

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION
CASE NO.: 4:03CV-3-M

EDWARD LEE SUTTON, LESTER H. TURNER,
LINDA JOYCE FORD, TIMOTHY D. MAY,
LADONIA W. WILSON, ROBIN LITTLEPAGE,
ROBERT R. TEAGUE, and TABITHA NANCE
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED

PLAINTIFFS

**ANSWER OF HOPKINS COUNTY, KENTUCKY AND JAMES LANTRIP,
HOPKINS COUNTY JAILER, TO PLAINTIFFS' THIRD AMENDED
COMPLAINT**

v.

HOPKINS COUNTY, KENTUCKY
AND
JIM LANTRIP INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS JAILER
OF HOPKINS COUNTY, KENTUCKY

DEFENDANTS

Come the Defendants, Hopkins County, Kentucky and Jim Lantrip, in his individual and official capacities (hereinafter "Defendants"), by and through the undersigned counsel, and for their answer to Plaintiffs' Third Amended Complaint state as follows:

FIRST DEFENSE

Plaintiffs' Third Amended Complaint fails to state a claim upon which relief can be granted and should therefore be dismissed.

SECOND DEFENSE

Responding to the individually numbered paragraphs of Plaintiffs' Third Amended Complaint, Defendants state as follows:

1. Defendants are without sufficient information to admit or deny the statements

contained in numerical paragraphs 1, 2, 3, 5, 6, 7, 8, 12, 30, 32, 34, and 36 of Plaintiffs' Third Amended Complaint, and, therefore, deny same.

2. Defendants deny the allegations set forth in numerical paragraphs 4, 9, 10, 11, 15, 18, 20, 25, 26, 27, 28, 29, 31, 33, 35, and 37 of Plaintiffs' Third Amended Complaint.

3. Defendants admit the allegations set forth in numerical paragraph 13 of Plaintiffs' Third Amended Complaint.

4. As to numerical paragraph 14 of Plaintiffs' Third Amended Complaint, Defendants admit that Defendant Jim Lantrip is Jailer of Hopkins County Jail. As to the remaining allegations of paragraph 14, Defendants deny same.

5. As to numerical paragraph 16 of Plaintiffs' Third Amended Complaint, Defendants admit that on June 28, 2002 Plaintiffs Edward Lee Sutton and Lester Turner were arrested for alcohol intoxication and were taken to the Hopkins County Jail and were not strip-searched. As to the remaining allegations of paragraph 16, Defendants deny same.

6. As to numerical paragraph 17 of Plaintiffs' Third Amended Complaint, Defendants admit that Plaintiff Linda Joyce Ford was arrested in September, 2002, for writing a bad check. As to the remaining allegations of paragraph 17, Defendants deny same.

7. As to numerical paragraph 19 of Plaintiffs' Third Amended Complaint, Defendants admit that in February, 2002 and May, 2002 Plaintiff, Ladonia Nelson was arrested for a minor non-drug related offense and was pregnant during both incarcerations. As to the remaining allegations of paragraph 19, Defendants deny same.

8. As to numerical paragraph 21 of Plaintiffs' Third Amended Complaint, Defendants admit that Plaintiff Robert Teague was arrested in January, 2003 for writing a bad check. As to the remaining allegations in paragraph 21, Defendants deny same.

9. As to numerical paragraph 22 of Plaintiffs' Third Amended Complaint, Defendants admit that Plaintiff Tabitha Nance was arrested in May, June, and October, 2003 for theft by deception for writing a bad check. As to the remaining allegations in paragraph 22, Defendants deny same.

10. As to numerical paragraph 23 of Plaintiffs' Third Amended Complaint, Defendants admit that Plaintiff Tony Ward was arrested in May, 2004 for a non-violent non-drug related offense. As to the remaining allegations in paragraph 23, Defendants deny same.

11. As to numerical paragraph 24 of Plaintiffs' Third Amended Complaint, Defendants admit that Plaintiff Daniel Todd was arrested in April, 2003 for a non-violent non-drug related offense. As to the remaining allegation in paragraph 24, Defendants deny same.

12. Allegations that are not specifically admitted herein are denied.

THIRD DEFENSE

Defendants hereby reiterate all defenses identified in the previous Answers.

FOURTH DEFENSE

Plaintiffs' Third Amended Complaint is barred by the applicable statute of limitations.

FIFTH DEFENSE

No act or omissions of any individual Defendant violated any clearly established rights of the Plaintiff under the laws of the Constitution of the United States, thus entitled each individual Defendant to qualified immunity from suit.

SIXTH DEFENSE

Plaintiffs' injuries and damages, if any, were solely caused by the acts and omissions of Plaintiffs', and/or the acts and omission of the third persons or parties, known or unknown, thus barring Plaintiffs' Third Amended Complaint.

SEVENTH DEFENSE

To the extent that Plaintiffs' Third Amended Complaint asserts a cause of action for violation of their right to procedural due process, Plaintiffs have an adequate remedy at state law, or alternatively, has failed to plead the inadequacy of remedies under state law, thus barring Plaintiffs' Third Amended Complaint.

EIGHTH DEFENSE

At all times alleged in Plaintiffs' Third Amended Complaint, Defendants were acting in good faith and performing discretionary functions, thus entitling them to official immunity for suit, in their individual capacities, respectively, with respect to any claims arising under the laws of the Commonwealth of Kentucky.

NINTH DEFENSE

Plaintiffs have failed to join indispensable parties, in whose absence complete relief cannot be accorded among those already parties, thus barring Plaintiffs' Third Amended Complaint. Alternatively, Plaintiffs have failed to identify parties not joined, and the reasons why they are not joined.

TENTH DEFENSE

Plaintiffs' Third Amended Complaint fails to state a claim for punitive damages.

ELEVENTH DEFENSE

These Defendants affirmatively plead those defenses contained in F.R.C.P. 8 (c).

TWELFTH DEFENSE

Plaintiffs' Third Amended Complaint is barred by the provisions of the Prison Litigation Reform Act 110 Stat. 1321, 1321-71.

THIRTEENTH DEFENSE

Plaintiffs' Third Amended Complaint against Defendants is barred by the Doctrines of Absolute and/or Qualified Immunity.

FOURTEENTH DEFENSE

Plaintiffs' Third Amended Complaint against Defendants is barred by the Doctrine of Sovereign Immunity.

FIFTEENTH DEFENSE

Plaintiffs' Third Amended Complaint against Defendants is barred by the Doctrine of Governmental Immunity.

SIXTEENTH DEFENSE

Plaintiffs fail to meet the requirements of Fed. R. Civ. P. 23.

WHEREFORE, Defendants pray that Plaintiffs' Third Amended Complaint be dismissed with prejudice, for recovery of costs of suit, including, but not limited to, their reasonable attorneys fees, trial by jury, and any and all other relief to which Defendants may appear to be entitled.

Respectfully submitted,

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By: s/ Stacey Blankenship
Stacey A. Blankenship

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on March 22nd, 2006, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:

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on this 22nd day of March, 2006

By s/ Stacey Blankenship
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