

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LINDA ROSE, JENNIFER CRADIT,
SYLVIA DENISE BRADDOCK, LISA
RENEE BRANDIMORE, DWAYNE BUTTERFIELD,
BOBBIE WAYNE CARTER, DANIEL WRAY
CLAYTON, HOPE MICHELLE DAVIS, JOSHUA
FULLER, NICHOLAS ANTHONY GILES, WILLIE
LOUIS HENDRICKS, TANISHA RAMON JOHNSON,
ROBERY ALLEN KELSEY, SUE ANN LETTERMAN,
DONNA LYNN QUARLES, DAVID TODD REINER,
GREGORY LOUIS SCHULTZ, AMANDA RAE
SHINAVER, DWAYNE ALANN SIMMONS, ROBIN
RENEE THOMAS, JOSHUA ALLEN WEIGANT,
RAYMOND PRAAY, JUSTIN ANDERSON, CRAIG
MASON, MATTHEW STARKWEATHER, RICHARD
PLAMONDON, and ROBERT JAMES STEPHENS,

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
Dec 24 8 43 AM '02
FILED

Plaintiffs,

Case No. 01-CV-10337-BC
HON. DAVID M. LAWSON

vs

SAGINAW COUNTY, SAGINAW COUNTY
SHERIFF'S DEPARTMENT, MUNICIPAL
GOVERNMENT ENTITIES, CHARLES BROWN,
AND OFFICERS JOHN DOE, AND JANE DOE
(IN THEIR INDIVIDUAL CAPACITY), JOINTLY
AND SEVERALLY,

Defendants

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CHRISTOPHER J. PIANTO
(P59160)
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ANSWER TO PLAINTIFFS' SIXTH AMENDED COMPLAINT

NOW COME Defendants, Saginaw County, Saginaw County Sheriff's Department, and

58

Charles Brown, by and through their attorneys, O'CONNOR, DeGRAZIA & TAMM, P.C., and for their answer to Plaintiffs' Fifth Amended Complaint state as follows:

1. Neither admit nor deny for lack of sufficient information upon which to form a belief, and Plaintiffs are left to their proof.

2. It is denied that the Saginaw County Sheriff's Department is a governmental entity as same is simply a department within the County of Saginaw. The Saginaw County Sheriff's Department is not an entity capable of being sued and Defendants are entitled to Summary Disposition as to the Saginaw County Sheriff's Department.

3. Neither admit nor deny for lack of sufficient information upon which to form a belief, and Plaintiffs are left to their proof.

4. Neither admit not deny for lack of sufficient information upon which to form a belief, and Plaintiffs are left to their proof.

5. In answering paragraph 5, it is admitted that Saginaw County is a municipal corporation organized within the statutes of the State of Michigan.

6. In response to paragraph 6, Defendants admit only that Charles Brown is the Sheriff of Saginaw County, an elected official. The remainder of the paragraph is denied in the form and manner asserted as same is incapable of being answered.

7. Defendants admit same.

8. Paragraph 8 is unable to be answered in the form and manner asserted and therefore, same is denied as being contrary to fact and law. There is no time frame given to which Defendants can respond. Jennifer Cradit was detained for a short period of time. She was not detained for the entire summer.

9. In response to paragraph 9, it appears that the named Plaintiffs were housed in the Saginaw County jail at various times. It is denied that they were subjected to conduct in violation of their State and Constitutional rights.

10. Defendants admit same.

11. Paragraph 11 is unable to be answered in the form and manner asserted and therefore same is denied as being untrue and contrary to fact and law.

12. In response to paragraph 12, same is unable to be answered in the form and manner asserted and therefore same is denied. It is specifically denied that Plaintiffs were viewed by officers of the opposite sex and it is specifically denied that they were viewed by trustees of either sex.

13. Paragraph 13 is unable to be answered in the form and manner asserted as there is not enough specificity and therefore same is denied. It is specifically denied that they were subjected to viewing by officers of the opposite sex and specifically denied that they were subjected to any viewing by trustees.

