

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROL BETH LITKOUHI,

Plaintiff,

Judge Susan K. DeClercq
Magistrate Judge Kimberly G. Altman

v

No. 26-10552

ROCHESTER COMMUNITY SCHOOLS
DISTRICT, MICHELLE BUELTEL,
JESSICA GUPTA, JULIE ALSPACH,
JAYSON BLAKE, and BARB ANNESS,

Defendants.

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ANSWER

Defendants, ROCHESTER COMMUNITY SCHOOL DISTRICT,
MICHELLE BUELTEL, JESSICA GUPTA, JULIE ALSPACH, JAYSON BLAKE
and BARB ANNESS, by and through their attorneys, GIARMARCO, MULLINS &
HORTON, P.C., state their answer to Plaintiff's Complaint as follows:

PARTIES, JURISDICTION, AND VENUE

1. In answer to paragraph 1, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

2. In answer to paragraph 2, Defendants affirmatively aver that ROCHESTER COMMUNITY SCHOOL DISTRICT is a Michigan Public School District performing a governmental function in Oakland County, Michigan, to wit, providing a public education to students within the district and, as such, is a governmental agency and is immune from suit herein.

3. In answer to paragraph 3, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

4. In answer to paragraph 4, Defendants admit that Michelle Bueltel is a school board member for the District. Defendants neither admit nor deny the remaining allegations for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

5. In answer to paragraph 5, Defendants admit that Jessica Gupta is a former school board member for the District. Ms. Gupta has since resigned from the school board. Defendants neither admit nor deny the remaining allegations for lack

of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

6. In answer to paragraph 6, Defendants admit that Julie Alspach is a school board member for the District. Defendants neither admit nor deny the remaining allegations for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

7. In answer to paragraph 7, Defendants admit that Jayson Blake is a school board member for the District. Defendants neither admit nor deny the remaining allegations for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

8. In answer to paragraph 8, Defendants admit that Barb Anness is a school board member for the District. Defendants neither admit nor deny the remaining allegations for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

9. In answer to paragraph 9, Defendants neither admit nor deny the allegations regarding where the actions at issue took place for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs. Defendants further deny that the 52nd District Court for the County of Oakland is the appropriate venue.

10. In answer to paragraph 10, Defendants deny the allegations contained therein for the reason that they are untrue.

11. In answer to paragraph 11, Defendants aver that Plaintiff's Complaint speaks for itself and leave her to her proofs regarding the allegations alleged. Defendants further deny that the 52nd District Court for the County of Oakland is the appropriate venue for alleged violations of the United States Constitution.

FACTS

12. In answer to paragraph 12, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 11 inclusive, as if fully set forth herein.

13. In answer to paragraph 13, Defendants neither admit nor deny the allegations contained therein for the reason that it is incomplete and, therefore, leave Plaintiff to her proofs.

14. In answer to paragraph 14, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

15. In answer to paragraph 15, Defendants deny the allegations contained therein in the manner alleged.

16. In answer to paragraph 16, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiff to her proofs.

17. In answer to paragraph 17, Defendants deny the allegations contained therein for the reason that they are untrue.

18. In answer to paragraph 18, Defendants deny the allegations contained therein for the reason that they are untrue. The purported quote does not appear on page 6 of Exhibit B.

19. In answer to paragraph 19, Defendants deny the allegations contained therein in the manner alleged.

20. In answer to paragraph 20, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

21. In answer to paragraph 21, Defendants admit that Plaintiff published Exhibit C while purporting to act in her capacity as a school board member. Defendants further aver that Plaintiff's statements were misleading and inaccurate.

22. In answer to paragraph 22, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

23. In answer to paragraph 23, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

24. In answer to paragraph 24, Defendants deny the allegations contained therein for the reason that they are untrue.

25. In answer to paragraph 25, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

26. In answer to paragraph 26, Defendants deny the allegations contained therein for the reason that they are untrue.

27. In answer to paragraph 27, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

28. In answer to paragraph 28, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

29. In answer to paragraph 29, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final

determination to be made by the Court.

COUNT I
BYLAW 1001 VIOLATES PLAINTIFF'S FREE SPEECH RIGHTS

30. In answer to paragraph 30, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 29 inclusive, as if fully set forth herein.

