

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

JERRY SANFORD and STEPHANIE)
MCCLURE, individually as lawful heirs of)
Jonathan Sanford, and Co-Administrators)
of the ESTATE OF JONATHAN)
SANFORD, DECEASED,)

Plaintiffs,)

v.)

DAWSON COUNTY SHERIFF, JEFF)
JOHNSON, in his individual capacity;)
DAWSON COUNTY SHERIFF’S OFFICE)
DEPUTIES and/or JAILERS ZACHARY)
TOTTEROW, DONALD S. LEWIS,)
STEPHEN D. HOLLOWAY, WILLIAM)
D. JOHNSON, MICHAEL A. WHARTON,)
MADISON A. ELDER, DAVID)
LINGERFELT, and THERESA KIRBY,)
in each of their individual capacities,)

Defendants.)

Civil Action File No.:

2:22-CV-00078-RWS

ANSWER AND DEFENSES OF DEFENDANT SHERIFF JEFF JOHNSON

COMES NOW Dawson County Sheriff, Jeff Johnson, in his individual capacity (“this Defendant”), by and through the undersigned counsel, and files this his Answer and Defenses in response to Plaintiffs’ Complaint for Wrongful Death

and Deprivations of Rights Guaranteed Under the Eighth and Fourteenth Amendments of the United States Constitution Pursuant to 42 U.S.C. § 1983, Et Seq. (Doc. 1) (the “Complaint”), showing the Court as follows:

DEFENSES

FIRST DEFENSE

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

SECOND DEFENSE

Plaintiffs’ federal claims asserted in the Complaint against this Defendant are barred based on this Defendant’s entitlement to qualified immunity. At all relevant times, this Defendant was performing objectively reasonable, discretionary acts as a public officer and did not violate a clearly established federal right of which a reasonable person would have known.

THIRD DEFENSE

Plaintiffs’ state law claims against this Defendant are barred by this Defendant’s entitlement to official immunity, official act immunity and/or discretionary act immunity. At all times relevant to this action, this Defendant was acting solely in his official capacity with respect to all of Plaintiffs’ alleged claims,

did not negligently perform any ministerial duty, and was engaging in discretionary acts within the scope of his official functions without actual malice or actual intent to cause injury or harm.

FOURTH DEFENSE

At all times relevant to the claims made by Plaintiffs, this Defendant has acted in good faith, without malice or intent to harm Plaintiffs or Plaintiffs' decedent, Jonathan Sanford (hereinafter, "Plaintiffs' decedent"), and has not violated any rights which may be secured to Plaintiffs or Plaintiffs' decedent under federal, state, or local laws, rules, regulations, or guidelines.

FIFTH DEFENSE

Plaintiffs' claims do not support a claim for relief under 42 U.S.C. § 1983, as any deprivation alleged therein does not rise to the level of a constitutional or federal law violation.

SIXTH DEFENSE

Plaintiffs' alleged claims under 42 U.S.C. § 1983 are barred because Plaintiff has failed to plead same with the specificity required to state a cause of action.

SEVENTH DEFENSE

Plaintiffs' alleged claims under 42 U.S.C. § 1983 against this Defendant are barred based on the lack of this Defendant's personal participation in any alleged unconstitutional conduct and lack of a causal connection between any actions or omissions of Defendant and any alleged constitutional deprivation.

EIGHTH DEFENSE

This Defendant breached no duty to Plaintiffs and/or Plaintiffs' decedent.

NINTH DEFENSE

This Defendant has not taken any action in conflict with Plaintiffs' or Plaintiffs' decedent's rights, nor has this Defendant violated Plaintiffs' or Plaintiffs' decedent's rights under the Fourteenth or Eighth Amendments to the United States Constitution, or any other amendment to, or provision of, the United States Constitution, the Georgia Constitution, or any other federal or state law; this Defendant did not act with deliberate indifference to the Plaintiffs' decedent's medical needs.

