

**IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>KATAZA TAIFA <i>et al.</i>,</b>	)	
	)	
Plaintiffs,	)	
	)	
<i>v.</i>	)	<b>No. 3:92-CV-429 AS</b>
	)	
<b>FRANK O'BANNON <i>et al.</i>,</b>	)	
	)	
Defendants.	)	

**RESPONSE TO VERIFIED MOTION BY  
PRO SE LITIGANT ERIC D. SMITH FOR CONTEMPT**

Defendants, by counsel, David A. Arthur, Deputy Attorney General, urge the Court to deny the verified motion for order placing defendants in contempt for breach of the agreed entry and to comply with agreement (docket # 1003)for the reasons that:

1. There is class counsel and all pleadings should come from class counsel and not from pro se litigants and the verified motion should be stricken.
2. On October 27, 2003, the decree was terminated, after a hearing and after notice was given to the class. (Docket #995.)
3. There can be no contempt of a non-existent order.

WHEREFORE, defendants urge the Court to strike or to deny the verified motion and to grant them all other just and proper relief.

Respectfully submitted,

STEVE CARTER  
Indiana Attorney General

By: s/ David A. Arthur  
David A. Arthur  
Deputy Attorney General  
Atty. No. 2461-48

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2006, I electronically filed the foregoing response with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Kenneth J. Falk  
Attorney at Law  
American Civil Liberties Union of Indiana  
kfalk@aclu-in.org

And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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s/David A. Arthur  
David A. Arthur  
Deputy Attorney General