31. In answer to paragraph 31, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

32. In answer to paragraph 32, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

33. In answer to paragraph 33, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to her proofs.

34. In answer to paragraph 34, Defendants deny the allegations contained therein for the reason that they are untrue.

35. In answer to paragraph 35, Defendants deny the allegations contained therein for the reason that they are untrue.

36. In answer to paragraph 36, Defendants deny the allegations contained therein for the reason that they are untrue.

37. In answer to paragraph 37, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT II
BYLAW 1001 IS UNCONSTITUTIONALLY OVERBROAD AND VAGUE

38. In answer to paragraph 38, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 37 inclusive, as if fully set forth herein.

39. In answer to paragraph 39, Defendants deny the allegations contained therein for the reason that they are untrue.

40. In answer to paragraph 40, Defendants deny the allegations contained therein for the reason that they are untrue.

41. In answer to paragraph 41, Defendants deny the allegations contained therein for the reason that they are untrue.

42. In answer to paragraph 42, Defendants deny the allegations contained therein for the reason that they are untrue.

43. In answer to paragraph 43, Defendants deny the allegations contained therein for the reason that they are untrue.

44. In answer to paragraph 44, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT III
BYLAW 1001 EXCEEDS THE POWERS GRANTED TO
SCHOOL BOARDS BY STATUTE

45. In answer to paragraph 45, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 44 inclusive, as if fully set forth herein.

46. In answer to paragraph 46, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

47. In answer to paragraph 47, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

48. In answer to paragraph 48, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein. Further,

Plaintiff has failed to cite any legal authority to support the legal conclusions.

49. In answer to paragraph 49, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein. Further, Plaintiff has failed to cite any legal authority to support the legal conclusions.

50. In answer to paragraph 50, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein. Further, Plaintiff has failed to cite any legal authority to support the legal conclusions.

51. In answer to paragraph 51, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

52. In answer to paragraph 52, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein. Further, Plaintiff has failed to cite any legal authority to support the legal conclusions.

53. In answer to paragraph 53, Defendants deny the allegation as an inaccurate and incomplete conclusion of law. Defendants further deny that they

acted to prevent any public disagreement for the reason that it is untrue.

54. In answer to paragraph 54, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

55. In answer to paragraph 55, Defendants deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

COUNT IV
BYLAW 1001 IS VOID BECAUSE
IT CONTRADICTS THE PUBLIC POLICY OF THE STATE

56. In answer to paragraph 56, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 55 inclusive, as if fully set forth herein.

57. In answer to paragraph 57, Defendants deny the allegations contained therein for the reason that they constitute incomplete and inaccurate legal conclusions, rather than allegations of fact. Further, Plaintiff has failed to cite any legal authority to support the legal conclusions.

58. In answer to paragraph 58, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of law, rather than allegations of fact. Moreover, Plaintiff's generic phrasing "in the statutes" is nonsensical. Plaintiff has not identified "the statutes" generally referenced, nor can Defendants discern the meaning of "in the statutes" without identifying the statutes.

59. In answer to paragraph 59, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of law, rather than allegations of fact. Moreover, Plaintiff has not identified "the statutes" generally referenced, nor can Defendants discern the meaning of "in the statutes" without identifying the statutes.

60. In answer to paragraph 60, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

61. In answer to paragraph 61, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final

determination to be made by the Court.

62. In answer to paragraph 62, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

63. In answer to paragraph 63, Defendants deny the allegations contained therein for the reason that they are untrue.

64. In answer to paragraph 64, Defendants neither admit nor deny the allegations contained therein and, therefore, leave Plaintiff to her proofs.

65. In answer to paragraph 65, Defendants deny the allegations contained therein for the reason that they are untrue. The allegation is an incomplete and inaccurate legal conclusion. Moreover, Plaintiff has not identified the referenced materials and information. To the extent Plaintiff alleges that *any* materials and information that are even tangentially related to proposed millages are not exempt from disclosure pursuant to FOIA, that is an inaccurate statement of law.

66. In answer to paragraph 66, Defendants deny the allegations contained therein for the reason that they are untrue. The allegation is an incomplete and inaccurate legal conclusion. Moreover, Plaintiff has not identified the referenced materials and information. To the extent Plaintiff alleges that *any* materials and

information that are even tangentially related to proposed millages are not exempt from disclosure pursuant to FOIA, that is an inaccurate statement of law.

