

Kelly Kennett	Director
Matt Knighten	Director
Dean Mallis	Director
John Monroe	Director
Tim Parker	Director
Ed Stone	Director
Chuck Turney	Director

Corporate Officers:

Kelly Kennett	President
John Monroe	Vice President
Tim Parker	Treasurer
Matt Knighten	Secretary

The undersigned further certifies that the following is a full and complete list of other persons, firms, partnerships, corporation and organizations that have a financial interest in, or another interest which could be substantially affected by, the outcome of this case (including a relationship as a parent or holding company or similar relationship):

The Association of County Commissioners of Georgia - Interlocal Risk Management Agency (“ACCG-IRMA”).

FIRST DEFENSE

The allegations of plaintiffs’ complaint fail to state a claim upon which relief may be granted against this defendant.

SECOND DEFENSE

The allegations of plaintiffs' complaint are barred by Eleventh Amendment immunity with regard to defendant Kabler in his official capacity.

THIRD DEFENSE

The allegations of plaintiffs' complaint are barred because defendant, in his official capacity, is not a "person."

FOURTH DEFENSE

The allegations of plaintiffs' complaint based upon state law are barred against this defendant, in his official capacity, by the doctrine of sovereign immunity.

FIFTH DEFENSE

The allegations of plaintiffs' complaint based upon state law are barred against this defendant, in his individual capacity, by the doctrine of official immunity.

SIXTH DEFENSE

In his individual capacity, defendant Kabler is entitled to qualified immunity from suit.

SEVENTH DEFENSE

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

EIGHTH DEFENSE

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

NINTH DEFENSE

O.C.G.A. § 16-11-173 does not provide a private right of action for damages.

TENTH DEFENSE

The Fourteenth Amendment does not provide plaintiff with a cause of action in this case.

ELEVENTH DEFENSE

No factual or legal pleading in plaintiffs' complaint sets forth any basis upon which plaintiffs are entitled to attorney's fees in this action.

TWELFTH DEFENSE

Injunctive and declaratory relief sought by plaintiffs is not available because the plaintiffs have adequate legal remedies under Georgia law.

THIRTEENTH DEFENSE

Responding to the individually numbered allegations or paragraphs of plaintiffs' complaint, this defendant responds 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 defendant, defendant denies plaintiffs are entitled to the relief requested.
2. This defendant is without sufficient information or knowledge to either admit or deny paragraph 2 of plaintiffs' complaint.
3. This defendant is without sufficient information or knowledge to either admit or deny paragraph 3 of plaintiffs' complaint.
4. This defendant admits paragraph 4 of plaintiffs' complaint.
5. This defendant is without sufficient information or knowledge to either admit or deny paragraph 5 of plaintiffs' complaint.

6. With regard to paragraph 6 of plaintiffs' complaint, this defendant admits only that at one point on August 3, 2012, plaintiff was wearing a handgun in his waistband holster while at a convenience store in McIntosh County, Georgia.

7. With regard to paragraph 7 of plaintiffs' complaint, this defendant states that until such time as defendant was presented a copy of a Florida weapons permit, defendant was without sufficient information or knowledge to admit or deny that allegation. After the presentation of the Florida weapons permit by plaintiff, paragraph 7 is admitted.

8. Paragraph 8 of plaintiffs' complaint sets forth a legal conclusion to which no response is required at this time, and which shall be governed by applicable law.

9. The allegations of paragraph 9 of plaintiffs' complaint are admitted.

10. With regard to paragraph 10 of plaintiffs' complaint, defendant admits the allegation with respect to the purchase of gasoline. The defendant is without sufficient information or knowledge to admit or deny the remainder of paragraph 10 of plaintiffs' complaint.

11. The allegations of paragraph 11 of plaintiffs' complaint are admitted.

12. With regard to paragraph 12 of plaintiff's complaint, the allegations are denied, as worded because defendant had a legal basis to stop plaintiff and determine if he had a license or permit. Under Georgia law, a *prima facie* case of a charge of carrying a concealed weapon or of possessing a weapon without a license, is stated solely by proof that the plaintiff carried a pistol in a public place, and it is a citizen's burden to prove he has a valid license. As such, a law enforcement officer is entitled to inquire further upon observation of a weapon.

13. The allegations of paragraph 13 of plaintiffs' complaint are denied as worded, because defendant did not "demand" to see plaintiff's drivers' license.

14. The allegations of paragraph 14 of plaintiffs' complaint are admitted.

15. The allegations of paragraph 15 of plaintiffs' complaint are admitted.

16. The allegations of paragraph 16 of plaintiffs' complaint are admitted.

17. The allegations of paragraph 17 of plaintiffs' complaint are admitted.

18. The allegations of paragraph 18 of plaintiffs' complaint are admitted.

19. The allegations of paragraph 19 of plaintiffs' complaint are admitted.

20. The allegations of paragraph 20 of plaintiffs' complaint are admitted.

21. The allegations of paragraph 21 of plaintiffs' complaint are admitted.

22. The allegations of paragraph 22 of plaintiffs' complaint set forth a legal conclusion which no response is required at this time. However, by was further response, defendant states that the ability to carry a firearm openly or concealed is contingent upon certain conditions with regard to either a person's weapons license, or the ability to obtain a weapons license.

