

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA**

J.H., by and through his mother and next friend, N.H.; I.B., by and through his parents and next friends, A.B. and I.B., on behalf of themselves and all others similarly situated,

Plaintiffs-Petitioners,

-against-

JOHN BEL EDWARDS, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF LOUISIANA; THE LOUISIANA OFFICE OF JUVENILE JUSTICE; EDWARD DUSTIN BICKHAM, IN HIS OFFICIAL CAPACITY AS INTERIM DEPUTY SECRETARY OF THE LOUISIANA OFFICE OF JUVENILE JUSTICE; JAMES WOODS, IN HIS OFFICIAL CAPACITY AS THE DIRECTOR OF THE ACADIANA CENTER FOR YOUTH; SHANNON MATTHEWS, IN HER OFFICIAL CAPACITY AS THE DIRECTOR OF THE BRIDGE CITY CENTER FOR YOUTH; SHAWN HERBERT, IN HER OFFICIAL CAPACITY AS THE DIRECTOR OF THE SWANSON CENTER FOR YOUTH AT MONROE; and RODNEY WARD, IN HIS OFFICIAL CAPACITY AS THE DEPUTY DIRECTOR OF THE SWANSON CENTER FOR YOUTH AT COLUMBIA,

Defendants-Respondents.

CIVIL ACTION NO. 3:20-cv-00293-JWD-EWD

CLASS ACTION

**THE LOUISIANA OFFICE OF JUVENILE JUSTICE DEFENDANTS' ANSWER TO
PLAINTIFFS' CLASS ACTION COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND PETITION FOR WRIT OF HABEAS CORPUS**

Under Federal Rules of Civil Procedure 8 and 12, Defendants-Respondents the Louisiana Office of Juvenile Justice ("OJJ"), Edward Dustin Bickham, James Woods, Shannon Matthews,

Shawn Herbert, and Rodney Ward (collectively the “OJJ Defendants”) hereby answer the Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Habeas Corpus (Doc. 1) (hereinafter “Complaint”) filed by Plaintiffs J.H., by and through his mother and next friend, N.H.; I.B., by and through his parents and next friends, A.B. and I.B., on behalf of themselves and all others similarly situated (collectively, the “Plaintiffs”).

ANSWER

INTRODUCTION

1. In response the first sentence of Paragraph 1 of the Complaint, the OJJ Defendants admit only that J.H. and I.B. are have been adjudicated delinquent and are currently housed in OJJ’s secure care facilities. The OJJ Defendants admit the allegations contained in the second sentence of Paragraph 1 of the Complaint. In response to the third sentence of Paragraph 1 of the Complaint, the OJJ Defendants admit only that Plaintiffs have pled that they are attempting to bring this action on behalf of the themselves and all youth offenders housed in OJJ’s secure care facilities (hereinafter referred to collectively as the “Youth” or “Youths”); the OJJ Defendants expressly deny that Plaintiffs should be allowed to bring this action on behalf of other Youths. The OJJ Defendants deny the allegations contained in the fourth and fifth sentences of Paragraph 1 of the Complaint, deny any remaining allegations contained in Paragraph 1 of the Complaint, and specifically deny that Plaintiffs are entitled to any relief whatsoever.

2. The OJJ Defendants state that the documents cited in Paragraph 2 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs’ characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 2 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. To the extent a response is

deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. The OJJ Defendants state that the documents cited in Paragraph 3 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 3 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. The OJJ Defendants admit only that Louisiana has encouraged people to take measures to protect themselves from COVID-19. The OJJ Defendants deny the remaining allegations contained in Paragraph 4 of the Complaint.

5. The OJJ Defendants admit only that as of May 14, 2020, 41 OJJ staff members and 28 Youths housed within OJJ's secure care facilities have tested positive for COVID-19. The OJJ Defendants further state that the documents cited in Paragraph 5 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those documents. The OJJ Defendants also add that the Ciaramella article is general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants deny the remaining allegations of Paragraph 5 of the Complaint.