67. In answer to paragraph 67, Defendants deny the allegations contained therein for the reason that they are untrue. The allegation is an incomplete and inaccurate legal conclusion. Moreover, Plaintiff has not identified the referenced materials and information. To the extent Plaintiff alleges that *any* materials and information that are even tangentially related to proposed millages are not exempt from disclosure pursuant to FOIA, that is an inaccurate statement of law.

68. In answer to paragraph 68, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

69. In answer to paragraph 69, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

70. In answer to paragraph 70, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions,

rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

71. In answer to paragraph 71, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

72. In answer to paragraph 72, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court. Defendants further deny the allegation to the extent infers that Defendants kept information regarding a proposed tax millage increase “behind closed doors until the Board can decide how to promote the tax increase” for the reason that the allegations are untrue.

73. In answer to paragraph 73, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final

determination to be made by the Court.

74. In answer to paragraph 74, Defendants deny the allegations contained therein for the reason that they are untrue. The allegation is an incomplete and inaccurate legal conclusion. Moreover, to the extent plaintiff infers that defendants were deciding the best way to promote a millage increase, the allegation is denied for the reason it is untrue. Further, the Open Meetings Act applies to meetings of a quorum of the Board, while Plaintiff alleges only two Board members were present.

75. In answer to paragraph 75, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

76. In answer to paragraph 76, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

77. In answer to paragraph 77, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the

case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

78. In answer to paragraph 78, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of law, rather than allegations of fact.

79. In answer to paragraph 79, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

80. In answer to paragraph 80, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions, rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

81. In answer to paragraph 81, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of law, rather than allegations of fact.

82. In answer to paragraph 82, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute legal conclusions,

rather than allegations of fact, which are incomplete and inaccurate as applied to the case herein and, therefore, leave Plaintiff to her proofs thereon with a final determination to be made by the Court.

83. In answer to paragraph 83, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of law, rather than allegations of fact.

84. In answer to paragraph 84, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT V
FIRST AMENDMENT RETALIATION

85. In answer to paragraph 85, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 84 inclusive, as if fully set forth herein.

86. In answer to paragraph 86, Defendants deny the allegations contained therein for the reason that they are untrue.

87. In answer to paragraph 87, Defendants deny the allegations contained therein for the reason that they are untrue.

88. In answer to paragraph 88, Defendants deny the allegations contained therein for the reason that they are untrue.

89. In answer to paragraph 89, Defendants deny the allegations contained therein for the reason that they constitute inaccurate and incomplete statements of

law, rather than allegations of fact.

WHEREFORE, Defendants, ROCHESTER COMMUNITY SCHOOL DISTRICT, MICHELLE BUELTEL, JESSICA GUPTA, JULIE ALSPACH, JAYSON BLAKE and BARB ANNESS, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

/s/KENNETH B. CHAPIE

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: March 25, 2026

AFFIRMATIVE DEFENSES

Defendants, ROCHESTER COMMUNITY SCHOOL DISTRICT, MICHELLE BUELTEL, JESSICA GUPTA, JULIE ALSPACH, JAYSON BLAKE and BARB ANNESS, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their Affirmative Defenses as follows:

1. Plaintiff has failed to state a claim or cause of action against these Defendants as to which relief can be granted as a matter of fact and/or law.

2. Defendants will show and rely upon at the time of trial that at all times pertinent hereto, Defendants were engaged in the performance of governmental functions and, therefore, are immune from suit for civil damages for this claim pursuant to the principles of governmental immunity as set forth in case law and the

statutes of this State.

3. The individual Defendants, in whole or in part, are entitled to qualified immunity.

4. The individual Defendants, in whole or in part, are entitled to absolute immunity.

5. The individual Defendants are immune from suit because they took no individual action.

6. Defendants will show at the time of trial that Plaintiff has failed to mitigate her damages, if any.

7. Plaintiff has suffered no harm upon which an award of monetary damages may be based.

8. Defendant School District can face no liability for Plaintiff's claims because it had no policy, practice or custom that abridged any of Plaintiff's statutory or constitutional rights.

9. Defendant School District has the right to regulate disclosure of unreleased information, including limiting such disclosure or restricting it to legal processes such as FOIA.