23. The allegations of paragraph 23 of plaintiffs' complaint are admitted.

24. With regard to paragraph 24 of plaintiffs' complaint, this defendant states that he acknowledges that he may have made statements similar to that alleged.

25. The allegations of paragraph 25 of plaintiffs' complaint are admitted.

26. With regard to paragraph 26 of plaintiffs' complaint, the allegations are denied, as worded. Defendant did not run a criminal background check upon plaintiff, but did run a check to insure that his driver's license was valid, which automatically checks for outstanding warrants. Defendant did not check plaintiff's criminal history.

27. The allegations of paragraph 27 of plaintiffs' complaint are admitted.

28. The allegations of paragraph 28 of plaintiffs' complaint are admitted.

29. The allegations of paragraph 29 of plaintiffs' complaint are admitted.

30. The allegations of paragraph 30 of plaintiffs' complaint are admitted.

31. The allegations of paragraph 31 of plaintiffs' complaint are admitted.

32. The allegations of paragraph 32 of plaintiffs' complaint are admitted.

33. The allegations of paragraph 33 of plaintiffs' complaint are admitted.

34. Defendant denies the allegations contained in paragraph 34 of plaintiffs' complaint.

35. The allegations of paragraph 35 of plaintiffs' complaint are admitted.

36. The allegations of paragraph 36 of plaintiffs' complaint are admitted.

37. The allegations of paragraph 37 of plaintiffs' complaint are admitted.

38. The allegations of paragraph 38 of plaintiffs' complaint are admitted.

39. The allegations of paragraph 39 of plaintiffs' complaint are admitted.

40. The allegations of paragraph 40 of plaintiffs' complaint are admitted.

41. With regard to paragraph 41 of plaintiffs' complaint, defendant states that such sets forth a legal conclusion to which no response is required at this time. However, by way of further response, defendant denies the allegations of paragraph 41 of plaintiffs' complaint because there is a distinction. Defendant acknowledges that he mistakenly explained to plaintiff that the distinction dealt with differences in the types of permits under Georgia law. Though there are differences between the conditions for open carry and concealed carry, defendant acknowledges that there are not separate weapons licenses.

42. Defendant denies the allegations contained in paragraph 42 of plaintiffs' complaint.

43. This defendant is without sufficient information or knowledge to either admit or deny paragraph 43 of plaintiffs' complaint.

44. This defendant is without sufficient information or knowledge to either admit or deny the allegations of paragraph 44 of plaintiffs' complaint.

45. This defendant is without sufficient information or knowledge to either admit or deny the allegations of paragraph 45 of plaintiffs' complaint.

46. This defendant is without sufficient information or knowledge to either admit or deny the allegations of paragraph 46 of plaintiffs' complaint.

47. With regard to paragraph 47 of plaintiffs' complaint, defendant states that such allegation sets forth a legal conclusion to which no response is required at this time. However, by way of further response, defendant states that the statute cited therein shall speak for itself.

48. Defendant denies the allegations contained in paragraph 48 of plaintiffs' complaint.

49. Defendant denies the allegations contained in paragraph 49 of plaintiffs' complaint.

50. Defendant denies the allegations contained in paragraph 50 of plaintiffs' complaint.

51. Defendant denies the allegations contained in paragraph 51 of plaintiffs' complaint.

52. - 58. Defendant notes that paragraphs 52 through 58 of plaintiffs' complaint set forth prayers for relief. Defendant denies that plaintiffs are entitled to any of the relief requested therein.

Any allegations in the plaintiffs' complaint which have not previously been admitted, denied, or otherwise responded to herein, are hereby denied.

WHEREFORE, defendant prays as follows:

- (a) That his 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.

This twenty-sixth day of October, 2012.

/s/Richard K. Strickland
Richard K. Strickland
Georgia State Bar Number: 687830
Attorney for Defendant Kabler
BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP
5 Glynn Avenue (31520)
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX
rstrickland@brbcsw.com

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

GEORGIA CARRY ORG., INC. and
MAHLON THEOBALD,

Plaintiffs

v.

BRIAN KABLER,

Defendant

*
*
*
*
*
* Case Number: 2:12-cv-171-LGW-JEG
*
*
*
*

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”), which was generated as a result of electronic filing.

Submitted this twenty-sixth day of October, 2012.

/s/ Richard K. Strickland
Richard K. Strickland
Georgia Bar Number: 687830
Attorney for Defendant Kabler
BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP
5 Glynn Avenue
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX