

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**DAQUARIOUS D. BROWN**

**CASE NO. 1:20-CV-00541**

**VERSUS**

**JUDGE ROBERT R. SUMMERHAYS**

**CITY OF ALEXANDRIA, ET AL**

**MAGISTRATE JUDGE JOSEPH  
PEREZ-MONTES**

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**ANSWER AND AFFIRMATIVE DEFENSES**

NOW INTO COURT, through undersigned counsel, come defendants, CITY OF ALEXANDRIA (the “City”), and the individual defendants: JERROD D. KING (“Chief King”), BOBBY GERALD BRANTON, JR. (“Cpl. Branton”), THOMAS JAMES RODNEY (“Cpl. Rodney”), CARLA JEAN WHISTINE (“Sgt. Whistine”), and KENNETH EUGENE RACHAL (“Lt. Rachal”), and for response to the Complaint of Daquarious D. Brown (“Brown”) state that:

**AFFIRMATIVE DEFENSES**

**First Defense**

Plaintiff fails to state any claim upon which relief can be granted.

**Second Defense**

The City and the individual defendants did not violate any constitutional right(s) of plaintiff, and all actions of the individual defendants were objectively reasonable in light of clearly established law; the individual defendants are entitled to qualified immunity.

**Third Defense**

Defendants plead the protections and/or defenses of the following statutes: La. R.S. 9: 2800

(public body immunity); La. R.S. 9:2798.1 (public official immunity); La. R.S. 13:5105; La. R.S. 13:5106; La. R.S. 42:1441, et seq. (political subdivision immunity); La. R.S. 13:5106 (limitation on damage awards); La. R.S. 13:5109 (limitation on collection of judgments and settlements); La. R.S. 46:2136-2142, and 42 U.S.C. § 1981a(b)(3) (limitation on damages).

#### **Fourth Defense**

Plaintiff's claims are barred in whole or in part by *Heck v. Humphrey*, 512 U.S. 477 (1944), holding that, in order to recover damages for an allegedly unconstitutional conviction *or imprisonment, or for other harm allegedly caused by actions whose unlawfulness would render a conviction or sentence invalid*, a plaintiff asserting claims under 42 U.S.C. § 1983 must prove that the conviction or sentence has been reversed on direct appeal, expunged by Executive Order, declared invalid by a State tribunal authorized to make such determination, or called into question by a federal court's issuance of a Writ of Habeas Corpus, 28 U.S.C. § 2254. **Plaintiff admits to hit and run in Paragraphs 13-14 of his Complaint (Doc. 1) in this litigation matter.**

#### **Fifth Defense**

There is no policy, pattern, practice or custom that was the purported moving force for alleged violation of any constitutional right as required to establish municipal liability under *Monell v. Department of Social Services*, 436 U.S. 658, 690, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978).

#### **Sixth Defense**

Defendants aver there was reasonable suspicion for APD officers to approach and thereafter pursue the vehicle being driven by plaintiff, and that there was probable cause to subsequently arrest plaintiff for the offenses with which he was charged.

### **Seventh Defense**

Defendants aver that at all times prior to the pursuit, plaintiff knew the officers approaching his vehicle were members of the APD, and that at all times during the police pursuit, plaintiff was aware of the police lights and sirens of Lt. Rachal's pursuit vehicle, yet continued in his unprovoked fleeing from the APD officers.

### **Eighth Defense**

Chief King was named Chief of the Alexandria Police Department ("APD") in May of 2018; Chief King cannot be held responsible for any *alleged* actions, policies or practices of the APD prior to the exact date in May of 2018 when he became Chief of the APD.

### **Ninth Defense**

Plaintiff states no grounds for liability of any defendant on the basis of "conspiracy."

### **Tenth Defense**

Defendants aver plaintiff's suit is frivolous under 42 U.S.C. § 1983, thus entitling defendants to their attorney fees, expert fees and costs in defense of plaintiff's claims.

### **Eleventh Defense**

Plaintiff is not entitled to present evidence of any alleged damages not disclosed prior to trial and supported by evidence produced through discovery; accordingly defendant cannot make any claim for "*other damages that will be shown at trial.*" [*See, e.g.,* Doc. 1, ¶ 123, emphasis added].

### **Twelfth Defense**

Plaintiff has no right to recover any amounts written off or contractually adjusted by any health care provider because of that provider's receipt of Medicare and/or Medicaid payment for plaintiff's medical treatment.