TENTH DEFENSE

Any damages, harm or injuries allegedly sustained by Plaintiffs or Plaintiffs' decedent were not proximately caused by this Defendant. This Defendant expressly denies that any act or failure to act on his part was a direct and proximate cause of

any of the alleged injuries or harm to Plaintiffs' decedent or damages claimed by Plaintiffs.

ELEVENTH DEFENSE

This Defendant asserts the defense of superseding or intervening causation.

TWELFTH DEFENSE

This Defendant asserts the defenses that Plaintiffs' decedent was either contributorily or comparatively negligent and/or assumed the risks of the events alleged in the Complaint.

THIRTEENTH DEFENSE

Plaintiffs' alleged claims for injuries and damages are barred in whole or in part because of the actions and activities of Plaintiffs' decedent which contributed in whole or in part to Plaintiffs' alleged injuries or damages.

FOURTEENTH DEFENSE

Plaintiffs' decedent's alleged injuries, damages, and death were directly and proximately caused by Plaintiffs' decedent's own acts or omissions and failure to exercise ordinary care.

FIFTEENTH DEFENSE

Plaintiffs' alleged claims for injuries and damages are barred in whole or in part because of the actions and activities of others outside of this Defendant's control which contributed in whole or in part to Plaintiffs' alleged injuries or damages.

SIXTEENTH DEFENSE

Any loss or damage allegedly suffered by Plaintiffs was the direct and proximate result of Plaintiffs' decedent's conduct and/or conduct of others for which this Defendant is not liable.

SEVENTEENTH DEFENSE

Plaintiffs' claims against this Defendant are barred because this Defendant has not promulgated, maintained, created, established or enforced any policy, practice or custom that has resulted in or caused any violation of Plaintiffs' decedent's constitutional rights, including but not limited to any violation of Plaintiffs' decedent's rights premised on deliberate indifference to serious medical needs.

EIGHTEENTH DEFENSE

While this Defendant denies that he engaged in any negligent acts or omissions with respect to Plaintiffs' decedent, he asserts the defense that he may

not be liable under 42 U.S.C. § 1983 for acts or omissions which amount to mere negligence.

NINETEENTH DEFENSE

This Defendant may not be held liable to Plaintiffs under 42 U.S.C. § 1983 merely for employing or supervising some other party defendant in this action or any other individual, that is, through the doctrines of vicarious liability or *respondeat superior*.

TWENTIETH DEFENSE

Plaintiffs' claim for punitive damages is precluded based on this Defendant's good faith efforts to comply with state and federal law and because Plaintiff has failed to allege and/or cannot show that this Defendant's actions showed willful misconduct, fraud, malice, wantonness, oppression, or that entire want of care that would raise the presumption of conscience indifference to consequences.

TWENTY-FIRST DEFENSE

This Defendant asserts any and all affirmative defenses set forth in Rule 8(c)(1) of the Federal Rules of Civil Procedure that are or may hereafter be applicable to this action. This Defendant reserves the right to plead and prove such

other defenses as may become known to him through discovery and investigation of Plaintiffs' claims.

TWENTY-SECOND DEFENSE

This Defendant responds to the individually numbered paragraphs of the Complaint as follows:

(unnumbered introductory paragraph)

In response to the unnumbered introductory paragraph underneath the title/heading of the Complaint that begins with "COME NOW," this Defendant shows that he is not required to respond to allegations which merely set forth Plaintiffs' intentions in bringing the present action and/or the identification of the causes of action Plaintiffs are pursuing against the named defendants in this action. To the extent that a response is required, this Defendant expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering

and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

NATURE OF THE ACTION

1.

In response to the first sentence of paragraph 1 of the Complaint, this Defendant shows that he is not required to respond to allegations which merely set forth Plaintiffs' intentions in bringing the present action and/or the identification of the causes of action Plaintiffs are pursuing against the named defendants in this action. To the extent that a response is required, this Defendant expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. This Defendant denies the second sentence of paragraph 1 of the Complaint.

2.

9

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 2 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 2 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

3.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 3 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of

paragraph 3 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

4.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 4 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 4 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims

against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

5.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 5 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 5 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged

wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

6.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 6 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 6 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

7.

