

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

GEORGIACARRY.ORG, INC.	*	
And	*	
JASON STUBBS	*	
	*	
Plaintiffs,	*	Case No.: 4:13-CV-181-CDL
	*	
v.	*	
	*	
KEVIN L. BALDWIN	*	
And	*	
R.S. MILLS	*	
	*	
Defendants.	*	

ANSWER AND DEFENSES

Defendants Kevin L. Baldwin and Raymond S. Mills (hereinafter collectively referred to as “Defendants”), in their official and individual capacities, without waiving any defenses and expressly reserving all defenses, hereby file their Answer and Defenses to Plaintiffs’ Complaint.

FIRST DEFENSE

Plaintiffs are not entitled to recover because Defendants did not cause the Plaintiffs’ injuries, if any.

SECOND DEFENSE

Plaintiffs are not entitled to recover because any injuries Plaintiffs suffered were caused, if at all, by third-parties for whom Defendants are not, and may not be, held liable.

THIRD DEFENSE

Plaintiffs’ complaint fails to state a claim upon which relief can be granted.

FOURTH DEFENSE

Defendants raise each and every affirmative defense required to be pled by Georgia and federal law should said defenses become applicable as this action proceeds. Defendants specifically raise the defenses contained in Rule 8(c) of the Federal Rules of Civil Procedure. Defendants specifically reserve the right to amend this Answer and Defenses with any and all defenses as discovery should dictate.

FIFTH DEFENSE

Plaintiff Georgiacarry.org, Inc.'s claims are barred, in whole or in part, because this Plaintiff lacks capacity and standing to bring such claims.

SIXTH DEFENSE

Defendants, as sued in their individual capacities, plead qualified and official immunity which shield Defendants from suit and liability under 42 U.S.C. § 1983 and other applicable law.

SEVENTH DEFENSE

Defendants are immune from liability under 42 U.S.C. § 1983 for claims made against them in their official capacities in that their employer has promulgated no deliberate policy which constitutes the moving force or proximate cause of Plaintiffs' injuries.

EIGHTH DEFENSE

Defendants are protected from liability under Georgia law by the doctrine of official immunity in that no official has acted with actual malice so as to injure Plaintiffs.

NINTH DEFENSE

To the extent that Plaintiffs' complaint does state a cause of action against Defendants under 42 U.S.C. § 1983, Defendants acted in good faith at all times material to the issues in this case, and plaintiffs are not entitled to recover against them.

TENTH DEFENSE

To the extent that Plaintiffs' complaint does state a cause of action against Defendants under 42 U.S.C. § 1983, Defendant shows that they are entitled to immunity from suit for the reason that their actions were objectively reasonable under all attendant facts and circumstances.

ELEVENTH DEFENSE

The Complaint fails to state a claim upon which relief can be granted because articulable reasonable suspicion and probable cause existed for Plaintiff Jason Stubbs' detention and arrest.

TWELFTH DEFENSE

Defendants respond to the individually numbered paragraphs of the Complaint as follows:

I. INTRODUCTION

1.

Paragraph 1 of the Complaint does not contain factual allegations and a response is not required by Defendants. To the extent a response is required, Defendants deny the allegations contained in this paragraph.

II. JURISDICTION & VENUE

2.

Defendants deny the allegations contained in Paragraph 2 of the Complaint with respect to the claims brought by Georgiacarry.org, Inc. Defendants admit only that the Court has jurisdiction of the claims brought by Plaintiff Stubbs.

3.

Defendants admit the allegations contained in Paragraph 3 of the Complaint.

4.

Defendants deny the allegations contained in Paragraph 4 of the Complaint.

III. PARTIES

5.

Defendants neither admit nor deny the allegations contained in Paragraph 5 of the Complaint.

6.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint and therefore deny the same.

7.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint and therefore deny the same.

8.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint and therefore deny the same.

9.

