

**IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI**

**JAMES K. LITTLETON**

**PLAINTIFF**

**VS.**

**CAUSE NO.: 2022-0055 CICI**

**KEVIN ADAMS, TAMMY ADAMS  
AND CHARLES STEVENSON  
A/K/A CHARLIE STEVENSON**

**DEFENDANTS**

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**ANSWER AND AFFIRMATIVE DEFENSES OF TAMMY ADAMS**

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Defendant Tammy Adams answers the Amended Complaint (second) filed against her and responds to each paragraph, paragraph by paragraph, as follows:

1. This defendant does not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Amended Complaint, and therefore denies same, and requests proof thereof.
2. The allegations contained in paragraph 2 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.
3. The allegations contained in paragraph 3 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.
4. This defendant admits the allegations contained in paragraph 4 of the Amended Complaint.

5. With regard to the allegations contained in paragraph 5 of the Amended Complaint, this defendant admits that, on Friday, September 2, 2022, in Schlater, Mississippi, she did disseminate the campaign card attached to the Amended Complaint as Exhibit “A” and the flyer attached to the Amended Complaint as Exhibit “B”, handing them out as she went door-to-door campaigning. As to the remaining allegations of paragraph 5 of the Amended Complaint which apply or pertain to this defendant, the allegations are denied, and proof thereof is required.

6. With regard to the allegations contained in paragraph 6 of the Amended Complaint, this defendant admits that, on Saturday, September 3, 2022, in Minter City, Mississippi, she did disseminate the campaign card attached to the Complaint as Exhibit “A” and the flyer attached to the Amended Complaint as Exhibit “B”, handing them out as she went door-to-door campaigning. As to the remaining allegations of paragraph 6 of the Amended Complaint which apply or pertain to this defendant, the allegations are denied, and proof thereof is required.

7. The allegations contained in paragraph 7 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

8. The allegations contained in paragraph 8 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

9. The allegations contained in paragraph 9 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential

reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

10. This defendant denies the allegations contained in paragraph 10 of the Amended Complaint.

11. The allegations contained in paragraph 11 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

12. The allegations contained in paragraph 12 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

13. This defendant denies the allegations contained in paragraph 13 of the Amended Complaint, and proof thereof is required.

14. This defendant does not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Amended Complaint, and therefore denies same, and proof thereof is required.

15. This defendant denies the allegations contained in paragraph 15 of the Amended Complaint, and proof thereof is required.

16. This defendant denies the allegations contained in paragraph 16 of the Amended Complaint, and proof thereof is required.



17. The allegations contained in paragraph 17 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

18. This defendant denies the allegations contained in paragraph 18 of the Amended Complaint, and proof thereof is required.

19. This defendant denies the allegations contained in paragraph 19 of the Amended Complaint, and proof thereof is required.

20. This defendant does not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the Amended Complaint, and therefore denies same, and proof thereof is required.

21. The allegations contained in paragraph 21 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

22. The allegations contained in paragraph 22 of the Amended Complaint do not apply or pertain to this defendant and no answer thereto is required; if there be any actual or inferential reference to any allegation or claim of liability therein against this defendant, then it is denied, and proof thereof is required.

In response to the first un-numbered paragraph of the Amended Complaint, beginning "WHEREFORE, PREMISES CONSIDERED," this defendant denies the allegations contained and set forth therein and specifically denies that Plaintiff is entitled to recover any sum or form

of relief whatsoever from or against this defendant.

In response to the second un-numbered paragraph of the Amended Complaint, beginning “WHEREFORE, PREMISES CONSIDERED,” this defendant denies the allegations contained and set forth therein and specifically denies that Plaintiff is entitled to recover any sum or form of relief whatsoever from or against this defendant.

In response to the third un-numbered paragraph of the Amended Complaint, beginning “WHEREFORE, PREMISES CONSIDERED,” this defendant denies the allegations contained and set forth therein and specifically denies that Plaintiff is entitled to recover any sum or form of relief whatsoever from or against this defendant.

All remaining allegations of the Amended Complaint not specifically admitted are hereby denied and strict proof thereof is required.