**Thirteenth Defense**

Plaintiff has no right to recover any amounts paid by Medicare and/or Medicaid as the rights to recover those payments have been assigned by him and by operation of law to Medicare and Medicaid.

**Fourteenth Defense**

**In the alternative**, defendants aver plaintiff has failed to mitigate any alleged damages.

**Fifteenth Defense**

Defendants plead that the sole and proximate cause of the incident and any damages or injuries were the actions of Brown, as evidenced by his failure to submit to a lawful arrest as required by La.C.Cr.P. Art. 220, in refusing to follow the verbal commands of the officers and in resisting a lawful arrest.

**Sixteenth Defense**

Defendants plead that all injuries complained of by Brown were caused or contributed to by his own action, fault and/or negligence in fleeing from the scene of one or more felonies, failing to follow verbal command and resisting a lawful arrest. Brown's actions, negligence and/or fault operate to bar or reduce his recovery for any State law claims by the percentage of fault and/or negligence of Brown.

**Seventeenth Defense**

Further answering, Brown cannot recover because his injuries were suffered after he had committed one or more felonies and while he was fleeing the scene of the offenses. Thus, LSA-R.S. 9:28.10 bars any recovery of any damages pursuant to State law.

**AND NOW, for Answer to the specific allegations of the Complaint, defendants state:**

Paragraph 1: The allegations do not require a response; however, defendants deny any damages are due plaintiff under any laws whatsoever.

Paragraph 2: The first sentence is denied. The second sentence is denied as written. Any and all remaining allegations are denied.

Paragraph 3: Defendants deny there was any “assault and battery by Lieutenant Kenneth Rachal” and that “steps to intervene” should have been taken by “Detective Bobby Branton.”

Paragraph 4: All allegations of improper actions are denied. Defendants acknowledge the existence of “bodycam” footage by Lt. Rachal and other members of the Alexandria Police Department (“APD”), which bodycam footage shows the falsehood of plaintiff’s claims. Any and all remaining allegations are denied.

Paragraph 5: The allegations do not require a response.

Paragraph 6: The allegations do not require a response; however, defendants deny the existence of the alleged “events” supposedly giving rise to plaintiff’s claims.

Paragraph 7: Plaintiff’s age of majority is admitted; the remaining allegation [plaintiff’s current residence] is denied for lack of information sufficient to justify a belief therein.

Paragraph 8(1):

The City admits its status as a political subdivision, but denies it is “within Rapides Landry Parish.” All remaining allegations constitute conclusions of law, for which a response is not required. However, to the extent a response may be necessary, the allegations are denied as written.

Paragraph 8(2):

Chief King admits his age of majority, domicile, his position as Chief of the APD,

and his employment address. All remaining allegations constitute conclusions of law for which a response is not required. However, to the extent a response may be necessary, the allegations are denied as written.

Paragraph 8(3):

Lt. Rachal admits his age of majority, domicile and employment address. Lt. Rachal denies he is liable to plaintiff for any “actions” whatsoever as alleged in the first sentence of Paragraph 8(3). Any and all remaining allegations are denied

Paragraph 8(4):

Sgt. Whistine admits her age of majority, domicile and employment address. Sgt. Whistine denies she is liable to plaintiff for any “actions” whatsoever as alleged in the first sentence of Paragraph 8(4). Any and all remaining allegations are denied.

Paragraph 8(5):

Cpl. Branton admits his age of majority, domicile and employment address. Cpl. Branton denies he is liable to plaintiff for any “actions” whatsoever as alleged in the first sentence of Paragraph 8(5). Any and all remaining allegations are denied.

Paragraph 8(6):

Cpl. Rodney admits his age of majority, domicile and employment address. Cpl. Rodney denies he is liable to plaintiff for any “actions” whatsoever as alleged in the first sentence of Paragraph 8(6). Any and all remaining allegations are denied.

Paragraph 9: The request for a jury trial does not require a response.

Paragraph 10: The first sentence is admitted; defendants, however aver the four officers were wearing badges clearly identifying them as members of the APD, and that Sgt.

Whistine was wearing a SWAT uniform. The second and third sentences are admitted.

Paragraph 11: The first sentence is denied as written. The second and third sentences are admitted.

The fourth sentence is denied as written; defendants aver the officers pursued plaintiff's vehicle, but deny engaging in a "high speed" pursuit.

