are admitted.
- (12) The allegations in Paragraph 4(12) are admitted.
- (13) Upon information and belief, the allegations in Paragraph 4(13) are admitted.
- (14) The allegations in Paragraph 4(14) are admitted to the extent that at least one post and associated comments related to Dean Boger's email was made on the Campaign Page. All other allegations are denied.
- (15) The allegations in Paragraph 4(15) are denied.\*
- (16) The allegations in Paragraph 4(16) are denied.\*
- (17) The allegations in Paragraph 4(17) are denied.\*
- (18) The allegations in Paragraph 4(18) are denied.\*

- (19) The allegations in Paragraph 4(19) are denied.
- (20) The allegations in Paragraph 4(20) are denied.\*
- (21) The allegations in Paragraph 4(21) are denied.\*
- (22) The allegations in Paragraph 4(22) are denied.\*
- (23) The allegations in Paragraph 4(23) are admitted.
- (24) The allegations in Paragraph 4(24) are admitted to the extent that the Committee Chair indicated to Mr. Piontek that he would not stop the election while polls were open, but that he was welcome to seek an injunction from this Court to attempt to stop the election or prevent release of the results. Mr. Piontek indicated to the Chair later that day that he had decided not to pursue this option.
- (25) The allegations in Paragraph 4(25) are admitted.
- (26) The allegations in Paragraph 4(26) are admitted.
- (27) The allegations in Paragraph 4(27) are admitted to the extent that the Committee was required to consider Dean Boger's email in light of any violation alleged in a complaint. Any other characterization or allegation to the contrary is denied.
- (28) The allegations in Paragraph 4(28) are denied.
- (29) The allegations in Paragraph 4(29) are denied.
- (30) The allegations in Paragraph 4(30) are denied.
- (31) The allegations in Paragraph 4(31) are admitted.
- (32) The allegations in Paragraph 4(32) are admitted.
- (33) The allegations in Paragraph 4(33) are denied.
- (34) The allegations in Paragraph 4(34) are denied.\*
- (35) The allegations in Paragraph 4(35) are admitted.
- (36) The allegations in Paragraph 4(36) are denied.
- (37) The allegations in Paragraph 4(37) are denied.
- (38) The allegations in Paragraph 4(38) are admitted.
- (39) The allegations in Paragraph 4(39) are denied.
- (40) The allegations in Paragraph 4(40) are admitted.
- (41) The allegations in Paragraph 4(41) are denied.
- (42) The allegations in Paragraph 4(42) are admitted.
- (43) The Committee is without adequate information to admit or deny the allegation made in Paragraph 4(43).
- (44) The allegations in Paragraph 4(44) are admitted.
- (45) The allegations in Paragraph 4(45) are admitted.
- (46) The allegations in Paragraph 4(46) are admitted.
- (47) The allegations in Paragraph 4(47) are denied.
- (48) The allegations in Paragraph 4(48) are denied.
- (49) The allegations in Paragraph 4(49) are denied.
- (50) The allegations in Paragraph 4(50) are admitted.
- (51) The allegations in Paragraph 4(51) are admitted.
- (52) The allegations in Paragraph 4(52) are denied.
- (53) The allegations in Paragraph 4(53) are admitted.
- (54) Upon information and belief, the allegations in Paragraph 4(54) are admitted.
- (55) The allegations in Paragraph 4(55) are denied.
- (56) The allegations in Paragraph 4(56) are denied.\*
- (57) The allegations in Paragraph 4(57) are denied.