And now having fully answered the Amended Complaint and without waiving any defenses available to her, this defendant asserts the following affirmative defenses:

**AFFIRMATIVE DEFENSE ONE**

The Plaintiff’s Amended Complaint fails to state a claim upon which relief can be granted. Plaintiff’s allegations cannot support a claim for defamation, libel, or slander. Among the lack of elements necessary for such a cause (or causes) of action, the publication at issue is true, factually correct, and not false; the publication at issue is privileged; and Plaintiff cannot prove actual malice, each requiring Plaintiff’s Amended Complaint be dismissed.

**AFFIRMATIVE DEFENSE TWO**

The facts not having been fully developed, Defendant further affirmatively invokes and pleads the protections of the provisions of Mississippi Rule of Civil Procedure 8(c), including:

accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, intervening and superseding cause, improper venue, and any other matter constituting an avoidance or affirmative defense.

### **AFFIRMATIVE DEFENSE THREE**

Defendant asserts that the Plaintiff may have failed to mitigate his damages, if any.

### **AFFIRMATIVE DEFENSE FOUR**

The alleged incident in question resulted from the acts or omissions of persons or entities other than Defendant for which Defendant is in no way responsible or liable. Alternatively, said acts or omissions of persons or entities other than Defendant constitute an independent, superseding cause of the alleged accident of which Defendant is in no way responsible or liable.

### **AFFIRMATIVE DEFENSE FIVE**

The sole proximate cause or proximate contributing cause of the Plaintiff's alleged injuries and/or damages was unrelated to any conduct by Defendant.

### **AFFIRMATIVE DEFENSE SIX**

Defendant denies all liability, but, alternatively, is entitled to a comparative apportionment of responsibility, fault, or causation as to the Plaintiff, other potential defendants, third parties or non-parties, pursuant to Miss. Code Ann. § 85-5-7 (as amended). Further, Defendant is entitled to a credit, pro rata reduction or percentage reduction for any amounts paid by other parties.



#### **AFFIRMATIVE DEFENSE SEVEN**

To the extent that the negligence/actions of the Plaintiff was a proximate cause, either in whole or part, of the Plaintiff's alleged damages, Defendant would affirmatively plead that the Plaintiff's recovery should be apportioned to the degree to which the negligence/actions of the Plaintiff contributed to the Plaintiff's damages, if any, pursuant to the Mississippi law of comparative negligence and Miss. Code Ann. § 11-7-15 (as amended).

#### **AFFIRMATIVE DEFENSE EIGHT**

Defendant reserves the right to amend her Answer by adding additional defenses or claims as additional facts are gathered herein.

#### **AFFIRMATIVE DEFENSE NINE**

Any award of punitive damages would be in violation of the due process clauses of the Fifth and Fourteenth Amendments of the United States Constitution and Article 3, Section 14 of the Mississippi Constitution since the standards for imposing liability and for assessing the amount of punitive damages are unconstitutionally vague. Moreover, the application of such standards is arbitrary, capricious, and not rationally related to any legitimate governmental interest.

#### **AFFIRMATIVE DEFENSE TEN**

Any claim for punitive damage violates the substantive and procedural due process clauses of the Fifth and Fourteenth Amendments to the United States Constitution and Article 3, Sections 14, 24, and 25 of the Mississippi Constitution since such claims chill Defendant's access to court and to counsel.

#### **AFFIRMATIVE DEFENSE ELEVEN**

Any assessment of punitive damages based on net worth, retained earnings, or wealth would be in violation of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States.

#### **AFFIRMATIVE DEFENSE TWELVE**

Since punitive damages are penal in nature, Defendant is entitled to the same procedural safeguards accorded those charged with crimes against the State or the United States; thus, an assessment of punitive damages herein would be in violation of the Sixth Amendment of the United States Constitution.

#### **AFFIRMATIVE DEFENSE THIRTEEN**

Defendant pleads the applicable provisions of Miss. Code Ann. § 11-1-65 to the extent that the Plaintiff herein alleges any tort action for punitive damages.

#### **AFFIRMATIVE DEFENSE FOURTEEN**

Every element of Plaintiff's claims for punitive damages must be proved beyond a reasonable doubt, because without such proof, said claim would violate the Defendant's due process rights under the Fifth and Fourteenth Amendments to the United States Constitution and under Article 3, Section 14 of the Mississippi Constitution.

#### **AFFIRMATIVE DEFENSE FIFTEEN**

Any award of punitive damages to Plaintiff under Mississippi law without requiring a bifurcated trial as to all punitive damage issues would violate Defendant's due process rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and under Article 3, Section 14 of the Mississippi Constitution.