Paragraph 12: For response to the first sentence, defendants deny Sgt. Whistine engaged in any "unlawful intrusion" into plaintiff's vehicle; defendants deny the need to "dissuade" Sgt. Whistine from any actions whatsoever; defendants deny the existence of a "high speed" pursuit; defendant deny the absence of "reasonable suspicion" and "probable cause" for their actions. The second sentence is an allegation of law not requiring a response. Any and all remaining allegations are denied.

Paragraph 13: For response to the first sentence, defendants deny the existence of a "high speed" pursuit; defendants further deny the pursuit of plaintiff's vehicle was "in violation" of APD policy; defendants aver the police pursuit vehicle went through stop signs only after "clearing the intersections" to make certain it was safe to proceed through each intersection marked with a stop sign. The second and third sentences are admitted.

Paragraph 14: The allegations are admitted.

Paragraph 15: The first sentence is denied. For response to the second sentence, defendants deny that any "pistol whipping" occurred; defendants further deny there was any need for Cpl. Branton to "intervene" in relation to any actions of Lt. Rachal; further responding, Cpl. Branton avers he was present at the scene, and observed that no

alleged “pistol whipping” occurred. For response to the third sentence, defendants deny the exercise and existence of any “violence” toward plaintiff; defendants deny the existence and exercise of “retaliation” against plaintiff for any reason. For response to the fourth sentence, defendants Lt. Rachal and Cpl. Branton again deny the existence and exercise of any “violence” toward plaintiff, and aver there was no mention in their reports of “violence” (as alleged by plaintiff) because no such “violence” occurred. Any and all remaining allegations are denied

Paragraph 16: The first and second sentences are allegations of law, for which a response is not required; further answering, however, the law alleged is not applicable in this case. The third sentence is denied. Any and all remaining allegations are denied.

Paragraph 17: The allegation is a purported statement of the law of Louisiana, for which a response is not required; however, the purported statement of law is not applicable here.

Paragraph 18: The first sentence is denied. For response to the second sentence, defendants aver the APD officers named as individual defendants did not “improperly provoke” plaintiff into fleeing, and they deny any inference the individual defendants engaged in such activity. Plaintiff’s legal citations and quotations do not require a response. Any and all remaining allegations are denied.

[UMIKA YOUNG ALLEGATIONS]: The allegations of Paragraphs 19-23 do not involve or make assertions regarding defendants Lt. Rachal and Cpl. Rodney; accordingly these defendants are not required to and do not respond to the allegations of Paragraphs 19-23.

Paragraph 19: The allegations are denied as written.

Paragraph 20: The allegations are denied as written.

Paragraph 21: The allegations are denied as written.



Paragraph 22: The allegations are denied as written. Further, the responding defendants deny the occurrence of any “unlawful seizure” of any property whatsoever; defendants further deny all allegations that Umika Young was “falsely arrested.” Defendants further deny the filing of any “fabricated charge” by any APD officer against Umika Young for any reason whatsoever.

Paragraph 23: The allegations are denied as written.

[DEMARIO MARQUEL JONES ALLEGATIONS]: The allegations of Paragraphs 24-30 do not involve or make assertions relating to defendants Chief King, Lt. Rachal, Sgt. Whistine, Cpl. Branton and Cpl. Rodney; accordingly, these defendants are not required to, and do not respond to the allegations of Paragraph 24-30.

Paragraph 24: The first and second sentences are denied for lack of information sufficient to justify a belief therein. The third sentence is denied as written The fourth sentence is denied as written.

Paragraph 25: The allegations are denied as written.

Paragraph 26: The allegations are denied as written.

Paragraph 27: The allegations are denied as written.

Paragraph 28: The allegations are denied as written.

Paragraph 29: The allegations are denied as written.

Paragraph 30: The allegations are denied as written.

[DORIS MOSES ALLEGATIONS]: The allegations of Paragraphs 31-35 do not involve or make assertions relating to defendants Chief King, Sgt. Whistine, Cpl. Branton and Cpl. Rodney. Accordingly, these defendants are not required to and do not respond to the allegations of Paragraphs 31-35.

Paragraph 31: The allegations are denied as written.

Paragraph 32: The allegations are denied as written.

Paragraph 33: The allegations are denied as written.

Paragraph 34: The allegations are denied as written.

Paragraph 35: The allegations are denied as written.

[CHRISTOPHER M. WILDER ALLEGATIONS]: The allegations of Paragraph 36 do not involve or make assertions relating to defendants Chief King, Sgt. Whistine, Cpl. Branton, and Cpl. Rodney. Accordingly these defendants are not required to and do not respond to the allegations of Paragraph 36.