Paragraph 7 of the Complaint constitutes or is in the nature of a legal conclusion or statement of the law to which no response is required. To the extent that a response is required, this Defendant denies the allegations of paragraph 7 of the Complaint in the manner and form alleged.

8.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 8 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 8 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

9.

This Defendant denies the allegations of paragraph 9 of the Complaint.

10.

This Defendant denies the allegations of paragraph 10 of the Complaint.

11.

This Defendant denies the allegations of paragraph 11 of the Complaint.

12.

This Defendant denies the allegations of paragraph 12 of the Complaint.

13.

This Defendant denies the allegations of paragraph 13 of the Complaint.

14.

This Defendant is without sufficient knowledge or information to admit or deny the allegations of paragraph 14 of the Complaint pertaining to what is stated “[a]ccording to the National Commission of Correctional Health Care,” and therefore, such allegations stand denied. To the extent a further response is required or any portion of paragraph 14 of the Complaint can be interpreted to be directed to this Defendant or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that

Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

15.

This Defendant denies the first sentence of paragraph 15 of the Complaint in the manner and form alleged. This Defendant denies the remaining allegations of paragraph 15 of the Complaint.

16.

This Defendant denies the allegations of paragraph 16 of the Complaint.

17.

In response to paragraph 17 of the Complaint, this Defendant is without sufficient knowledge or information to admit or deny the allegations as to Plaintiffs being the "lawful heirs and co-representatives of the Estate of Jonathan Sanford," and therefore, such allegations stand denied. In response to the remaining portion

of paragraph 17 of the Complaint, this Defendant shows that he is not required to respond to allegations which merely set forth Plaintiffs' intentions in bringing the present action and/or the identification of the causes of action Plaintiffs are pursuing against the named defendants in this action. To the extent that a response is required or to the extent any allegations of paragraph 17 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

JURISDICTION AND VENUE

18.

In response to paragraph 18 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

19.

In response to the first sentence of paragraph 19 of the Complaint, this Defendant shows that he is not required to respond to allegations which constitute a mixture of legal conclusions as to the Court's jurisdiction and allegations merely setting forth Plaintiffs' intentions in bringing the present action and/or the identification of the causes of action Plaintiffs are pursuing against the named defendants in this action. By way of further response, while this Defendant acknowledges that federal subject matter jurisdiction is being invoked as to Plaintiffs' claims, this Defendant has asserted above and maintains the lack of subject matter jurisdiction defense of official immunity as to some or all of Plaintiffs' claims. To the extent that a further response is required or to the extent any allegations of paragraph 19 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and

laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

20.

To the extent paragraph 20 of the Complaint states legal conclusions as to any notice requirements or compliance with O.C.G.A. § 36-11-1 in relation to Plaintiffs' claims, no response is required. To the extent that a response is required and in further answer to the allegations of paragraph 20 of the Complaint, this Defendant admits that a letter dated March 18, 2021 referencing O.C.G.A. § 36-11-1 was delivered to him. This Defendant is without sufficient knowledge or information to admit or deny the allegations of paragraph 20 of the Complaint concerning delivery of this letter to anyone else, and therefore, said allegations stand denied. To the extent the allegations of paragraph 20 of the Complaint or reference to the March 18, 2021 letter therein can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such

allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

21.

This Defendant is without sufficient knowledge or information to admit or deny the allegations of paragraph 21 of the Complaint, and therefore, said allegations stand denied. To the extent any portion of paragraph 21 of the Complaint consists of legal conclusions, no further response is required. To the extent a further response is required or to the extent any allegations of paragraph 21 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United

States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

22.

This Defendant is without sufficient knowledge or information to admit or deny the allegations of the first sentence of paragraph 22 of the Complaint, and therefore, said allegations stand denied. This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of the second sentence of paragraph 22 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 22 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed

any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

23.