6. The OJJ Defendants admit the allegation contained in the first sentence of Paragraph 6 of the Complaint. In response to the second sentence of Paragraph 6 of the Complaint, the OJJ Defendants state that the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities speaks for itself; the OJJ Defendants

deny Plaintiffs' characterizations of same. In response the third, fourth, and fifth sentence of Paragraph 6 of the Complaint, the OJJ Defendants state that the documents cited speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those documents. The OJJ Defendants deny the remaining allegations contained in Paragraph 6 of the Complaint.

7. Denied.

8. The OJJ Defendants deny the allegations contained in the first and third sentences of Paragraph 8 of the Complaint. The OJJ Defendants object to the allegations contained in the second sentence of Paragraph 8 of the Complaint to the extent the allegations call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. The OJJ Defendants further object to the allegations contained in Paragraph 8 of the Complaint to the extent they concern obligations that arise under the Louisiana Constitution, as this 42 U.S.C. § 1983 action is not an appropriate vessel for asserting violations of state law. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in the second and third sentence of Paragraph 8 of the Complaint.

9. The OJJ Defendants deny the allegations contained in Paragraph 9 of the Complaint and specifically deny that Plaintiffs are entitled to any relief whatsoever.

JURISDICTION AND VENUE

10. The OJJ Defendants object to the allegations contained in Paragraph 10 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. The OJJ Defendants further assert that the class-action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification. To the extent a response is deemed required, the OJJ Defendants admit only that Plaintiffs' Complaint attempts to assert claims under federal statutes and the United States Constitution, and the OJJ Defendants are

without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. The OJJ Defendants object to the allegations contained in Paragraph 11 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Plaintiffs' Complaint attempts to assert claims under federal statutes and the United States Constitution, and the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 11 of the Complaint.

12. The OJJ Defendants object to the allegations contained in Paragraph 12 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny that there are any "events giving rise to the claims asserted in [Plaintiffs' C]omplaint," and the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 12 of the Complaint.

13. The OJJ Defendants object to the allegations contained in Paragraph 13 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

14. The OJJ Defendants object to the allegations contained in Paragraph 14 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants are without

knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

PARTIES

15. The OJJ Defendants admit only that Plaintiff J.H. is a minor who, at the time of this Answer, is housed at OJJ's Acadiana Center for Youth, and that Plaintiff J.H. was previously housed at Bridge City Center for Youth. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15 of the Complaint.

16. The OJJ Defendants admit only that I.B. is a minor who, at the time of this Answer, is housed at OJJ's Swanson Center for Youth at Monroe. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 16 of the Complaint.

17. The OJJ Defendants admit the allegations contained in the first sentence of Paragraph 1 of the Complaint. In response to the second and third sentences of Paragraph 17 of the Complaint, the OJJ Defendants state that Article IV, § 5 of the Louisiana Constitution and Louisiana R.S. § 29.724(D)(1) speak for themselves, and the OJJ Defendants object to the allegations to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third sentences Paragraph 17 of the Complaint. The OJJ Defendants deny the allegations contained in the fourth, fifth, and sixth sentences of Paragraph 17 of the Complaint. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in the seventh sentence of Paragraph 17 of the Complaint. The OJJ Defendants deny any remaining allegations contained in Paragraph 17 of the Complaint.

18. The OJJ Defendants object to the allegations contained in the first sentence of Paragraph 18 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that OJJ has certain responsibilities with regard to the youth offenders who have been adjudicated delinquent and assigned to OJJ's care; the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the first sentence of Paragraph 18 of the Complaint. The OJJ Defendants admit the allegations contained in the second sentence of Paragraph 18 of the Complaint.

19. In response to the first sentence of Paragraph 19 of the Complaint, the OJJ Defendants admit that, at the time the Complaint was filed, Edward Dustin Bickham was the Interim Deputy Secretary of the OJJ and state that Edward Dustin Bickham is currently the Deputy Secretary of the OJJ. The OJJ Defendants object to the allegations contained in the second sentence of Paragraph 19 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Deputy Secretary Bickham was appointed by Governor Edwards, that he serves as the agency head of OJJ, and that he has certain responsibilities with regard to OJJ's operations; the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second sentence of Paragraph 19 of the Complaint. In response to the allegations contained in the third sentence of Paragraph 19 of the Complaint, the OJJ Defendants admit only that, in Deputy Secretary Bickham's official capacity, he can be served at 7919 Independence Blvd., State Police

Headquarters, First Floor, Baton Rouge, LA 70806. The OJJ Defendants deny the remaining allegations contained in Paragraph 20 of the Complaint.