14. In answering paragraph 14, the Saginaw County Sheriff's Department is not a separate municipal entity and does not own anything. As to the remainder of the paragraph, the Defendant Saginaw County does own, control and operate the Saginaw County Jail.

15. Defendants admit same.

16. Denied for the reason that same is untrue and contrary to fact and law.

17. Denied for the reason that same is untrue and contrary to fact and law. It is specifically denied that Defendant did not have lawful authority to remove Plaintiffs who were disorderly and potentially violent in certain cases from the general holding cells to a segregation cell for their protection and the protection of others.

18. Denied for the reason that same is untrue and contrary to fact and law.

19. Denied for the reason that same is untrue and contrary to fact and law.

20. Denied for the reason that same is untrue and contrary to fact and law.

21. Denied for the reason that same is untrue and contrary to fact and law.

22. Denied for the reason that same is untrue and contrary to fact and law.

23. Denied for the reason that same is untrue and contrary to fact and law.

24. Defendants admit same.

25. In response to paragraph 25, Defendants deny breaching any duty owing to Plaintiffs or to anyone.

26. Denied for the reason that same is untrue and contrary to fact and law.

27. Denied for the reason that same is untrue and contrary to fact and law.

28. Denied for the reason that same is untrue and contrary to fact and law.

COUNT I

FEDERAL CONSTITUTIONAL VIOLATIONS OF CIVIL RIGHTS

29. Defendants hereby reassert their answers to paragraphs 1 through 28 as though same were set forth herein in their entirety.

30. Defendants deny that those counts are applicable to the actions of your Defendants and deny any breach of any Constitutional rights.

31. Denied for the reason that same is untrue and contrary to fact and law. Defendants actions were objectively reasonable under the circumstances. It is specifically denied that Defendant did not have lawful authority to remove Plaintiffs who were disorderly and potentially violent in certain cases from the general holding cells to a segregation cell for their protection and the protection of others.

32. Denied for the reason that same is untrue and contrary to fact and law.

A. Denied for the reason that same is untrue and contrary to fact and law.

- B. Denied for the reason that same is untrue and contrary to fact and law.
 - C. Denied for the reason that same is untrue and contrary to fact and law.
 - D. Denied for the reason that same is untrue and contrary to fact and law.
 - E. Denied for the reason that same is untrue and contrary to fact and law.
 - F. Denied for the reason that same is untrue and contrary to fact and law.
33. Denied for the reason that same is untrue and contrary to fact and law.
34. Defendants deny that their conduct was wrongful, but admit that they were acting under color of law.
35. Denied for the reason that same is untrue and contrary to fact and law.
- A. Denied for the reason that same is untrue and contrary to fact and law.
 - B. Denied for the reason that same is untrue and contrary to fact and law.
 - C. Denied for the reason that same is untrue and contrary to fact and law.
 - D. Denied for the reason that same is untrue and contrary to fact and law.
 - E. Denied for the reason that same is untrue and contrary to fact and law.
 - F. Denied for the reason that same is untrue and contrary to fact and law.

COUNT II

GROSS NEGLIGENCE

(CHARLES BROWN, JOHN AND JANE DOE DEFENDANTS ONLY)

36. Defendants hereby reassert their answers to paragraphs 1 through 35 as though same were set forth herein in their entirety.
37. In response to paragraph 37, it is denied that Defendants breached any duty owing to your Plaintiffs or anyone else.
38. Denied for the reason that same is untrue and contrary to fact and law.
39. Denied for the reason that same is untrue and contrary to fact and law.

40. Denied for the reason that same is untrue and contrary to fact and law.

COUNT III

INVASION OF PRIVACY

(CHARLES BROWN, JOHN AND JANE DOE ONLY)

41. Defendants hereby reassert their answers to paragraphs 1 through 40 as though same were set forth herein in their entirety.

