

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

TANYA PERRY MOUNT,)	
)	
PLAINTIFF)	
V.)	CIVIL ACTION NO. CV 113-00199
)	
RICHMOND COUNTY SCHOOL)	
SYSTEM,)	
TED BROWN, Individually and in His)	
Official Capacity as Captain of the)	
School System Police Department,)	
And)	
JANINA DALLAS, Individually and in)	
Her Official Capacity as Principal of)	
McBean Elementary School,)	
)	
DEFENDANTS)	

ANSWER

COMES NOW the County Board of Education of Richmond County (the “Board”), defendant in the above-captioned matter incorrectly designated as the “Richmond County School System,” and on behalf of both the Board and the “Richmond County School System” answers the allegations contained in plaintiff’s Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against the Board upon which relief may be granted.

SECOND DEFENSE

The Board is not indebted to the plaintiff in any sum whatsoever.

THIRD DEFENSE

The Board did not violate any of plaintiff's constitutional rights, and the plaintiff is not entitled to damages, or declaratory or injunctive relief, against the Board. Therefore, plaintiff's Complaint should be dismissed.

FOURTH DEFENSE

As to plaintiff's claims, the Board shows that under all the facts and circumstances, the Board's conduct was objectively reasonable.

FIFTH DEFENSE

The Board shows that the plaintiff was not deprived of any rights under any amendment to, or provision of, the United States Constitution. Therefore, plaintiff's Complaint should be dismissed.

SIXTH DEFENSE

Plaintiff suffered no damages proximately caused by any act or omission allegedly attributable to the Board. Therefore, plaintiff's Complaint should be dismissed.

SEVENTH DEFENSE

As to plaintiff's claims, the Board shows that it maintains no policy which has resulted in the violation of any constitutional right alleged by the plaintiff; that no deliberate indifference may be shown on behalf of the Board; and, that plaintiff's claims should therefore be dismissed.

EIGHTH DEFENSE

The Board hereby responds to the allegations contained in the individually enumerated paragraphs of plaintiff's Complaint as follows:

1. The allegations of paragraph one of plaintiff's Complaint speak for themselves. In further response, the Board shows that plaintiff is not entitled to relief, and that plaintiff's claims should be dismissed.
2. The Board admits that this honorable Court has jurisdiction as to this matter.

3. The Board admits that venue is proper. In further response, the Board is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding plaintiff's residence.

4. The allegations of paragraph four of plaintiff's Complaint constitute legal conclusions to which no response is required of this defendant. The Board denies any remaining allegations contained in paragraph four of plaintiff's Complaint.

5. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph five of plaintiff's Complaint.

6. The Board shows that plaintiff's claims are without merit, and that all claims against all defendants should be dismissed. The Board further shows that the proper party defendant to this action is the County Board of Education of Richmond County (the "Board") rather than the "Richmond County School System," and that the Board operates the Richmond County School System in accordance with all applicable laws. The Board denies as alleged any remaining allegations contained in paragraph six of plaintiff's Complaint.

7. The Board admits that it operates the Richmond County public school system. The Board denies any remaining allegations contained in paragraph seven of plaintiff's Complaint.

8. The Board admits that defendants Brown and Dallas are employees of the Board. The Board denies as alleged any remaining allegations contained in paragraph eight of plaintiff's Complaint.

9. The Board admits the allegations contained in paragraph nine of plaintiff's Complaint.

10. The Board admits that defendant Dallas is the principal of McBean Elementary School, and that McBean Elementary School is a school within the public school system of Richmond County. The Board denies as alleged any remaining allegations contained in paragraph ten of plaintiff's Complaint.

11. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph eleven of plaintiff's Complaint.

12. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph twelve of plaintiff's Complaint.

13. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph thirteen of plaintiff's Complaint.

14. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph fourteen of plaintiff's Complaint.

15. Based upon information and belief, the Board admits the allegations contained in paragraph fifteen of plaintiff's Complaint.

16. The Board denies the allegations contained in paragraph sixteen of plaintiff's Complaint.

17. The Board denies that defendant Brown requested that plaintiff come to his office, but the Board admits that the plaintiff did go to defendant Brown's office on or about October 23, 2013. The Board denies any remaining allegations contained in paragraph seventeen of plaintiff's Complaint.