20. The OJJ Defendants admit the allegations contained in the first sentence of Paragraph 20 of the Complaint. The OJJ Defendants object to the allegations contained in the second sentence of Paragraph 20 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Mr. Woods has certain responsibilities regarding the operation of the Acadiana Center for Youth and that Plaintiff J.H. is presently housed at the Acadiana Center for Youth; the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second sentence of Paragraph 20 of the Complaint. In response to the allegations contained in the third sentence of Paragraph 20 of the Complaint, the OJJ Defendants admit only that, in his official capacity, Mr. Woods can be served at 1536 Bordelon Road, Bunkie, LA 71322. The OJJ Defendants deny the remaining allegations contained in Paragraph 20 of the Complaint.

21. Denied.

22. In response to the allegations contained in the first sentence of Paragraph 22 of the Complaint, the OJJ Defendants admit only that Shawn Herbert is the Interim Director of the Swanson Center for Youth at Monroe; the OJJ Defendants deny the remaining allegations contained in the first sentence of Paragraph 22 of the Complaint. The OJJ Defendants object to the allegations contained in the second sentence of Paragraph 22 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Ms. Herbert has certain responsibilities regarding the operation of the Swanson Center for Youth at Monroe and that

Plaintiff I.B. is presently housed at the Swanson Center for Youth at Monroe; the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second sentence of Paragraph 22 of the Complaint. In response to the allegations contained in the third sentence of Paragraph 22 of the Complaint, the OJJ Defendants admit only that Shawn Herbert is the Interim Director of the Swanson Center for Youth at Columbia; the OJJ Defendants deny the remaining allegations contained in the third sentence of Paragraph 22 of the Complaint. The OJJ Defendants object to the allegations contained in the fourth sentence of Paragraph 22 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Ms. Herbert has certain responsibilities regarding the operation of the Swanson Center for Youth at Columbia; the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the fourth sentence of Paragraph 22 of the Complaint. In response to the allegations contained in the fifth sentence of Paragraph 22 of the Complaint, the OJJ Defendants admit only that, in her official capacity, Ms. Herbert can be served at 4701 South Grand St., Monroe, LA 71202 and/or 132 Hwy 850, Columbia, LA 71418. The OJJ Defendants deny the remaining allegations contained in Paragraph 22 of the Complaint.

23. The OJJ Defendants admit the allegations contained in the first sentence of Paragraph 23 of the Complaint. The OJJ Defendants object to the allegations contained in the second sentence of Paragraph 23 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Mr. Ward has certain responsibilities regarding the operation of the Swanson Center for Youth at Columbia; the OJJ Defendants are without

knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second sentence of Paragraph 23 of the Complaint. In response the allegations contained in the third sentence of Paragraph 23 of the Complaint, the OJJ Defendants admit only that, in his official capacity, Mr. Ward can be served at 132 Hwy 850, Columbia, LA 71418. The OJJ Defendants deny the remaining allegations contained in Paragraph 23 of the Complaint.

FACTUAL ALLEGATIONS

I. The OJJ Defendants deny the allegations, if any, contained in Heading I on page 9 of Plaintiffs' Complaint.

24. The OJJ defendants admit only that COVID-19 is a contagious virus for which there is no current vaccine. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 24 of the Complaint.

25. The OJJ Defendants state that the documents cited in Paragraph 25 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those document. The OJJ Defendants also assert that the allegations contained in Paragraph 25 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 25 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. The OJJ Defendants state that the documents cited in Paragraph 26 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those document.

The OJJ Defendants also assert that the allegations contained in Paragraph 26 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 26 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. The OJJ Defendants state that the documents cited in Paragraph 27 of the Complaint speak for themselves; the OJJ Defendants deny Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 27 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 27 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. The OJJ Defendants state that the documents cited in Paragraph 28 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 28 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ

Defendants object to the allegations contained in Paragraph 28 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.

