

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

GEORGIACARRY.ORG, INC. and *
MICHAEL JUSTIN BELT, *

Plaintiffs, *

v. *

Civil Action No. CE13-00528-063

CRAIG BROWN, HANK SCOTT, *
DAVID HANEY, and DAVID O'NEAL, *

Defendants. *

**ANSWER OF DEFENDANTS CRAIG BROWN, HANK SCOTT,
AND DAVID HANEY**

COME NOW Craig Brown, Hank Scott, and David Haney, defendants in the above-styled case, and state this their answer and defenses to the plaintiffs' complaint, as follows:

FIRST DEFENSE

The plaintiffs' complaint, in whole or in part, fails to state a claim upon which relief can be granted against some or all of these defendants.

SECOND DEFENSE

Some or all of the defendants are entitled to official immunity from suit for some or all of the claims set forth in the plaintiffs' complaint.

THIRD DEFENSE

Some or all of the defendants are entitled to sovereign immunity from suit for some or all of the claims set forth in the plaintiffs' complaint.

FOURTH DEFENSE

Some or all of the defendants are entitled to qualified immunity from suit for some or all of the claims set forth in the plaintiffs' complaint, based upon the objective legal reasonableness of their actions.

FIFTH DEFENSE

To the extent that the plaintiffs are making claims against any of the defendants in their official or supervisory capacities, there is no policy, custom or practice instituted by these defendants which would form a basis for liability under 42 U.S.C. § 1983.

SIXTH DEFENSE

None of the defendants violated any rights guaranteed to the plaintiff under the Constitution or laws of the United States or of the State of Georgia.

SEVENTH DEFENSE

To the extent that plaintiffs failed to properly serve Ante Litem Notice as required by Georgia law, plaintiffs' claims are barred.

EIGHTH DEFENSE

Plaintiff Georgia Carry Org., Inc. does not have standing to assert a claim in this action.

NINTH DEFENSE

The allegations of plaintiffs' complaint are barred because defendants acted lawfully at all times.

TENTH DEFENSE

Some or all of plaintiffs' claims are barred by the statute of limitations.

ELEVENTH DEFENSE

Injunctive and declaratory relief sought by plaintiffs is not available because there is no actual or justiciable controversy.

TWELFTH DEFENSE

Responding to the individually numbered allegations of the plaintiffs' complaint, these defendants respond as follows:

1. The allegations of paragraph 1 of plaintiffs' complaint set forth a descriptive analysis of the nature of plaintiffs' claim. To the extent a response is required by the defendants, defendants deny plaintiffs are entitled to the relief requested.
2. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 2 of plaintiffs' complaint.
3. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 3 of plaintiffs' complaint.
4. These defendants admit the allegations contained in paragraph 4 of plaintiffs' complaint.
5. These defendants deny the allegations contained in paragraph 5 of plaintiffs' complaint.
6. Defendants deny the allegations contained in paragraph 6 of the plaintiff's complaint as stated. Defendants admit that plaintiff was present at, or on the premises of, Colonial Mall/Glynn Place Mall on December 14, 2008. Defendants are without sufficient information or knowledge to either admit or deny the remaining allegations contained in paragraph 6 of plaintiffs' complaint.

7. Defendants deny the allegations contained in paragraph 7 of plaintiffs' complaint as stated. These defendants admit that when they first encountered plaintiff he was openly wearing a handgun in a waistband holster. Defendants are without sufficient information or knowledge to either admit or deny the remaining allegations contained in paragraph 7 of plaintiffs' complaint.

8. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 8 of plaintiffs' complaint.

9. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 9 of plaintiffs' complaint.

10. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 10 of plaintiffs' complaint.

11. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 11 of plaintiffs' complaint.

12. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 12 of plaintiffs' complaint.

13. Defendants admit it was against mall policy to allow patrons to carry a firearm. These defendants are without sufficient information or knowledge to either admit or deny the remaining allegations contained in paragraph 13 of the plaintiffs' complaint.

14. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 14 of the plaintiffs' complaint.

15. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 15 of the plaintiffs' complaint.

16. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 16 of the plaintiffs' complaint.

17. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 17 of the plaintiffs' complaint.

18. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 18 of the plaintiffs' complaint.

19. These defendants admit the allegations contained in paragraph 19 of the plaintiffs' complaint.

20. These defendants deny the allegations contained in paragraph 20 of the plaintiffs' complaint as stated. Upon arrival at the scene, Defendants Scott and Brown were informed that the plaintiff was a shoplifting suspect. Accordingly, Defendants Scott and Brown asked plaintiff to provide *any* identification, which he refused. These defendants deny any remaining allegations contained in paragraph 20 of the plaintiffs' complaint.

21. These defendants admit the allegations contained in paragraph 21 of plaintiffs' complaint.

22. These defendants deny the allegations contained in paragraph 22 of the plaintiffs' complaint as stated. Defendant Brown explained to the plaintiff why he was being questioned, why he was requesting plaintiff's identification, why plaintiff ought to provide identification, and why refusing to do so, given the circumstances, would be unlawful. These defendants deny the remaining allegations contained in paragraph 22 of the plaintiffs' complaint.

23. Defendants deny the allegations contained in paragraph 23 of the plaintiffs' complaint as stated. Defendants admit that the plaintiff refused to provide identification of any kind, although he was informed that he was suspected of shoplifting.

24. Defendants admit the allegations contained in paragraph 24 of the plaintiffs' complaint.

25. Defendants deny the allegations contained in paragraph 25 of the plaintiffs' complaint as stated. Defendants admit that Defendant Haney signed an affidavit for Belt's arrest. This was based on Belt's refusal to identify himself in any manner whatsoever, even though he was suspected of shoplifting and carrying a firearm.

26. Defendants deny the allegations contained in paragraph 26 of the plaintiffs' complaint.

27. Defendants deny the allegations contained in paragraph 27 of the plaintiffs' complaint.

28. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 28 of the plaintiffs' complaint.

29. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 29 of the plaintiffs' complaint.

30. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 30 of the plaintiffs' complaint.

31. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 31 of the plaintiffs' complaint.

32. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 32 of the plaintiffs' complaint.

33. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 33 of the plaintiffs' complaint.

34. These defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 34 of the plaintiffs' complaint.

35. Defendants deny the allegations contained in paragraph 35 of the plaintiffs' complaint.

36. Defendants deny the allegations contained in paragraph 36 of the plaintiffs' complaint.

37. Defendants deny the allegations contained in paragraph 37 of the plaintiffs' complaint.

38. Defendants deny the allegations contained in paragraph 38 of the plaintiffs' complaint.

39. Defendants deny the allegations contained in paragraph 39 of the plaintiffs' complaint.

40. Defendants deny that the plaintiff is entitled to any relief, including that which is asserted in paragraphs 40-45 of the plaintiffs' complaint.

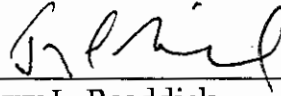
41. Any remaining allegations contained in the plaintiffs' complaint which have not been expressly admitted or otherwise responded to herein are hereby denied.

WHEREFORE, these defendants pray:

- (a) That this their answer and defenses be inquired into and sustained;
- (b) That the plaintiffs' complaint be dismissed and that all relief requested therein be denied;
- (c) For any and all other relief the Court deems just or proper.

Respectfully submitted, this 3rd day of June, 2013.

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