- (58) The allegations in Paragraph 4(58) are denied.\*
  - (59) The allegations in Paragraph 4(59) are denied.
  - (60) The allegations in Paragraph 4(60) are admitted.
  - (61) The allegations in Paragraph 4(61) are admitted.
  - (62) The allegations in Paragraph 4(62) are admitted.
  - (63) The allegations in Paragraph 4(63) are denied.
  - (64) The allegations in Paragraph 4(64) are admitted.
  - (65) The allegations in Paragraph 4(65) are denied.
  - (66) The allegations in Paragraph 4(66) are admitted.
  - (67) The allegation in Paragraph 4(67) that the Write-In Candidates distributed flyers with the words “how to vote” on them is admitted. Any other characterizations or allegations are denied.
  - (68) The allegations in Paragraph 4(68) are denied.
  - (69) The allegations in Paragraph 4(69) are denied.\*
  - (70) The allegation in Paragraph 4(70) that the Write-In Candidates wrote steps for how to “vote” on the whiteboards in law school classrooms is admitted. Any other characterizations or allegations are denied.
  - (71) The allegations in Paragraph 4(71) are denied.
  - (72) The allegations in Paragraph 4(72) are admitted.
  - (73) The allegations in Paragraph 4(73) are admitted.
  - (74) The allegations in Paragraph 4(74) are admitted.
  - (75) The allegations in Paragraph 4(75) are denied; specifically, the Committee notes that its holdings are not contradictory, as the voting information provided on the flyers and on the whiteboard were materially different. This was evident from the pictures provided to the Committee by Mr. Piontek in connection with his original Complaint.
  - (76) The allegations in Paragraph 4(76) are admitted.
  - (77) The allegations in Paragraph 4(77) are denied.
  - (78) The allegations in Paragraph 4(78) are denied.
  - (79) The allegations in Paragraph 4(79) are denied.
  - (80) The allegations in Paragraph 4(80) are denied.
5. All other allegations or characterizations in Paragraph 5 are denied.

### **DEFENSE**

Mr. Piontek puts forward three separate claims on appeal, all of which generally relate to application of the Bylaws’ election provisions to specific circumstances.

First, he essentially argues that the Committee’s determination that the April 1 Election was “open, fair, and unbiased,” notwithstanding the email sent by Dean Boger was an erroneous interpretation of what “open, fair, and unbiased” means. Our interpretation is quite simple. A “fair” and “unbiased” election does not require all voices to be of equal influence; rather, fairness requires that students have an adequate opportunity to evaluate competing views and reach a

decision as to who is most worthy of their vote. We thus stand by our decision that, under the Bylaws, the election was indeed fair.

Second, he argues that the write-in candidates brought malicious charges against him and otherwise disparaged him. In our view, the undisputed conduct of the write-in candidates—using the campaign slogan “Fresh and Honest” and referencing Dean Boger’s email on social media—did not constitute “malicious charges” or disparagement.

Finally, he argues that the write-in candidates attempted to perpetrate a fraudulent election. Again, in our view, the undisputed conduct of the write-in candidates—passing our “how to vote” flyers and writing on classroom whiteboards—did not amount to any sort of attempt. Rather, their instructions on the whiteboards were neutral, and their flyers included their campaign slogan, clearly identifying the material as campaign literature.

In sum, Mr. Piontek has called into question the Committee’s interpretation and application of the Bylaws on a number of fronts. No trial is needed to resolve these claims; rather, the questions of law are squarely presented. We have provided our rationale in detail in our order (attached, including the evidence provided by the complainant), and stand by our reasoning.

#### **DEMAND FOR RELIEF**

For the foregoing reasons, the Committee respectfully requests that Mr. Piontek’s be dismissed because (1) “justice [so] requires,” III S.G.C. 732.A, or, (2) in the alternative, because, as indicated above, there are no genuine issues of material fact, and the Committee is entitled to judgment as a matter of law, III S.G.C. 732.B. Again, what this case requires are interpretations of the relevant provisions of the Bylaws, and, based on the materials provided, the court is already well-situated to make this decision. The Committee urges the court to affirm its decision.

I do affirm that I have read in full the foregoing answer and that the allegations contained therein are true to the best of my knowledge and belief.

Respectfully Submitted,

          /s/ John E. Harris          .

DEFENDANT  
John E. Harris  
Chair, Student Bar Association Elections Committee  
Filed this fifteenth day of April 2015 at 9:45 p.m.