18. The Board denies the allegations contained in paragraph eighteen of plaintiff's Complaint.

19. The Board denies the allegations contained in paragraph nineteen of plaintiff's Complaint.

20. The Board denies the allegations contained in paragraph twenty of plaintiff's Complaint.

21. The Board admits the allegations contained in paragraph twenty-one of plaintiff's Complaint.

22. The Board admits the allegations contained in paragraph twenty-two of plaintiff's Complaint, although plaintiff made a number of statements that reasonably caused concern to school officials.

23. Responding to the allegations contained in paragraph twenty-three of plaintiff's Complaint, the Board admits that plaintiff's daughter was zoned to attend McBean Elementary School during the referenced time frame. The Board is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph twenty-three of plaintiff's Complaint.

24. Responding to the allegations contained in paragraph twenty-four of plaintiff's Complaint, the Board shows that the plaintiff was not prohibited from entering McBean Elementary School, and the Board denies the allegations contained in paragraph twenty-four of plaintiff's Complaint.

25. The Board denies the allegations contained in paragraph twenty-five of plaintiff's Complaint.

26. The Board denies as alleged the allegations contained in paragraph twenty-five of plaintiff's Complaint. In further response, the Board admits that plaintiff's zone change request was granted.

27. Responding to the allegations contained in paragraph twenty-seven of plaintiff's Complaint, upon information and belief, the Board denies as alleged these allegations.

28. Responding to the allegations contained in paragraph twenty-eight of plaintiff's Complaint, the Board shows that all zone assignment exceptions are reviewed annually and plaintiff would have been so advised. The Board denies the remaining allegations contained in paragraph twenty-eight of plaintiff's Complaint.

29. Responding to the allegations contained in paragraph twenty-nine of plaintiff's Complaint, as all students who are granted zone exceptions provide their own transportation, the Board admits the allegations contained in paragraph twenty-nine of plaintiff's Complaint.

30. Responding to the allegations contained in paragraph thirty of plaintiff's Complaint, the Board shows that plaintiff's daughter was eligible to ride the school bus while she attended McBean Elementary School. The Board is

without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph thirty of plaintiff's Complaint.

31. The Board denies the allegations contained in paragraph thirty-one of plaintiff's Complaint.

32. The Board denies the allegations contained in paragraph thirty-two of plaintiff's Complaint.

33. The Board is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph thirty-three of plaintiff's Complaint.

34. The Board denies the allegations contained in paragraph thirty-four of plaintiff's Complaint.

35. Responding to the allegations contained in paragraph thirty-five of plaintiff's Complaint, the Board shows that defendants Brown and Dallas are employed by the Board, and that they fulfill duties and responsibilities incident to their employment by the Board. Due to the vague nature of the remaining allegations contained in paragraph thirty-five of plaintiff's Complaint, these remaining allegations are denied as alleged.

36. Responding to the allegations contained in paragraph thirty-six of plaintiff's Complaint, the Board admits that certain actions were taken under

color of state law. Due to the vague nature of the remaining allegations contained in paragraph thirty-six of plaintiff's Complaint, these remaining allegations are denied as alleged.

37. The Board denies the allegations contained in paragraph thirty-seven of plaintiff's Complaint.

38. The Board denies the allegations contained in paragraph thirty-eight of plaintiff's Complaint.

39. The Board denies the allegations contained in paragraph thirty-nine of plaintiff's Complaint.

40. The Board shows that all of plaintiff's demands for relief contained in paragraphs forty through forty-six of plaintiff's Complaint should be denied.

41. The Board denies each and every other allegation contained in plaintiff's Complaint not heretofore specifically answered.

42. All allegations contained in plaintiff's Complaint as to the "Richmond County School System" are denied, and all affirmative defenses asserted on behalf of the Board are likewise asserted on behalf of the "Richmond County School System."

WHEREFORE, the Board prays the relief sought in plaintiff's Complaint be denied by the Court; that plaintiff's claims be dismissed on the merits; that it have a trial by jury; and, that all costs be taxed against the plaintiff.

This 27th day of November, 2013.

COUNSEL FOR DEFENDANTS:

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CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties to this action in accordance with ECF procedures.

This 27th day of November, 2013.

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