Paragraph 36: The allegations are denied as written.

Paragraph 37: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 38: Plaintiff's citizenship allegation is denied for lack of information sufficient to justify a belief therein. The remaining allegations are assertions of law and legal conclusions, not requiring a response.

Paragraph 39: The allegations are denied.

Paragraph 40: Defendants deny depriving plaintiff of any "right to be free of unreasonable searches and seizures." Any and all remaining allegations are denied.

Paragraph 41: Defendants deny plaintiff was the subject of "false accusations and fabricated evidence." Defendants further deny plaintiff was denied "due process of law." Any and all remaining allegations are denied as written.

Paragraph 42: Defendants deny plaintiff was "falsely arrested." Defendants further deny engaging in any "illegal actions" as alleged in Paragraph 42. Any and all remaining allegations are denied.

Paragraph 43: The allegations constitute conclusions of law, for which a response is not required; however, defendants deny all allegations of Paragraph 43.

Paragraph 44: The first sentence is denied. For response to the second sentence, defendants deny plaintiff was the subject of “intentional false statements and fabricated evidence.” Plaintiff’s alleged legal conclusion regarding qualified immunity does not require a response; however defendants deny the correctness of plaintiff’s legal conclusion, and affirmatively state the APD officers named as defendants herein are entitled to qualified immunity.

Paragraph 45: The allegations are denied.

Paragraph 46: The allegations are denied.

Paragraph 47: The allegations are denied.

Paragraph 48: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 49: The allegations are denied. Further responding, defendants deny plaintiff was denied any rights whatsoever; defendants further deny plaintiff experienced any damages or injury.

Paragraph 50: The allegations constitute legal conclusions which do not require a response; however, to the extent a response may be necessary, defendants deny plaintiff was subjected to any “unreasonable seizure through excessive force.” Any and all remaining allegations are denied as written.

Paragraph 51: Defendants deny plaintiff experienced any violation of any alleged right to “bodily integrity.” Further responding, defendants deny plaintiff was subjected to “excessive force by law enforcement.” Any and all remaining allegations are denied as written.

Paragraph 52: The allegations constitute conclusions of law for which a response is not required; however, to the extent a response may be necessary, the allegations are denied.

Paragraph 53: Defendants deny the existence of the alleged “actions and use of force” as described in plaintiff’s Complaint. Further responding, all remaining allegations of Paragraph 53 are denied.

Paragraph 54: Defendants deny the existence of the alleged “actions and use of force” as described in plaintiff’s Complaint. Further responding, all remaining allegations of Paragraph 54 are denied.

Paragraph 55: The allegations are denied.

Paragraph 56: The allegations are denied.

Paragraph 57: For response to the first sentence, defendants deny plaintiff was subjected to any “excessive force,” and further, defendants deny the need for any “steps” to “protect” plaintiff from any actions as alleged in plaintiff’s Complaint. The allegations of the second sentence are denied. Any and all remaining allegations are denied.

Paragraph 58: The allegations are denied.

Paragraph 59: This paragraph, beginning with “They did so ...” and ending with “emotional injuries,” does not allege any act by any defendant. However, to the extent Paragraph 59 attempts to assert allegations against defendants herein, all allegations of Paragraph 59 are denied.

Paragraph 60: The allegations are denied.

Paragraph 61: The allegations are denied.

Paragraph 62: The allegations are denied.

Paragraph 63: The allegations are denied.

Paragraph 64: The allegations are denied as written. Further responding, the APD officers named

as defendants herein at all times acted in accordance with (1) the laws of the State of Louisiana; (2) the Ordinances of the City of Alexandria, and (3) the properly promulgated Rules, Regulations and APD Policies for the City of Alexandria. Further responding, defendants deny the existence of any “municipal custom, policy, decision, ordinance, regulation, widespread habit, usage or practice” referenced by plaintiff in relation to any and all alleged improper actions asserted in plaintiff’s Complaint.

Paragraph 65: Defendants deny the existence of any “unlawful conduct” alleged in the first and second sentences. Defendants deny all remaining allegations of Paragraph 65.

Paragraph 66: The allegations are denied.

Paragraph 67: The allegations are denied

Paragraph 68: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 69: Plaintiff’s citizenship allegation is denied for lack of information sufficient to justify a belief therein. The remaining allegations are assertions of law and legal conclusions not requiring a response.