#### **AFFIRMATIVE DEFENSE SIXTEEN**

An award of punitive damages to the Plaintiff under Mississippi law by a jury that is not instructed on the principles of deterrence and punishment as limiting factors on punitive damages and not instructed to award solely that amount of punitive damages reflecting a principled relationship between the amount of punitive damages and actual harm suffered by the Plaintiff would violate the Defendant's due process and equal protection rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article 3, §§ 14 and 28 of the Mississippi Constitution.

#### **AFFIRMATIVE DEFENSE SEVENTEEN**

An award of punitive damages without affording the Defendant protection similar to those afforded criminal defendants including protection against unreasonable searches and seizures, double jeopardy, or impermissible multiple punishments and compel self-incrimination, the right to confront adverse witnesses, to compulsory process for favorable witnesses, to the effected assistance of counsel and to a unanimous verdict of a twelve-person jury on every element of an award of punitive damages would violate Defendant's due process and equal protection rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and provided by Article 3, §§ 14, 22, 23, 26, and 31 of the Mississippi Constitution.

#### **AFFIRMATIVE DEFENSE EIGHTEEN**

Any award of punitive damages against the Defendant would violate Defendant's right to protection from excessive fines provided by Article 3, § 28 of the Mississippi Constitution.

#### **AFFIRMATIVE DEFENSE NINETEEN**

Any award of punitive damages based in whole or in part on the net worth, wealth, or

value of assets of the Defendant would deny the Defendant the right to equal protection guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article 3, § 14 of the Mississippi Constitution.

#### **AFFIRMATIVE DEFENSE TWENTY**

Any award of punitive damages that is not based on the guidelines set forth in *BMW of North America, Inc. v. Gore*, 116 S.Ct. 1589 (1996) and its progeny, including *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424, 121 S. Ct. 1678, 149 L. Ed. 2d 674 (2001), and *State Farm Mut. Auto. Ins. Co. v. Campbell*, 123 S. Ct. 1513, 155 L. Ed. 2d 585, 71 USLW 4282 (2003), would violate the Defendant's rights under the Due Process Clause, the Fourteenth Amendment and other provisions of the United States Constitution.

#### **AFFIRMATIVE DEFENSE TWENTY-ONE**

Defendant affirmatively pleads Rule 11 of the Mississippi Rules of Civil Procedure and Litigation Accountability Act of 1988, § 11-55-1, et seq., or otherwise, and alleges this action is without substantial justification in that the claim of the Plaintiff against this Defendant has no basis in law, fact or equity; has interposed a claim for delay or harassment; and has unnecessarily expanded proceedings.

#### **AFFIRMATIVE DEFENSE TWENTY-TWO**

Some of the allegedly defamatory statements of which Plaintiff complains are opinion or fair comment upon allegations or issues previously reported in the newspaper or asserted openly in other litigation.

#### **AFFIRMATIVE DEFENSE TWENTY-THREE**

Plaintiff's demands and cause of action are barred by the doctrine of unclean hands or, in the alternative, *in pari delicto* and *tu quoque*.

**AFFIRMATIVE DEFENSE TWENTY-FOUR**

Some or all of the allegedly defamatory accusations previously reported or allegations previously asserted are at issue in pending litigation against Littleton.

**JURY DEMAND**

Defendant demands a jury trial on each of Plaintiff's claims that are not summarily or otherwise dismissed by the Court.

RESPECTFULLY SUBMITTED, this the 13<sup>th</sup> day of October, 2022.

**TAMMY ADAMS**

BY:



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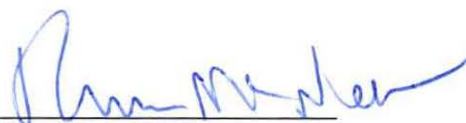


### **CERTIFICATE OF SERVICE**

I, Edward R. McNees, of Holcomb Law Group, do hereby certify that I have this date served via U.S. Mail, postage pre-paid, a true and correct copy of the above and foregoing to:

James K. Littleton, littletonlawoffice@yahoo.com  
Littleton Law Office, PLLC  
P.O. Box 1155  
Greenwood, MS 38935  
*Counsel for Plaintiff*

This the 13<sup>th</sup> day of October, 2022.

  
EDWARD R. MCNEES