29. The OJJ Defendants state that the documents cited in Paragraph 29 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 29 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 29 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. The OJJ Defendants state that the documents cited in Paragraph 30 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 30 of the Complaint and the documents therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 30 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response

is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. The OJJ Defendants state that the documents cited in Paragraph 31 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 31 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 31 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. The OJJ Defendants state that the documents cited in Paragraph 32 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 32 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 32 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint.

33. The OJJ Defendants state that the documents cited in Paragraph 33 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 33 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 33 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. The OJJ Defendants state that the documents cited in Paragraph 34 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 34 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 34 of the Complaint to the extent they are technical or scientific in nature and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

35. The OJJ Defendants state that the documents cited in Paragraph 35 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 35 of the

Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 35 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. The OJJ Defendants state that the documents cited in Paragraph 36 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 36 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 36 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 36 of the Complaint.

a. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations, if any, contained in Heading I.a. on page 15 of Plaintiffs' Complaint.

37. The OJJ Defendants state that the documents cited in Paragraph 37 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that these allegations contained in Paragraph 37 and

the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 37 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. The OJJ Defendants state that the documents cited in Paragraph 38 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 38 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 38 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. The OJJ Defendants state that the documents cited in Paragraph 39 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 39 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 39 of the Complaint to the extent they

are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of the Complaint.

b. The OJJ Defendants deny that the Youth in its custody “are especially vulnerable to COVID-19” and are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations, if any, contained in Heading I.b. on page 16 of Plaintiffs’ Complaint.

40. The OJJ Defendants state that the documents cited in Paragraph 40 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs’ characterizations of those documents. The OJJ Defendants further assert that the allegations contained in Paragraph 40 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 40 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. The OJJ Defendants state that the documents cited in Paragraph 41 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs’ characterizations of those documents. The OJJ Defendants further assert that the allegations contained in Paragraph 41 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ

Defendants object to the allegations contained in Paragraph 41 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. The OJJ Defendants admit only that, as of the date of the filing of the Complaint, 41 OJJ staff members and 28 youth offenders housed within OJJ's secure care facilities have tested positive for COVID-19. The OJJ Defendants state that the documents cited in Paragraph 42 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants deny the remaining allegations contained in Paragraph 42 of the Complaint.

43. The OJJ Defendants admit only that Youth within OJJ's secure care facilities are housed in dormitories and that there are no more than 12 Youths housed in any one dorm. The OJJ Defendants deny the remaining allegations contained in Paragraph 43 of the Complaint.

44. The OJJ Defendants state that the CDC guidance cited in Paragraph 44 of the Complaint speaks for itself; the OJJ Defendants deny Plaintiffs' characterizations of that document. The OJJ Defendants deny the remaining allegations contained in Paragraph 44 of the Complaint.

45. The OJJ Defendants state that the documents cited in Paragraph 45 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 45 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ

Defendants object to the allegations contained in Paragraph 45 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. The OJJ Defendants state that the documents cited in Paragraph 46 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

c. The OJJ Defendants deny the allegations contained in Heading I.c. on page 20 of Plaintiffs' Complaint.

47. Denied.

48. Denied.

49. Denied.

50. The OJJ Defendants state that the documents cited in Paragraph 50 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 50 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 50 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or

information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. The OJJ Defendants state that the documents cited in Paragraph 51 of the Complaint speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in Paragraph 51 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of the current conditions of OJJ facilities or of Youths presently housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 51 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. The OJJ Defendants state that the World Health Organization's statement speaks for itself; the OJJ Defendants object to Plaintiffs' characterizations of the document. The OJJ Defendants also assert that the allegations contained in Paragraph 52 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in Paragraph 52 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in the second sentence of Paragraph 52 of the Complaint, and the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first and third sentences of Paragraph 52 of the Complaint.

d. The OJJ Defendants deny the allegations contained in Heading I.d. on page 22 of Plaintiffs' Complaint.