Paragraph 70: All individual defendants specifically deny being “Denver police officers,” and they deny taking any actions whatsoever “in their capacity as Denver police officers.” All individual defendants further deny the existence of “omissions” alleged in Paragraph 70. The individual defendants deny taking any improper “acts” as alleged by plaintiff, and therefore, the individual defendants deny the taking of improper acts in the “scope of their official duties of employment.” Defendants do not dispute plaintiff’s vehicle was pursued – and plaintiff was apprehended – by APD officers

acting in within the scope of their official duties of employment. Any and all remaining allegations are denied.

Paragraph 71: Defendants deny plaintiff was subjected to racial discrimination; defendants deny plaintiff was denied “equal protection of the laws.” All remaining allegations are denied as written.

Paragraph 72: Defendants deny plaintiff was subjected to any “racially motivated traffic stops, beatings, arrests, searches, and the filing of false charges.” Plaintiff’s status as an African-American is admitted. Plaintiff’s remaining allegations constitute conclusions of law not requiring a response. However, defendants deny plaintiff is entitled to any damages as “a member of a protected class” (or otherwise), and defendants deny plaintiff is entitled to any damages under 42 U.S.C. § 1983.

Paragraph 73: The allegations constitute conclusions of law for which a response is not required. However, to the extent a response may be necessary, the allegations are denied.

Paragraph 74: All allegations of the first and second sentences are denied in their entirety.

Paragraph 75: Defendants deny they “engaged in the conduct described” in plaintiff’s Complaint. All remaining allegations are denied.

Paragraph 76: Defendants deny plaintiff sustained any injuries. All remaining allegations are denied.

Paragraph 77: The allegations are denied.

Paragraph 78: Defendants deny the existence of “the acts and omissions of Defendants” as alleged in plaintiff’s Complaint. All remaining allegations are denied.

Paragraph 79: The allegations are denied.

Paragraph 80: Defendants incorporate herein by reference and reallege the statements contained in their response to the allegations of Paragraph 64.

Paragraph 81: Defendants incorporate herein by reference and reallege the statements contained in their response to the allegations of Paragraph 65.

Paragraph 82: Defendants incorporate herein by reference and reallege the statements contained in their response to the allegations of Paragraph 66.

Paragraph 83: Defendants incorporate herein by reference and reallege the statements contained in their response to the allegations of Paragraph 67.

Paragraph 84: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 85: Plaintiff's citizenship allegation is denied for lack of information sufficient to justify a belief therein. The remaining allegations are assertions of law and legal conclusion not requiring a response.

Paragraph 86: The allegations are denied as written; further responding, defendants deny the "acts" alleged by plaintiff.

Paragraph 87: For response to the allegations of Paragraph 87(a), defendants incorporate herein by reference and reallege the statements contained in their response to Paragraph 50.

For response to the allegations of Paragraph 87(b), defendants incorporate herein by reference and reallege the statements contained in their response to Paragraph 51.

For response to the allegations of Paragraph 87( c), defendants deny plaintiff was subjected to "discrimination by police under the Equal Protection Clause of the Fourteenth Amendment and under 42 U.S.C. § 1981. Any and all remaining allegations of Paragraph 87 are denied.

Paragraph 88: The allegations constitute conclusions of law for which a response is not required.

However, to the extent a response may be necessary, the allegations are denied.

**Second Paragraph 82:** The allegations are denied.

**Third Paragraph 82:** Defendants deny plaintiff was subjected to “excessive and/or unnecessary force,” and further, defendants deny plaintiff was exposed “to conditions amounting to severe punishment.” Any and all remaining allegations are denied.

Paragraph 89: The allegations are denied.

Paragraph 90: The allegations are denied.

Paragraph 91: The allegations constitute a conclusion of law for which a response is not required.

However, to the extent a response may be necessary, the allegations are denied.

Paragraph 92: The allegations are denied as written

Paragraph 93: The allegations are denied.

Paragraph 94: The allegations are denied.

Paragraph 95: The allegations are denied.

Paragraph 96: Defendants deny the existence of “deliberately indifferent training and supervision” by Chief King and the City. All remaining allegations are denied

Paragraph 97: Defendants deny the existence of any “policy of condoning, ratifying, and/or failing to prevent” any “excessive and/or unnecessary force by Alexandria Police Officers.” All remaining allegations are denied.

Paragraph 98: Defendants deny Chief King failed to “train, supervise, and/or discipline” APD officers; defendants further deny that APD officers use and/or used “excessive force.”



All remaining allegations are denied.

Paragraph 99: Defendants deny the use of “excessive force” by APD officers. All remaining allegations are denied.