Defendants admit the allegations contained in Paragraph 9 of the Complaint.

10.

Defendants admit the allegations contained in Paragraph 10 of the Complaint.

11.

Paragraph 11 of the Complaint does not contain factual allegations and a response is not required by Defendants. To the extent a response is required, Defendants deny the allegations contained in this paragraph.

IV. FACTUAL BACKGROUND

12.

Defendants admit the allegations contained in Paragraph 12 of the Complaint.

13.

Defendants admit the allegations contained in Paragraph 13 of the Complaint.

14.

Defendants deny the allegations contained in Paragraph 14 of the Complaint as plead.

15.

Paragraph 15 of the Complaint states a legal conclusion and a response is not required by Defendants.

16.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint and therefore deny the same.

17.

Defendants deny the allegations contained in Paragraph 17 of the Complaint as plead.

18.

Defendants deny the allegations contained in Paragraph 18 of the Complaint.

19.

Defendants deny the allegations contained in Paragraph 19 of the Complaint as plead.

20.

Defendants deny the allegations contained in Paragraph 20 of the Complaint.

21.

Defendants admit the allegations contained in Paragraph 21 of the Complaint.

22.

Defendants deny the allegations contained in Paragraph 22 of the Complaint as plead.

23.

Defendants deny the allegations contained in Paragraph 23 of the Complaint.

24.

Defendants deny the allegations contained in Paragraph 24 of the Complaint.

25.

Defendants admit the allegations contained in Paragraph 25 of the Complaint.

26.

Defendants deny the allegations contained in Paragraph 26 of the Complaint.

27.

Defendants deny the allegations contained in Paragraph 27 of the Complaint.

28.

Defendants admit that the Solicitor General of Muscogee County issued accusations against Stubbs for trespassing and obstruction of an officer. Except as admitted herein, Defendants deny the allegations contained in Paragraph 28 of the Complaint.

29.

Defendants admit the allegations contained in Paragraph 29 of the Complaint.

30.

Defendants admit the allegations contained in Paragraph 30 of the Complaint.

31.

Defendants deny the allegations contained in Paragraph 31 of the Complaint.

32.

Defendants deny the allegations contained in Paragraph 32 of the Complaint.

33.

Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint and therefore deny the same.

35.

Defendants deny the allegations contained in Paragraph 35 of the Complaint.

Count 1 – Violations of Fourteenth Amendment

36.

Defendants deny the allegations contained in Paragraph 36 of the Complaint.

37.

Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38.

Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39.

Defendants deny the allegations contained in Paragraph 39 of the Complaint.

40.

Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41 - 46.

Defendants deny the allegations contained in Paragraphs 41 through 46 of the Complaint and deny that Plaintiffs are entitled to any relief whatsoever.

GENERAL DENIAL

Defendants further deny all allegations of the Complaint that are not expressly admitted or otherwise qualified herein.

WHEREFORE, Defendants pray for the following relief:

- (1) that Plaintiffs' Complaint be dismissed with prejudice;
- (2) that judgment be entered in favor of Defendants on all claims asserted in the Complaint;
- (3) that costs be assessed against Plaintiffs;
- (4) that Defendants receive such other relief as the Court may deem just and proper.

Respectfully submitted this 22nd day of July, 2013.

PAGE, SCRANTOM, SPROUSE,
TUCKER & FORD, P.C.

By: /s/ Heather H. Garrett

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CERTIFICATE OF SERVICE

I do hereby certify that I am counsel for Defendants Kevin Baldwin and Raymond Mills, and that on this date I electronically filed the foregoing document, Answer and Defenses, with the Clerk of the Court using the CM/ECF system, which will automatically deliver notice of same to:

Mr. John R. Monroe
9640 Coleman Road
Roswell, Georgia 30075
Attorney for Plaintiffs

This 22nd day of July, 2013.

/s/ Heather H. Garrett
Counsel for Defendants Kevin Baldwin
And Raymond Mills