53. Denied.

54. The OJJ Defendants state that the letter cited in Paragraph 54 of the Complaint speaks for itself; the OJJ Defendants object to Plaintiffs' characterizations of the document. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. The OJJ Defendants state that the documents cited in Paragraph 55 of the Complaint speaks for themselves; the OJJ Defendants object to Plaintiffs' characterizations of the document. To the extent a response is deemed required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

II. The OJJ Defendants deny the allegations contained in Heading II on page 23 of Plaintiffs' Complaint.

56. Denied.

a. The OJJ Defendants deny the allegations contained in Heading II.a. on page 24 of Plaintiffs' Complaint.

57. Denied.

58. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Denied.

60. The OJJ Defendants deny the allegations contained in the first and second sentences of Paragraph 60 of the Complaint. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third and fourth sentences of Paragraph 60 of the Complaint.

61. Denied.

62. The OJJ Defendants admit only that it has published COVID-19 information on its website, that it updates the information on its website about the number of COVID-19 positive Youth and staff members in its secure care facilities, that as of May 14, 2020, OJJ reported 41 staff members at its secure care facilities and 28 Youth housed within its secure care facilities have tested positive for COVID-19, that those 28 Youth have recovered, and that the number of Youth who tested positive for COVID-19 remained steady from April 21, 2020 through the date of the filing of the Complaint. The OJJ Defendants deny the remaining allegations contained in Paragraph 62 of the Complaint.

63. The OJJ Defendants deny the allegations contained in the first and second sentences of Paragraph 63 of the Complaint. In response to the allegations contained in the third and fourth sentences of Paragraph 63 of the Complaint, the OJJ Defendants state that the documents cited therein speak for themselves; the OJJ Defendants object to Plaintiffs' characterizations of those documents. The OJJ Defendants also assert that the allegations contained in the third and fourth sentences of Paragraph 63 of the Complaint and the documents cited therein are general in nature and not based on any studies, research, or investigations of OJJ facilities or Youths housed within OJJ facilities. The OJJ Defendants object to the allegations contained in the third and fourth sentences of Paragraph 63 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. To the extent a response is deemed

required, the OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third and fourth sentences of Paragraph 63 of the Complaint

64. Denied.

65. Denied.

66. Denied.

b. The OJJ Defendants deny the allegations contained in Heading II.b. on page 27 of Plaintiffs' Complaint.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. In response to the allegations contained in the first sentence of Paragraph 72 of the Complaint, the OJJ Defendants state that the CDC document speaks for itself; the OJJ Defendants deny Plaintiffs' characterizations of that document. The OJJ Defendants deny the remaining allegations contained in Paragraph 72 of the Complaint.

73. The OJJ Defendants state that the OJJ Youth Services Policy cited in Paragraph 73 of the Complaint speaks for itself; the OJJ Defendants deny Plaintiffs' characterization of that document. The OJJ Defendants admit only that in March 2020, certain Youth were granted permission from the Louisiana Juvenile Courts to receive a temporary furlough and that the furlough policy is intended, in part, to assist Youth in maintaining family and community relations

while incarcerated. The OJJ Defendants deny the remaining allegations contained in Paragraph 73 of the Complaint.

c. The OJJ Defendants deny the allegations contained in Heading II.c. on page 30 of Plaintiffs' Complaint.

74. The OJJ Defendants object to the allegations contained in Paragraph 74 of the Complaint to the extent they are based on technical or scientific information and are not properly supported by expert testimony. The OJJ Defendants further state that the document cited in Paragraph 74 speaks for itself; the OJJ Defendants deny Plaintiffs' characterizations of that document. To the extent a response is deemed required, the OJJ Defendants admit only that they implemented appropriate quarantine and medical isolation policies in response to COVID-19, and the OJJ Defendants deny the remaining allegations contained in Paragraph 74 of the Complaint.

75. Denied.

76. Denied.

77. The OJJ Defendants admit only that certain parole and probation officers on occasion have worked shifts in the secure care facilities and that when Youth are outside of the secure care facilities there is a potential risk that the Youth may become exposed to COVID-19, and the OJJ Defendants further state that they have implemented appropriate monitoring and quarantine procedures to mitigate the risk of a Youth who enters or re-enters a secure care facility from transmitting COVID-19 to the other Youths and the staff. The OJJ Defendants deny the remaining allegations contained in Paragraph 77 of the Complaint.

