

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GEORGIACARRY.ORG, INC., )  
And )  
CHRISTOPHER RAISSI, )  
 )  
Plaintiffs )

CIVIL ACTION FILE NO.  
1:09-CV-0594-TWT

METROPOLITAN ATLANTA )  
RAPID TRANSIT AUTHORITY, )  
 )

WANDA DUNHAM, IN HER )  
OFFICIAL CAPACITY AS CHIEF )  
OF THE MARTA POLICE, )  
 )

JOSEPH DORSEY, IN HIS )  
OFFICIAL CAPACITY AS )  
ASSISTANT CHIEF OF THE )  
MARTA POLICE, )  
 )

OFFICER DOE 1, )  
OFFICER DOE 2, )  
OFFICER DOE 3, )  
OFFICER DOE 4, )  
and )  
OFFICER DOE 5, )  
 )

Defendants

ANSWER AND DEFENSES OF DEFENDANTS

COME NOW Defendants METROPOLITAN ATLANTA RAPID TRANSIT  
AUTHORITY (hereinafter referred to as MARTA), CHIEF WANDA  
DUNHAM, and ASSISTANT CHIEF JOSEPH DORSEY, by and through  
the undersigned counsel, and hereby answer Plaintiffs'  
Complaint as follows:

**FIRST DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted.

**SECOND DEFENSE**

Defendants have not violated Plaintiffs constitutional or any other rights.

**THIRD DEFENSE**

To the extent that Plaintiffs name an Officer Doe Defendant in his/her individual capacity, that Defendant is entitled to qualified immunity.

**FOURTH DEFENSE**

Defendants are entitled to official immunity.

**FIFTH DEFENSE**

Plaintiff GeorgiaCarry.Org, Inc. lacks jurisdiction.

**SIXTH DEFENSE**

Plaintiff GeorgiaCarry.Org, Inc. lacks standing to bring the federal claims.

**SEVENTH DEFENSE**

Without waiving any of the foregoing defenses, Defendants responds to the individually numbered paragraphs of the Complaint as follows:

1. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in

Paragraph 1 of Plaintiffs' Complaint. To the extent that a response is required, the allegations are hereby denied.

2. Defendants deny that the state law claims form the same case or controversy as the federal claims, therefore jurisdiction is denied for the state law claims. Defendants admit for jurisdictional purposes only, the remaining allegations in paragraph 2 of Plaintiffs' Complaint.
3. Defendants deny that venue is proper for the state law claims. Defendants further lack sufficient knowledge or information to form a belief as to where Plaintiff resides. Defendants admit for venue purposes only, the remaining allegations in paragraph 3 of Plaintiffs' Complaint.
4. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in Paragraph 4 of Plaintiffs' Complaint. To the extent that a response is required, the allegations are hereby denied.
5. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in Paragraph 5 of Plaintiffs' Complaint. To the extent

- that a response is required, the allegations are hereby denied.
6. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in Paragraph 4 of Plaintiffs' Complaint. To the extent that a response is required, the allegations are hereby denied.
  7. Defendant MARTA admits that it is a public body corporate created by legislation as a joint public instrumentality of the city of Atlanta and the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett in the manner and for purposes specified in that certain Act known as the Metropolitan Atlanta Rapid Transit Authority Act of 1965. MARTA denies the remaining allegation contained in paragraph 7 of Plaintiffs' Complaint.
  8. Defendants admit that Chief Wanda Dunham is the chief of the MARTA Police Department. Defendants lack sufficient knowledge or information to form a belief as to the remaining allegations set forth in Paragraph 8 of Plaintiffs' Complaint.
  9. Defendants admit that Joseph Dorsey is the assistant chief of the MARTA Police Department. Defendants lack sufficient knowledge or information to form a belief

as to the remaining allegations set forth in Paragraph 9 of Plaintiffs' Complaint.

10. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in Paragraph 10 of Plaintiffs' Complaint. To the extent that a response is required, the allegations are hereby denied.

11. Defendants admit that on June 20, 2008 Plaintiffs' counsel met with Defendant Dorsey, at Dorsey's request, regarding MARTA's plan to address 2008 House Bill 89. Defendants deny the remaining allegations set forth in Paragraph 11 of Plaintiff's Complaint.

12. Denied.

13. Exhibit A speaks for itself. To the extent that a response is required, the allegations are hereby denied.

14. Exhibit B speaks for itself. To the extent that a response is required, Defendants deny Paragraph 14 of Plaintiffs' Complaint.