The first sentence of paragraph 23 of the Complaint is denied in the manner and form alleged. By way of further response to the first sentence of paragraph 23 of the Complaint, this Defendant admits only that he is the elected Sheriff of Dawson County and that in his official capacity as Sheriff of Dawson County, he employed Zachary Totherow, Donald S. Lewis, Stephen D. Hollaway (whose last name is misidentified in the Complaint as "Holloway"), William D. Johnson, Michael A. Wharton, Madison A. Elder, David Lingerfelt, and Theresa Kirby. The second sentence of paragraph 23 of the Complaint is a legal conclusion and statement of the claims Plaintiffs are attempting to assert in this action that requires no response. To the extent any further response is required or any portion of paragraph 23 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs

have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

24.

The first sentence of paragraph 24 of the Complaint constitutes a legal conclusion that requires no response. The second sentence of paragraph 24 of the Complaint is denied in the manner and form alleged. To the extent any further response is required or any portion of paragraph 24 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for

any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

25.

In response to paragraph 25 of the Complaint, this Defendant shows that he is not required to respond to allegations which constitute legal conclusions as to the Court's jurisdiction. By way of further response, while this Defendant acknowledges that federal subject matter jurisdiction and supplemental jurisdiction is being invoked as to Plaintiffs' claims, this Defendant has asserted above and maintains the lack of subject matter jurisdiction defense of official immunity as to some or all of Plaintiffs' claims. To the extent that a further response is required or to the extent any allegations of paragraph 25 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any

deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

26.

Paragraph 26 of the Complaint is a legal conclusion concerning the venue of this Court, and therefore, requires no response. To the extent any further response is required, this Defendant states that venue in this Court is not specifically contested. To the extent that a further response is required or to the extent any allegations of paragraph 26 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

THE PARTIES

27.

In response to paragraph 27 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

28.

This Defendant is without sufficient knowledge or information to admit or deny the allegations of paragraph 28 of the Complaint, and therefore, said allegations stand denied. To the extent any portion of paragraph 28 of the Complaint consists of legal conclusions, no further response is required. To the extent that a further response is required or to the extent any allegations of paragraph 28 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious

medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

29.

This Defendant denies the first two sentences and the fourth sentence of paragraph 29 of the Complaint in the manner and form alleged. By way of further response to the first two sentences and fourth sentence of paragraph 29 of the Complaint, this Defendant admits only that he has been the duly elected Sheriff of Dawson County since January 1, 2017. This Defendant denies the allegations of the third sentence of paragraph 29 of the Complaint. The fifth and sixth sentences of paragraph 29 of the Complaint consist of legal conclusions to which no further response is required. To the extent a further response is required or any portion of the fifth and sixth sentences of paragraph 29 of the Complaint infer or imply any wrongdoing by this Defendant, this Defendant expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical

condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. Further responding to the sixth sentence of paragraph 29 of the Complaint, this Defendant acknowledges that he may be served with process at his office and that service of the Complaint is not contested. Any other allegations of paragraph 29 of the Complaint not specifically admitted are hereby denied.

30.

Paragraph 30 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 30 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful

death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

31.

Paragraph 31 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 31 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

32.

Paragraph 32 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a

further response is required or any portion of paragraph 32 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

33.

Paragraph 33 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 33 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of

Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

34.

Paragraph 34 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 34 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

35.

31

Paragraph 35 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 35 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

36.

Paragraph 36 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 36 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant

further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

37.

Paragraph 37 of the Complaint contains no allegations directed at this Defendant such that no response from this Defendant is required. To the extent a further response is required or any portion of paragraph 37 of the Complaint is directed or can be interpreted to be directed to this Defendant, or infers or implies any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful

death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

FACTS APPLICABLE TO ALL COUNTS

38.

In response to paragraph 38 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

39.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 39 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 39 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is

liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

40.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 40 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 40 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

41.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 41 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 41 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

42.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 42 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 42 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

43.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 43 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 43 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the

State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

44.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 44 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 44 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged

wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

45.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 45 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 45 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

46.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 46 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 46 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

47.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 47 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 47 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

48.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 48 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 48 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the

State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

49.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 49 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 49 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged

wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

50.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 50 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 50 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

51.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 51 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 51 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

52.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 52 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 52 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

53.