10. Defendant School District has the authority under state law to determine the information disseminated and/or distributed to the school community.

11. Defendant School District does not discriminate against individuals' free speech based on viewpoint.

12. Defendants will show at the time of trial that all actions complained of in Plaintiff's Complaint were absolutely or qualifiedly privileged pursuant to the Constitutions, statutes and common law of the State of Michigan and of the United States, and Defendants never acted or communicated with malice in reference to the Plaintiff.

13. Plaintiff's claims are not judiciable; Plaintiff's claims are, or will be, moot.

14. Plaintiff's claims are barred by estoppel.

15. Defendants will show at the time of trial that Plaintiff was guilty of negligence or other willful conduct which contributed to the incidents complained of, and her conduct in this regard was the sole or partial cause of any injury complained of, and Plaintiff's recovery should be barred or diminished to the extent of such conduct.

16. Defendants will show at the time of trial that they were guided by and strictly observed all legal duties and obligations imposed by law or otherwise; and further, that all actions of any of Defendants' agents, servants, employees or associates were careful, prudent, proper and lawful.

17. Defendants will show and rely upon at the time of trial that there was no discriminatory intent.

18. Plaintiff may have failed to exhaust her administrative remedies.

19. Defendants' actions and speech herein is protected by the First Amendment.

20. Plaintiff has not suffered any materially adverse action.

21. Plaintiff used her nonpartisan school Board position and district resources to advocate for political positions in violation of state law.

22. Defendants' alleged actions were too trivial to deter a person of ordinary firmness from exercising their First Amendment rights, which is shown by plaintiff's continued exercise of First Amendment rights.

23. Plaintiff's speech was made as part of her official duties rather than as a private citizen, and therefore the claim fails.

24. Defendants would have taken the same action regardless of Plaintiff's alleged speech.

25. The District's bylaw did not have a chilling effect that caused Plaintiff or other individuals to self-censor.

26. Plaintiff's overbreadth claim related to the bylaw is not real and substantial, and only at best relates to few hypothetical cases that are unlikely to ever occur. Plaintiff's complaints regarding the bylaw – which have not been fully

identified – can be corrected by placing a narrow construction on it, and therefore the overbreadth challenge will fail.

27. The bylaw is not a statute, rule or law, and therefore fails any overbreadth challenge.

28. The bylaw enacted by Defendants set reasonable regulations on the conduct of Board members and was necessary to maintain confidentiality of sensitive information that is not available to the general public.

29. The censure of Plaintiff was for violation of board bylaws and was not based on the content of her speech.

30. A censure is not an unconstitutional suppression of speech. Rather, censure is itself a form of constitutionally protected speech.

31. At the time of the censure, there was no clearly established case law that would put Defendants on notice that they were violating Plaintiff's rights.

32. In fact, clearly established case law existed at the time of the censure that showed that a censure was not a violation of Plaintiff's rights.

33. The consequences of the censure were not material and did not prevent Plaintiff from performing the core functions of her position as school board trustee.

34. Plaintiff was never prevented from speaking, voting, communicating with constituents, or other core aspects of her position as school board trustee.

35. Plaintiff has continued to freely exercise her First Amendment rights of free speech, evidencing that the bylaw and censure did not chill her speech.

36. Plaintiff has waived and released her claims.

37. There is no private right of action for alleged violations of bylaws and public policy.

38. Defendants reserve the right to amend their Answer, including additional affirmative defenses, upon completion of investigation and discovery of this cause.

/s/KENNETH B. CHAPIE
GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: March 25, 2026

JURY DEMAND

Defendants, ROCHESTER COMMUNITY SCHOOL DISTRICT, MICHELLE BUELTEL, JESSICA GUPTA, JULIE ALSPACH, JAYSON BLAKE and BARB ANNESS, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., hereby demand a jury as to all issues of trial.

/s/KENNETH B. CHAPIE
GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: March 25, 2026

CERTIFICATE OF ELECTRONIC SERVICE

KENNETH B. CHAPIE states that on March 25, 2026, he did serve a copy of the **Answer, Affirmative Defenses and Jury Demand** via the United States District Court electronic transmission.

/s/KENNETH B. CHAPIE

GIARMARCO, MULLINS & HORTON, PC

Attorney for Defendants

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