15. Exhibit C speaks for itself. To the extent that a response is required, Defendants deny Paragraph 15 of Plaintiffs' Complaint.

16. Defendants admit that neither Defendant Dorsey, nor any other representative of MARTA responded to

- Plaintiffs' counsel. Defendants deny that Plaintiffs' counsel made four requests for the policy.
17. Denied.
  18. Defendants admit that an Officer seized the firearm, and that Raissi provided the Officers with his valid driver's license and GFL. Defendants deny the remaining allegations contained in Paragraph 18 of Plaintiffs' Complaint.
  19. Defendants admit that Raissi gave the Officer his social security number. Defendants deny the remaining allegations contained in Paragraph 19 of Plaintiffs' Complaint.
  20. Denied as written.
  21. Denied.
  22. Denied.
  23. Exhibit D speaks for itself. To the extent that a response is required, Defendants deny Paragraph 23 of Plaintiffs' Complaint.
  24. Admitted.
  25. Denied.
  26. Defendants lack sufficient knowledge or information to form a belief as to the allegations set forth in Paragraph 26 of Plaintiffs' Complaint. To the extent

that a response is required, the allegations are hereby denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Defendants deny that Plaintiffs are entitled to the relief requested in Paragraph 33 of Plaintiffs' Complaint.

34. Defendants deny that Plaintiffs are entitled to the relief requested in Paragraph 34 of Plaintiffs' Complaint.

35. Defendants deny that Plaintiff is entitled to the relief requested in Paragraph 35 of Plaintiffs' Complaint.

36. Defendants deny that Plaintiff is entitled to the relief requested in Paragraph 36 of Plaintiffs' Complaint.

37. Defendants deny that Plaintiff is entitled to the relief requested in Paragraph 37 of Plaintiffs' Complaint.

38. Defendants deny that Plaintiff is entitled to the relief requested in Paragraph 38 of Plaintiffs' Complaint.

39. Defendants deny that Plaintiff is entitled to the relief requested in Paragraph 33 of Plaintiffs' Complaint.

**WHEREFORE**, having fully answered, Defendants respectfully pray that this Court dismiss this action with costs and attorney's fees cast against Plaintiffs, and that they are awarded such other relief as is deemed to be just and equitable.

Respectfully Submitted,

\_/s/ Paula Morgan Nash\_  
Paula Morgan Nash  
Georgia Bar No. 528884  
Attorney for Defendants

Metropolitan Atlanta Rapid Transit Authority  
Legal Services Department  
2424 Piedmont Road, N.E.  
6<sup>th</sup> Floor  
Atlanta, Georgia 30324  
(404) 848-5220  
(404) 848-5225 facsimile



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GEORGIACARRY.ORG, INC., )  
And )  
CHRISTOPHER RAISSI, )  
)  
Plaintiffs )

CIVIL ACTION FILE NO.  
1:09-CV-0594-TWT

METROPOLITAN ATLANTA )  
RAPID TRANSIT AUTHORITY, )  
)

WANDA DUNHAM, IN HER )  
OFFICIAL CAPACITY AS CHIEF )  
OF THE MARTA POLICE, )  
)

JOSEPH DORSEY, IN HIS )  
OFFICIAL CAPACITY AS )  
ASSISTANT CHIEF OF THE )  
MARTA POLICE, )  
)

OFFICER DOE 1, )  
OFFICER DOE 2, )  
OFFICER DOE 3, )  
OFFICER DOE 4, )  
and )  
OFFICER DOE 5, )  
)

Defendants

CERTIFICATE OF FONT TYPE, SIZE AND SERVICE

I hereby certify that on March 24, 2009, I served Plaintiffs' counsel by U.S. mail and e-filed "ANSWER AND DEFENSES OF DEFENEDANTS" to the Clerk of the Court in 12-point Courier New for filing and uploading to the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

John R. Monroe  
Attorney at Law

9640 Coleman Road  
Roswell, GA 30075

This \_\_\_\_\_ day of March, 2009.

Respectfully Submitted,

    /s/ Paula Morgan Nash      
Paula Morgan Nash  
Georgia Bar No. 528884  
Attorney for Defendants

Metropolitan Atlanta Rapid Transit Authority  
Legal Services Department  
2424 Piedmont Road, N.E.  
6<sup>th</sup> Floor  
Atlanta, Georgia 30324  
(404) 848-5220  
(404) 848-5225 facsimile