This Defendant denies any allegation in paragraph 53 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 53 of the Complaint. To the extent any allegations of paragraph 53 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply

any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

54.

This Defendant denies any allegation in paragraph 54 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 54 of the Complaint. To the extent any allegations of paragraph 54 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant

further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

55.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 55 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 55 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is

liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 55 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

56.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 56 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 56 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is

liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

57.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 57 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 57 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

58.

This Defendant denies any allegation in paragraph 58 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 58 of the Complaint. By way of further response, to the extent any allegations of paragraph 58 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

59.

50

This Defendant denies any allegation in paragraph 59 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 59 of the Complaint. By way of further response, to the extent any allegations of paragraph 59 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

60.

This Defendant denies any allegation in paragraph 60 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 60 of the Complaint. By way of further response, to the extent any allegations of paragraph 60 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

61.

52

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 61 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 61 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

62.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 62 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 62 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

63.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 63 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 63 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the

State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

64.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 64 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 64 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged

wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

65.

This Defendant denies any allegation in paragraph 65 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure or any written policies of the Dawson County Sheriff's Office in that a written Standard Operating Procedure or policy of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 65 of the Complaint. By way of further response, to the extent any allegations of paragraph 65 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death,

pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

66.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 66 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 66 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

67.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 67 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 67 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

68.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 68 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 68 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

69.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 69 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 69 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the

State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

70.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 70 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 70 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged

wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

71.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 71 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 71 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

72.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 72 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 72 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

73.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 73 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 73 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 73 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

74.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 74 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 74 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 74 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

75.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 75 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 75 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 75 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

76.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 76 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 76 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 76 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

77.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 77 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 77 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent. By way of further response, to the extent paragraph 77 of the Complaint purports to make reference to any written policy or standard operating procedure of the Dawson County Sheriff's Office, any such written policy or standard operating procedure speaks for itself as to its content, context and meaning.

78.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 78 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 78 of the

Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

79.

In response to the first sentence of paragraph 79 of the Complaint, this Defendant states that the autopsy report of Plaintiffs' decedent speaks for itself, and this Defendant denies any allegation made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any such report. As a result, the allegations of the first sentence of paragraph 79 of the Complaint are denied in the manner and form alleged. This Defendant denies the remaining allegations of paragraph 79 of the Complaint.

**DEFENDANT SHERIFF JOHNSON AND HIS DEFENDANT
SUBORDINATES' FAILURES TO ENFORCE AND FOLLOW EXPLICIT**

**NON-DISCRETIONARY DETENTION CENTER POLICIES
DEMONSTRATED A CONSCIOUS AND DELIBERATE INDIFFERENCE
TO THE HEALTH AND LIFE OF JONATHAN SANFORD**

80.

In response to paragraph 80 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

81.

Paragraph 81 of the Complaint is denied in the manner and form alleged.

82.

Paragraph 82 constitutes a mixture of legal conclusions, argument, and exposition in relation to subsequent paragraphs of the Complaint that requires no response. To the extent any allegations of paragraph 82 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for

any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

83.

This Defendant denies any allegation in paragraph 83 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 83 of the Complaint.

84.

This Defendant denies any allegation in paragraph 84 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any Georgia statute (including O.C.G.A. § 42-4-5) in that a Georgia statute speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 84 of the Complaint.

85.

This Defendant is without knowledge or information as to what constitutes “at all times relevant to this action” as stated in paragraph 85 of the Complaint and as a result, denies paragraph 85 in the manner and form alleged. Further, paragraph 85 of the Complaint constitutes a legal conclusion to which no response is required. To the extent any further response is required or to the extent the allegations of paragraph 85 of the Complaint infer or imply any wrongdoing by this Defendant, this Defendant expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs’ decedent.

86.

This Defendant denies any allegation in paragraph 86 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff’s Office in that a written Standard Operating Procedure of the Dawson County Sheriff’s

Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 86 of the Complaint.

87.