78. Denied.

79. Denied.

80. Denied.

81. The OJJ Defendants deny that there has been a “lack of accountability and transparency” as alleged in Paragraph 81 of the Complaint. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 81 of the Complaint.

CLASS ACTION ALLEGATIONS

82. The OJJ Defendants admit only that the Named Plaintiffs are bringing this action in their individual capacity and that they are attempting to seek class-certification to represent other Youth in the secure care facilities. The OJJ Defendants deny the remaining allegations contained in Paragraph 82 of the Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

83. The OJJ Defendants object to the allegation contained in Paragraph 86 of the Complaint to the extent it calls for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegation contained in Paragraph 83 of the Complaint.

84. The OJJ Defendants object to the allegation contained in Paragraph 86 of the Complaint to the extent it calls for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegation contained in Paragraph 84 of the Complaint.

I. The OJJ Defendants deny the allegations, if any, contained in Heading I on page 33 of Plaintiffs’ Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

85. The OJJ Defendants assert that the class-action requirements of Fed. R. Civ. P. 23 are lacking, that Plaintiffs are not entitled to class certification, and that Plaintiffs are not entitled to any relief whatsoever from the OJJ Defendants. The OJJ Defendants deny the remaining allegations contained in Paragraph 85 of the Complaint.

II. The OJJ Defendants deny the allegations, if any, contained in Heading II on page 33 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

86. The OJJ Defendants object to the allegation contained in Paragraph 86 of the Complaint to the extent it calls for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegation contained in Paragraph 86 of the Complaint.

a. The OJJ Defendants deny the allegations, if any, contained in Heading II.a. on page 33 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

87. The OJJ Defendants object to the allegations contained in Paragraph 87 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that as of April 19, 2020, there were approximately 220 children housed within OJJ's secure care facilities, and the OJJ Defendants deny the remaining allegations contained in Paragraph 87 of the Complaint.

88. Denied.

89. The OJJ Defendants object to the allegation contained in Paragraph 89 of the Complaint to the extent it calls for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegation contained in Paragraph 89 of the Complaint.

b. The OJJ Defendants deny the allegations, if any, contained in Heading II.b. on page 34 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

90. The OJJ Defendants object to the allegations contained in Paragraph 90 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 90 of the Complaint.

91. The OJJ Defendants object to the allegation contained in Paragraph 91 of the Complaint to the extent it calls for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegation contained in Paragraph 91 of the Complaint.

92. The OJJ Defendants object to the allegations contained in Paragraph 92 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 92 of the Complaint.

93. The OJJ Defendants object to the allegations contained in Paragraph 93 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions

of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 93 of the Complaint.

94. The OJJ Defendants object to the allegations contained in Paragraph 94 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 94 of the Complaint.

c. The OJJ Defendants deny the allegations, if any, contained in Heading II.c. on page 35 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

95. The OJJ Defendants object to the allegations contained in Paragraph 95 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 95 of the Complaint.

d. The OJJ Defendants deny the allegations, if any, contained in Heading II.d. on page 36 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

96. The OJJ Defendants object to the allegations contained in Paragraph 96 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 96 of the Complaint.

97. The OJJ Defendants object to the allegations contained in Paragraph 97 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 97 of the Complaint.

98. The OJJ Defendants admit only that the referenced attorneys represent the named Plaintiffs in this action. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 98 of the Complaint. The OJJ Defendants further assert that the adequacy requirement of Fed. R. Civ. P. 23(a)(4) is lacking and that Plaintiffs are not entitled to class certification.

99. The OJJ Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the Complaint. The OJJ Defendants further assert that the adequacy requirement of Fed. R. Civ. P. 23(a)(4) is lacking and that Plaintiffs are not entitled to class certification.

III. The OJJ Defendants deny the allegations, if any, contained in Heading III on page 36 of Plaintiffs' Complaint. The OJJ Defendants deny that the class-action requirements of Fed. R. Civ. P. 23 can be satisfied and state that Plaintiffs are not entitled to class certification.

