

Steven A. Kraemer, OSB No. 882476
E-mail: sak@hartwagner.com
Gregory R. Roberson, OSB No. 064847
E-mail: grr@hartwagner.com
HART WAGNER LLP
1000 S.W. Broadway, Twentieth Floor
Portland, Oregon 97205
Telephone: (503) 222-4499
Facsimile: (503) 222-2301

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

No. 3:12-CV-0071-SI

Plaintiffs,

AMENDED ANSWER

v.

JURY TRIAL DEMAND

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individual and in his capacity
as Columbia County Sheriff,

Defendants.

Defendants deny each and every allegation of Plaintiff's Complaint except as admitted in this Answer.

I. NATURE OF THE CASE

1.1 Defendants admit that some of the Columbia County Jail's ("Jail") past mail policies and practices violated some of Plaintiff's constitutional rights. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore deny the same.

///

II. JURISDICTION AND VENUE

2.1 Admit.

2.2 Admit.

III. PARTIES

3.1 Admit that Human Rights Defense Center is a Washington non-profit corporation. Admit that Prison Legal News (“PLN”) publishes and distributes a monthly publication of corrections news and analysis and certain books about the criminal justice system and legal issues affecting prisoners. Admit that PLN maintains a website. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder in ¶ 3.1.

3.2 Admit.

3.3 Deny the Sheriff’s Office is a department of Columbia County. Admit that it operates the Columbia County Jail in St. Helens, Oregon and that the Jail houses convicted prisoners and pre-trial detainees.

3.4 Deny Sheriff Dickerson is employed by Columbia County or that that he is an agent of Columbia County. Admit the remainder of ¶ 3.4.

3.5 Deny that the acts and omissions of the persons alleged herein were taken as employees and officers of Columbia County, but admit this paragraph to the extent it alleges the persons were employees or officers of Columbia County Sheriff’s Office.

IV. FACTUAL ALLEGATIONS

4.1 Admit.

4.2 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.2, therefore they are denied.

4.3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder in ¶ 4.3, therefore they are denied.

4.4 Admit that Defendants have rejected some of PLN’s mailings sent to inmates in custody at the Jail. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder in ¶ 4.4., therefore they are denied.

4.5 - 4.27 Admit.

4.28 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.28, therefore they are denied.

4.29 Deny.

4.30 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.30, therefore they are denied.

4.31 – 4.34 Admit.

4.35 Plaintiff's statement does not contain an allegation for Defendants to admit or deny. To the extent an answer is required, deny.

4.36 Admit.

4.37 Deny as to Lloyd Myers. Otherwise, admit.

4.38 – 4.41 Admit.

4.42 – 4.44 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.42 - ¶4.44, therefore they are denied.

4.45 – 4.51 Admit.

4.52 – 4.54 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.52 – ¶ 4.54, therefore they are denied.

4.55 – 4.61 Admit.

4.62 – 4.64 Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4.62 - ¶ 4.64, therefore they are denied.

4.65 – 4.71 Admit.

4.72 – 4.73 Deny.

4.73.1 Deny.

4.73.2 Admit.

4.73.3 Deny.

4.73.4 Admit that Defendants rejected some PLN articles that Lucy Lennox printed from PLN's website and mailed to some inmates at the Jail. Admit that the Jail put on some of the

rejected mail that “the Columbia County Jail ONLY ACCEPTS POSTCARDS” or “No envelope mail” as the reason for the rejection. Deny the remainder in ¶ 4.73.4.

4.73.5 – 4.73.6 Deny.

4.74 Deny.

4.74.1 – 4.74.2 Deny.

4.74.3 – 4.74.4 Defendants admit that some of its past mail policies violated some of Plaintiff’s constitutional rights.

4.75 – 4.80 Deny.

V. CLAIM ALLEGATIONS

5.1 Defendants re-allege and incorporate herein each answer included in ¶¶ 1.1 – 4.80.

5.2 Defendants admit that some of its past mail policies violated some of Plaintiff’s constitutional rights.

5.3 - 5.4 Deny.

5.5 Defendants re-allege and incorporate herein each answer included in ¶¶ 1.1 – 4.80.

5.6 Defendants admit that some of its past mail polices violated some of Plaintiff’s constitutional rights.

5.7 - 5.8 Deny.

VI. INJUNCTION ALLEGATIONS

6.1 Deny.

6.2 Deny.

BY WAY OF FURTHER ANSWER, DEFENDANTS ASSERT THE FOLLOWING AFFIRMATIVE DEFENSES:

- 1.** Plaintiff’s prayer for injunctive relief is moot.
- 2.** Plaintiff fails to state a claim upon which relief can be granted.

///

3. Plaintiff lacks standing and is not the real party in interest as to any claims and allegations from other publishers, companies, organizations, prisoners and individuals other than Plaintiff.

4. Defendant Sheriff Jeff Dickerson is entitled to qualified immunity.

5. Plaintiff cannot seek injunctive relief from Sheriff Jeff Dickerson in his individual capacity.

6. Plaintiff failed to mitigate its damages, if any.

7. The punitive damages claim fails to state a claim against Columbia County, a government entity.

WHEREFORE, having fully answered the Complaint, Defendants pray for a trial by jury on causation and damages, for judgment in their favor, for their costs, disbursements and reasonable attorney fees pursuant to 42 U.S.C § 1988, and for such other relief as the court deems just and equitable.

Respectfully submitted this 30th day of July, 2012.

HART WAGNER LLP

By: /s/ Steven A. Kraemer

Steven A. Kraemer, OSB No. 882476
Of Attorneys for Defendants