This Defendant denies any allegation in paragraph 87 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 87 of the Complaint. Further, the allegations of paragraph 87 of the Complaint also include a legal conclusion to which no further response is required. To the extent any further response is required or to the extent the allegations of paragraph 87 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed

any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

88.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 88 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 88 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

89.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 89 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 89 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

90.

This Defendant denies the allegations of paragraph 90 of the Complaint.

91.

Paragraph 91 of the Complaint is denied in the manner and form alleged.

92.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 92 of the Complaint, accordingly, said allegations stand denied. To the extent any allegations of paragraph 92 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

93.

This Defendant denies the allegations of paragraph 93 of the Complaint.

94.

This Defendant denies the allegations of paragraph 94 of the Complaint.

95.

This Defendant denies the allegations of paragraph 95 of the Complaint.

96.

This Defendant denies any allegation in paragraph 96 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any email written by Theresa Kirby in that any referenced email written by Theresa Kirby speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 96 of the Complaint. By way of further response, to the extent any allegations of paragraph 96 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other

asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

97.

This Defendant denies any allegation in paragraph 97 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any email written by Theresa Kirby in that any referenced email written by Theresa Kirby speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 97 of the Complaint. By way of further response, to the extent any allegations of paragraph 97 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other

asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

98.

This Defendant denies any allegation in paragraph 98 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any email written by David Lingerfelt in that any referenced email written by David Lingerfelt speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 98 of the Complaint. By way of further response, to the extent any allegations of paragraph 98 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other

asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

99.

The first sentence of paragraph 99 of the Complaint does not specify any time period tied to the alleged estimated figures and is denied in the manner and form alleged. This Defendant is without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 99 of the Complaint, and therefore, said allegations stand denied. To the extent any allegations of paragraph 99 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

100.

This Defendant denies any allegation in paragraph 100 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any referenced memos or forms as any referenced memos or forms speaks for themselves as to their content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 100 of the Complaint.

101.

This Defendant denies any allegation in paragraph 101 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any policies, emails and/or memos as any referenced policies, emails and/or memos speak for themselves as to their content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 101 of the Complaint. To the extent a further response is required or any portions of paragraph 101 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and

further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

102.

This Defendant denies any allegation in paragraph 102 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any standards and memos allegedly published by the American Correctional Association as any referenced allegedly published standards and memos speaks for themselves as to their content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 102 of the Complaint.

103.

This Defendant denies any allegation in paragraph 103 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any standards allegedly published by the United States National Commission on Correctional Health Care as any referenced allegedly published

standards speaks for themselves as to their content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 103 of the Complaint. Further, this Defendant denies the allegations in the last two sentences of paragraph 103 of the Complaint.

104.

This Defendant denies any allegation in paragraph 104 of the Complaint made by Plaintiffs that characterizes, generalizes, summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations of paragraph 104 of the Complaint.

105.

This Defendant denies the allegations of paragraph 105 of the Complaint.

106.

This Defendant did not participate in the circumstances alleged in relation to Plaintiffs' decedent and is, therefore, without sufficient knowledge or information to admit or deny the allegations of paragraph 106 of the Complaint, accordingly,

said allegations stand denied. To the extent any allegations of paragraph 106 of the Complaint are directed or can be interpreted to be directed to this Defendant, or infer or imply any wrongdoing by this Defendant, such allegations are denied and this Defendant further expressly denies that Plaintiffs have stated any viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

107.

This Defendant denies the allegations of paragraph 107 of the Complaint.

COUNT I
CIVIL RIGHTS VIOLATIONS:
42 U.S.C. § 1983 – EIGHTH AND FOURTEENTH AMENDMENTS
ALL DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES

108.

In response to paragraph 108 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

109.

This Defendant denies the allegations of paragraph 109 of the Complaint.

110.

This Defendant denies the allegations of paragraph 110 of the Complaint.

111.

This Defendant denies the allegations of paragraph 111 of the Complaint.

112.

This Defendant denies the allegations of paragraph 112 of the Complaint.

113.