100. The OJJ Defendants object to the allegations contained in Paragraph 100 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 100 of the Complaint. The OJJ Defendants further assert that the requirements of Fed. R. Civ. P. 23(b) are lacking and that Plaintiffs are not entitled to class certification.

101. The OJJ Defendants object to the allegations contained in Paragraph 101 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 101 of the Complaint.

102. The OJJ Defendants object to the allegations contained in Paragraph 102 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 102 of the Complaint.

103. The OJJ Defendants object to the allegations contained in Paragraph 103 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 103 of the Complaint. The OJJ Defendants further assert that the requirements of Fed. R. Civ. P. 23(b) are lacking and that Plaintiffs are not entitled to class certification.

CLAIMS FOR RELIEF

I. The OJJ Defendants deny the allegations, if any, contained in Heading I on page 37 of Plaintiffs' Complaint.

104. The OJJ Defendants adopt and incorporate their previous responses to Paragraphs 1 through 103 of the Complaint as if fully set forth herein.

105. The OJJ Defendants object to the allegations contained in Paragraph 105 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 105 of the Complaint.

106. Denied. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

107. Denied. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

108. The OJJ Defendants object to the allegations contained in Paragraph 108 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 108 of the Complaint.

109. The OJJ Defendants object to the allegations contained in Paragraph 109 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants admit only that Youths are placed in OJJ's custody for various purposes, including rehabilitation, and the OJJ Defendants deny the allegations contained in Paragraph 109 of the Complaint.

110. The OJJ Defendants object to the allegations contained in Paragraph 110 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 110 of the Complaint.

111. The OJJ Defendants object to the allegations contained in Paragraph 111 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 111 of the Complaint.

112. The OJJ Defendants object to the allegations contained in Paragraph 112 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions

of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 112 of the Complaint.

113. The OJJ Defendants object to the allegations contained in Paragraph 113 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 113 of the Complaint. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

114. The OJJ Defendants object to the allegations contained in Paragraph 114 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 114 of the Complaint and specifically deny that Plaintiffs are entitled to any relief whatsoever. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

II. The OJJ Defendants deny the allegations, if any, contained in Heading II on page 39 of Plaintiffs' Complaint.

115. The OJJ Defendants adopt and incorporate their previous responses to Paragraphs 1 through 114 of the Complaint as if fully set forth herein.

116. The OJJ Defendants object to the allegations contained in Paragraph 116 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 116 of the Complaint.

117. The OJJ Defendants object to the allegations contained in Paragraph 117 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 117 of the Complaint. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

118. Denied. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

119. Denied.

120. The OJJ Defendants object to the allegations contained in Paragraph 120 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 120 of the Complaint. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

121. The OJJ Defendants object to the allegations contained in Paragraph 121 of the Complaint to the extent they call for a conclusion of law. The OJJ Defendants refer all questions of law to the Court. To the extent a response is deemed required, the OJJ Defendants deny the allegations contained in Paragraph 121 of the Complaint and specifically deny that Plaintiffs are entitled to any relief whatsoever. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

RESPONSE TO PLAINTIFFS' PRAYER FOR RELIEF

In response to the unnumbered paragraph beginning “WHEREFORE, Plaintiffs-Petitioners,” and to its subparts (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), the OJJ Defendants deny the allegations contained in the unnumbered paragraph and subparts and specifically deny that Plaintiffs are entitled to any relief or recovery whatsoever from the OJJ Defendants. The OJJ Defendants demand strict proof of the allegations made and the damages, fees, and expenses requested by Plaintiffs. The OJJ Defendants further assert that the class action requirements of Fed. R. Civ. P. 23 are lacking and that Plaintiffs are not entitled to class certification.

GENERAL DENIAL

All allegations not previously admitted, including any and all allegations contained in the documents attached to Plaintiffs' Complaint, hereby are denied.