42. Denied for the reason that same is untrue and contrary to fact and law.

43. Paragraph 43 is unable to be answered in the form and manner asserted, therefore Defendants deny same as being untrue and contrary to fact and law.

44. Denied for the reason that same is untrue and contrary to fact and law.

45. Denied for the reason that same is untrue and contrary to fact and law.

46. Denied for the reason that same is untrue and contrary to fact and law.

47. Denied for the reason that same is untrue and contrary to fact and law. It is specifically denied that the jail trustees viewed any of the prisoners.

48. Denied for the reason that same is untrue and contrary to fact and law.

49. Denied for the reason that same is untrue and contrary to fact and law.

COUNT IV

ASSAULT AND BATTERY

(CHARLES BROWN, JOHN DOE, JANE DOE ONLY)

50. Defendants hereby reassert their answers to paragraphs 1 through 49 as though same were set forth herein in their entirety.

51. Denied for the reason that same is untrue and contrary to fact and law.

52. Denied for the reason that same is untrue and contrary to fact and law.

53. Denied for the reason that same is untrue and contrary to fact and law.

54. Denied for the reason that same is untrue and contrary to fact and law.

COUNT V

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(DEFENDANTS CHARLES BROWN, JOHN DOE, AND JANE DOE)

55. Defendants hereby reassert their answers to paragraphs 1 through 54 as though same were set forth herein in their entirety.

56. Denied for the reason that same is untrue and contrary to fact and law.

57. Denied for the reason that same is untrue and contrary to fact and law.

58. Denied for the reason that same is untrue and contrary to fact and law.

59. Denied for the reason that same is untrue and contrary to fact and law.

60. Denied for the reason that same is untrue and contrary to fact and law.

COUNT VI

VIOLATION OF ELLIOTT LARSON CIVIL RIGHTS ACT

MCLA 73.2302(A); MSA 3.548(302)(A)

61. Defendants hereby reassert their answers to paragraphs 1 through 60 as though same were set forth herein in their entirety.

62. In response to paragraph 62, the pleadings speak for themselves. It is denied that there was any breach of any duty owing to Plaintiffs.

63. In response to paragraph 63, the statute speaks for itself. The applicability of the statute is denied and Defendants will seek Summary Judgment as to Count VI if Plaintiff does not dismiss same.

64. Denied for the reason that same is untrue and contrary to fact and law.

65. Denied for the reason that same is untrue and contrary to fact and law.

66. Denied for the reason that same is untrue and contrary to fact and law.

67. Denied for the reason that same is untrue and contrary to fact and law.

68. Denied for the reason that same is untrue and contrary to fact and law.

69. Denied for the reason that same is untrue and contrary to fact and law.

WHEREFORE, your Defendants pray for a Judgment of no cause for action, together with costs and attorney fees so wrongfully sustained.

A. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

B. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

C. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

D. (improperly named 4.) Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

E. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

COUNT VII

INJUNCTIVE RELIEF

70. Defendants hereby reassert their answers to paragraphs 1 through 69 as though same were set forth herein in their entirety.

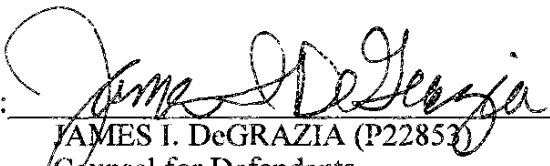
71. Denied for the reason that same is untrue and contrary to fact and law.

72. Denied for the reason that same is untrue and contrary to fact and law.

WHEREFORE, your Defendants pray for a Judgment of no cause for action, together with costs and attorney fees so wrongfully sustained.

- A. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.
- B. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.
- C. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.
- D. (improperly named 4.) Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.
- E. Plaintiffs are not entitled to any relief whatsoever, nor are they entitled to any damages.

O'CONNOR, DeGRAZIA & TAMM, P.C.

By: 
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Dated: November 15, 2002

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SEE CASE FILE FOR
ADDITIONAL
DOCUMENTS OR PAGES
THAT WERE NOT
SCANNED