This Defendant denies the allegations of paragraph 113 of the Complaint.

114.

This Defendant denies the allegations of paragraph 114 of the Complaint.

115.

This Defendant denies the allegations of paragraph 115 of the Complaint.

116.

This Defendant denies the allegations of paragraph 116 of the Complaint.

117.

This Defendant denies the allegations of paragraph 117 of the Complaint.

118.

This Defendant denies the allegations of paragraph 118 of the Complaint.

119.

This Defendant denies the allegations of paragraph 119 of the Complaint.

120.

This Defendant denies the allegations of paragraph 120 of the Complaint, including subparagraphs (a)-(g).

121.

This Defendant denies the allegations of paragraph 121 of the Complaint.

122.

This Defendant denies the allegations of paragraph 122 of the Complaint.

123.

This Defendant denies the allegations of paragraph 123 of the Complaint.

COUNT II
CIVIL RIGHTS VIOLATIONS:
42 U.S.C. § 1983 – FOURTEENTH AMENDMENT
FAILURE TO TRAIN OR PROPERLY SUPERVISE

124.

In response to paragraph 124 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

125.

This Defendant denies paragraph 125 of the Complaint in the manner and form alleged.

126.

This Defendant denies paragraph 126 of the Complaint in the manner and form alleged.

127.

This Defendant denies paragraph 127 of the Complaint in the manner and form alleged.

128.

This Defendant denies paragraph 128 of the Complaint in the manner and form alleged.

129.

This Defendant denies any allegations in the first two sentence of paragraph 129 of the Complaint made by Plaintiffs that characterizes, generalizes,

summarizes, excerpts, or construes any written Standard Operating Procedure of the Dawson County Sheriff's Office in that a written Standard Operating Procedure of the Dawson County Sheriff's Office speaks for itself as to its content, context, and meaning. As such, this Defendant denies in the manner and form alleged the allegations in the first two sentence of paragraph 129 of the Complaint. This Defendant denies the allegations in the third sentence of paragraph 129 of the Complaint.

130.

This Defendant denies paragraph 130 of the Complaint in the manner and form alleged. By way of further response, this Defendant states that any Georgia Peace Officer Standards and Training Council ("POST") rules or regulations pertaining to training requirements of peace officers, jail officers, or other types of officers subject to POST rules or regulations speak for themselves as to their content, context and meaning.

131.

This Defendant denies the allegations of paragraph 131 of the Complaint.

132.

This Defendant denies the allegations of paragraph 132 of the Complaint.

133.

This Defendant denies the allegations of paragraph 133 of the Complaint, including subparagraphs (a)-(b).

134.

This Defendant denies the allegations of paragraph 134 of the Complaint.

135.

This Defendant denies the allegations of paragraph 135 of the Complaint.

136.

This Defendant denies the allegations of paragraph 136 of the Complaint.

137.

This Defendant denies the allegations of paragraph 137 of the Complaint.

138.

This Defendant denies the allegations of paragraph 138 of the Complaint.

139.

This Defendant denies paragraph 139 of the Complaint in the manner and form alleged. To the extent any further response is required or to the extent the allegations of paragraph 139 of the Complaint infer or imply any wrongdoing by this Defendant, this Defendant expressly denies that Plaintiffs have stated any

viable claims against him, under the Constitution and laws of the United States, the laws of the State of Georgia, or otherwise, and further expressly denies that this Defendant committed any violation of federally protected civil rights, or that this Defendant is liable for any deliberate indifference to a serious medical condition, the alleged wrongful death, pain and suffering and/or any other asserted claims, damages and/or expenses as a result of the death of Plaintiffs' decedent.

140.

This Defendant denies the allegations of paragraph 140 of the Complaint.

141.

This Defendant denies the allegations of paragraph 141 of the Complaint.

142.

This Defendant denies the allegations of paragraph 142 of the Complaint.

COUNT III
WRONGFUL DEATH UNDER GEORGIA LAW

143.

In response to paragraph 143 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

144.

This Defendant denies the allegations of paragraph 144 of the Complaint.

