

SECOND DEFENSE

Defendant Brown is not indebted to the plaintiff in any sum whatsoever.

THIRD DEFENSE

Defendant Brown is entitled to qualified immunity from suit, and from liability, in this action. Therefore, plaintiff's Complaint against defendant Brown both in his individual capacity and in his official capacity should be dismissed.

FOURTH DEFENSE

Claims against defendant Brown in his "official capacity" are duplicative of claims against the County Board of Education of Richmond County (the "Board"), incorrectly designated in plaintiff's Complaint as the "Richmond County School System." Therefore, all claims against defendant Brown in his official capacity should be dismissed.

FIFTH DEFENSE

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

SIXTH DEFENSE

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

SEVENTH DEFENSE

Defendant Brown 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.

EIGHTH DEFENSE

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

NINTH DEFENSE

As to plaintiff's claims, defendant Brown shows that he in his official capacity 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 defendant Brown; and, that plaintiff's claims should therefore be dismissed.

TENTH DEFENSE

Defendant Brown 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, defendant Brown shows that plaintiff is not entitled to relief, and that plaintiff's claims should be dismissed.

2. Defendant Brown admits that this honorable Court has jurisdiction as to this matter.

3. Defendant Brown admits that venue is proper. In further response, Defendant Brown 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. Defendant Brown denies any remaining allegations contained in paragraph four of plaintiff's Complaint.

5. Defendant Brown 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. Defendant Brown shows that plaintiff's claims are without merit, and that all claims against all defendants should be dismissed. Defendant Brown denies as alleged any remaining allegations contained in paragraph six of plaintiff's Complaint.

7. Defendant Brown admits that the County Board of Education of Richmond County (the "Board") operates the Richmond County public school system. Defendant Brown denies any remaining allegations contained in paragraph seven of plaintiff's Complaint.

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

9. Defendant Brown admits the allegations contained in paragraph nine of plaintiff's Complaint.

10. Defendant Brown 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. Defendant Brown denies as alleged any remaining allegations contained in paragraph ten of plaintiff's Complaint.

11. Defendant Brown 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. Defendant Brown 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. Defendant Brown 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. Defendant Brown 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, defendant Brown admits the allegations contained in paragraph fifteen of plaintiff's Complaint.

16. Defendant Brown denies the allegations contained in paragraph sixteen of plaintiff's Complaint.

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

18. Defendant Brown denies the allegations contained in paragraph eighteen of plaintiff's Complaint.

19. Defendant Brown denies the allegations contained in paragraph nineteen of plaintiff's Complaint.

20. Defendant Brown denies the allegations contained in paragraph twenty of plaintiff's Complaint.

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

22. Defendant Brown 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, defendant Brown admits that plaintiff's daughter was zoned to attend McBean Elementary School at certain times during the referenced time frame. Defendant Brown 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, defendant Brown shows that the plaintiff was not prohibited from entering McBean Elementary School, and defendant Brown denies the allegations contained in paragraph twenty-four of plaintiff's Complaint.

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

26. Defendant Brown denies as alleged the allegations contained in paragraph twenty-six of plaintiff's Complaint. In further response, defendant Brown 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, defendant Brown denies as alleged these allegations.

28. Responding to the allegations contained in paragraph twenty-eight of plaintiff's Complaint, defendant Brown shows that all zone assignment exceptions are reviewed annually and plaintiff would have been so advised. Defendant Brown 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, defendant Brown 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, defendant Brown shows that plaintiff's daughter was eligible

to ride the school bus while she attended McBean Elementary School. Defendant Brown 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. Defendant Brown denies the allegations contained in paragraph thirty-one of plaintiff's Complaint.

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

33. Defendant Brown 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. Defendant Brown 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, defendant Brown shows that he 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, defendant Brown 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. Defendant Brown denies the allegations contained in paragraph thirty-seven of plaintiff's Complaint.

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

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

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

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

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

This 27th day of November, 2013.

COUNSEL FOR DEFENDANTS:

s/Leonard O. Fletcher, Jr.

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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.

s/Troy A. Lanier
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