Paragraph 100: Defendants deny they engaged in any “unlawful conduct.” All remaining allegations are denied.

Paragraph 101: The allegations are denied.

Paragraph 102: Defendants incorporate and reaver all responses to the preceding paragraphs. Further responding, all remaining allegations of Paragraph 102 are denied.

Paragraph 103: Defendants deny all conclusory assertions alleged as facts. Defendants deny plaintiff suffered an “assault” and a “pistol whipping.” The allegation plaintiff was “kicked” is denied as written. Defendants deny there was any “attempted illegal search.” The Probable Cause affidavit is the best evidence of its content. Defendants admit plaintiff’s arrest for the charges stated in Paragraph 103. Any and all remaining allegations are denied.

Paragraph 104: The allegations are denied as written; further responding, defendants deny the “acts” alleged by plaintiff.

Paragraph 105: For response to Paragraph 105(a) defendants deny plaintiff was subjected to any “unreasonable seizure through excessive force, unlawful arrest, and unlawful search” whatsoever. For response to Paragraph 105(b), defendants deny plaintiff was subjected to any “bodily integrity” violation; defendants further deny plaintiff was subjected to “excessive force by law enforcement.” Additionally, for response to Paragraph 105( c), defendants deny plaintiff was denied “due process of law by

police.” Any and all remaining allegations of Paragraph 105 are denied.

Paragraph 106: The allegations constitute conclusions of law for which a response is not required.

However, to the extent a response may be necessary, the allegations are denied.

Paragraph 107: The allegations are denied.

Paragraph 108: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 109: Defendants deny the allegations of the first sentence. For response to the second sentence, defendants deny there was any action for which any intervention was necessary. Any and all remaining allegations are denied.

Paragraph 110: Defendants deny the existence of any “assault and battery.” Defendants deny plaintiff suffered any damages.

Paragraph 111: Defendants deny the actions alleged by plaintiff occurred at any time whatsoever; defendants deny the actions alleged by plaintiff were undertaken by any individual defendant in any employment or other capacity whatsoever. Further responding, the allegations are conclusions of law for which a response is not required; however, defendants deny the allegations of Paragraph 111.

Paragraph 112: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 113: The allegations are denied.

Paragraph 114: Defendants deny plaintiff sustained any “physical and psychological injuries.” Any and all remaining allegations are denied.

Paragraph 115: The allegations are denied.

Paragraph 116: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 117: The allegations are denied in their entirety, including the averments of Paragraph

117(a), 117(b) and 117( c).

Paragraph 118: Defendants deny engaging in any “unlawful and unconstitutional conduct.”

Defendants deny plaintiff sustained any damages of any nature whatsoever. All remaining allegations are denied.

Paragraph 119: Defendants deny they engaged in “malicious actions, lack of actions, breach of duties, negligence and gross negligence.” All remaining allegations are denied.

Paragraph 120: The allegations constitute conclusions of law for which a response is not required.

However, to the extent a response may be necessary, the allegations are denied.

Paragraph 121: Defendants deny plaintiff was the subject of “negligence and intentional acts,” and defendants further deny plaintiff was subjected to “constitutional torts” and/or any violation of any rights whatsoever under any statute, constitution, Civil Code Article or any other law. Defendants further deny plaintiff suffered any damages of any nature whatsoever. Any and all remaining allegations are denied.

Paragraph 122: Defendants incorporate and reaver all responses to the preceding paragraphs.

Paragraph 123: The allegations are denied. Further responding, plaintiff is not entitled to present evidence of any alleged damages not disclosed prior to trial and supported by evidence produced through discovery. Accordingly plaintiff cannot make any claim for “***other damages that will be shown at the trial hereof.***”

Paragraph 124: The allegations assert a legal argument and does not require a response.

Paragraph 125: The allegations assert a legal argument and does not require a response.

Paragraph 126: The entirety of plaintiff’s “PRAYER FOR RELIEF” is denied.

**And now, further responding to the entirety of plaintiff's Complaint,** defendants state that, with regard to Paragraphs 1-126, to the extent any allegation is not specifically addressed above, the allegation is denied.

WHEREFORE, defendants pray that their Answer and Affirmative Defenses be deemed good and sufficient; that plaintiff's demands be denied and dismissed with prejudice, at plaintiff's cost, and that defendants be awarded all costs incurred by them, including attorney fees, for defense of plaintiff's claims.

Respectfully submitted,

**GOLD, WEEMS, BRUSER, SUES & RUNDELL**

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