145.

This Defendant denies the allegations of paragraph 145 of the Complaint.

146.

This Defendant denies the allegations of paragraph 146 of the Complaint.

147.

This Defendant denies the allegations of paragraph 147 of the Complaint.

148.

This Defendant denies the allegations of paragraph 148 of the Complaint.

COUNT IV:
PUNITIVE DAMAGES

149.

In response to paragraph 149 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

150.

This Defendant denies the allegations of paragraph 150 of the Complaint.

151.

This Defendant denies the allegations of paragraph 151 of the Complaint.

COUNT V:
ATTORNEY'S FEES AND COSTS UNDER 42 U.S.C. § 1988

152.

In response to paragraph 152 of the Complaint, this Defendant hereby incorporates by reference all defenses and his responses to the preceding paragraphs of the Complaint as if reasserted in their entirety.

153.

This Defendant denies the allegations of paragraph 153 of the Complaint.

154.

Responding to the prayers for relief following paragraph 153 of the Complaint beginning with the “WHEREFORE” paragraph on page 55 of the Complaint, this Defendant denies that Plaintiffs are entitled to any of the relief sought in the prayers for relief, including but not limited to the relief sought in subparagraphs (a) through (g).

155.

All other allegations in the Complaint not hereinbefore specifically responded to, including any allegations or prayers for relief that may be encompassed within any underlined and bolded headings or titles within the

Complaint that are in between any numbered paragraphs of the Complaint, are hereby denied.

WHEREFORE, this Defendant respectfully requests that this Court:

- (a) Dismiss the Complaint with prejudice;
- (b) Award this Defendant his reasonable attorney's fees, costs and expenses, pursuant to 42 U.S.C. § 1988 or otherwise; and
- (c) Award any and all other relief to the Defendant that this Court may deem just and proper.

Respectfully submitted, this 17th day of June, 2022.

JARRARD & DAVIS, LLP

/s/ Kenneth P. Robin

Kenneth P. Robin

Georgia Bar No. 609798

Patrick D. Jaugstetter

Georgia Bar No. 389680

*Attorneys for Defendant Dawson
County Sheriff Jeff Johnson, in his
individual capacity*

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

JERRY SANFORD and STEPHANIE)
MCCLURE, individually as lawful heirs of)
Jonathan Sanford, and Co-Administrators)
of the ESTATE OF JONATHAN)
SANFORD, DECEASED,)

Plaintiffs,)

v.)

DAWSON COUNTY SHERIFF, JEFF)
JOHNSON, in his individual capacity;)
DAWSON COUNTY SHERIFF’S OFFICE)
DEPUTIES and/or JAILERS ZACHARY)
TOTHEROW, DONALD S. LEWIS,)
STEPHEN D. HOLLOWAY, WILLIAM)
D. JOHNSON, MICHAEL A. WHARTON,)
MADISON A. ELDER, DAVID)
LINGERFELT, and THERESA KIRBY,)
in each of their individual capacities,)

Defendants.)

Civil Action File No.:

2:22-CV-00078-RWS

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with LR 5.1(A), (N. D. Ga.), I have this date electronically filed the within and foregoing **Answer and Defenses of Sheriff Jeff Johnson** in the above-styled action with the Clerk of Court by using the

Court's CM/ECF system, which will automatically send notice of same to the following attorneys of record:

Sean P. Park
The Park Law Firm, LLC
3355 Lenox Road, Suite 750
Atlanta, GA 30326
sean@seanparklaw.com

Andrew J. Richman
Richman Law Firm, LLC
6474 Georgia Highway 400
Cumming, GA 30028
aj@georgiacrime.com

I further certify that the within and foregoing has been prepared in accordance with Local Rule 5.1(C) and is in a 14-point Times New Roman font.

This 17th day of June, 2022.

JARRARD & DAVIS, LLP

/s/ Kenneth P. Robin

Kenneth P. Robin

Georgia Bar No. 609798

*Attorney for Dawson County Sheriff
Jeff Johnson, in his individual
capacity*

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