AFFIRMATIVE DEFENSES

The OJJ Defendants, pleading in the affirmative and without prejudice to their other pleadings, states the following additional defenses. By asserting these defenses, the OJJ Defendants do not assume any burden of proof not otherwise legally assigned to them. The OJJ Defendants further reserve the right to rely upon any of the following defenses or any additional defenses to the claims asserted by Plaintiffs, to the extent that such defenses are supported by information developed through discovery or by evidence at trial.

First Defense

The OJJ Defendants assert that Plaintiffs have failed to exhaust all administrative remedies prior to filing this action, as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a).

Second Defense

The OJJ Defendants hereby invoke and assert all defenses afforded under the Prison Litigation Reform Act of 1995, Pub. L. No. 104 34, 110 Stat. 1321 (1996), including, but not limited to, those defenses set forth in 42 U.S.C. §1997.

Third Defense

Plaintiffs lack standing to assert some or all of the claims set forth in the Complaint.

Fourth Defense

The OJJ Defendants assert that Plaintiffs cannot meet the class action requirements of Fed. R. Civ. P. 23, that the named Plaintiffs are not entitled to represent any unnamed members of the putative class, and that Plaintiffs are not entitled to class certification.

Fifth Defense

The individual OJJ Defendants assert that they are entitled to the defense of qualified immunity.

Sixth Defense

The request for declaratory and injunctive relief is moot with respect to any Plaintiff who is not incarcerated in OJJ's secure care facilities.

Seventh Defense

Plaintiffs' claims for declaratory or injunctive relief are moot.

Eighth Defense

Alternatively, Plaintiffs' claims for declaratory or injunctive relief are not ripe.

Ninth Defense

The OJJ Defendants affirmatively assert that Plaintiffs' Complaint fails to state a cause of action upon which relief can be granted and should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

Tenth Defense

Plaintiffs have failed to join as real parties in interest, certain indispensable parties and therefore the Complaint is barred.

Eleventh Defense

The OJJ Defendants are entitled to attorney fees and costs pursuant to 42 U.S.C. § 1988, and other applicable law.

Twelfth Defense

The allegations of Plaintiffs' Complaint fail to give reasonable notice of facts sufficient to evaluate all of her defenses. For that reason, to the extent applicable, the OJJ Defendants affirmatively plead duress, illegality, res judicata, statute of limitations, collateral estoppel, and any other matter constituting an avoidance or an affirmative defense that is available to the OJJ Defendants.

Thirteenth Defense

The OJJ Defendants hereby reserve the right upon completion of their investigation and discovery to file such additional defenses, affirmative defenses, cross-claims, counterclaims, and/or third party complaints as may be appropriate.

WHEREFORE, the OJJ Defendants respectfully request that this Court dismiss Plaintiffs' Complaint and tax all costs of this action against Plaintiffs.

Dated: July 7, 2020

Respectfully submitted,

Defendants The Louisiana Office of Juvenile Justice,
Edward Dustin Bickham, James Woods, Shannon
Matthews, Shawn Herbert, and Rodney Ward

By: S/Kyle V. Miller
Kyle V. Miller, *admitted pro hac vice*
Lemuel E. Montgomery III, *admitted pro hac*
vice
Butler Snow LLP
1020 Highland Colony Parkway, Suite 1400
Ridgeland, MS 39157
kyle.miller@butlersnow.com
lem.montgomery@butlersnow.com
Phone: 601-948-5711
Fax: 601-985-4500

Randal J. Robert (La. Bar No. 21840)
Connell L. Archey (La. Bar No. 20086)
Allena W. McCain (La. Bar. No. 38830)
Butler Snow LLP
City Plaza
445 North Boulevard, Suite 300 (70802)
P.O. Box 2997
Baton Rouge, LA 70821
randy.robert@butlersnow.com
connell.archey@butlersnow.com
allena.mccain@butlersnow.com
Phone: 225-325-8735
Fax: 225-343-0630

Defendants' Attorneys

CERTIFICATE OF SERVICE

I, Kyle V. Miller, hereby certify that I have today served the foregoing Answer via the Court's electronic filing system, which provided notice to all counsel of record.

Dated: July 7, 2020

S/Kyle V. Miller
KYLE V. MILLER

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