

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

TANYA PERRY MOUNT,)	
)	
PLAINTIFF)	
V.)	CIVIL ACTION NO. CV 113-00199
)	
RICHMOND COUNTY SCHOOL)	
SYSTEM,)	
TED BROWN, Individually and in His)	
Official Capacity as Captain of the)	
School System Police Department,)	
And)	
JANINA DALLAS, Individually and in)	
Her Official Capacity as Principal of)	
McBean Elementary School,)	
)	
DEFENDANTS)	

ANSWER

COMES NOW Janina Dallas, Individually, and in her official capacity as Principal of McBean Elementary School, defendant in the above-captioned matter, and answers the allegations contained in plaintiff’s Complaint as follows:

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim against defendant Dallas upon which relief may be granted.

SECOND DEFENSE

Defendant Dallas is not indebted to the plaintiff in any sum whatsoever.

THIRD DEFENSE

Defendant Dallas is entitled to qualified immunity from suit, and from liability, in this action. Therefore, plaintiff's Complaint against defendant Dallas both in her individual capacity and in her official capacity should be dismissed.

FOURTH DEFENSE

Claims against defendant Dallas in her "official capacity" are duplicative of claims against the County Board of Education of Richmond County (the "Board"), incorrectly designated in plaintiff's Complaint as the "Richmond County School System." Therefore, all claims against defendant Dallas in her official capacity should be dismissed.

FIFTH DEFENSE

Defendant Dallas did not violate any of plaintiff's constitutional rights, and the plaintiff is not entitled to damages, or declaratory or injunctive relief, against defendant Dallas. Therefore, plaintiff's Complaint should be dismissed.

SIXTH DEFENSE

As to plaintiff's claims, defendant Dallas shows that under all the facts and circumstances, her conduct was objectively reasonable.

SEVENTH DEFENSE

Defendant Dallas shows that the plaintiff was not deprived of any rights under any amendment to, or provision of, the United States Constitution. Therefore, plaintiff's Complaint should be dismissed.

EIGHTH DEFENSE

Plaintiff suffered no damages proximately caused by any act or omission allegedly attributable to defendant Dallas. Therefore, plaintiff's Complaint should be dismissed.

NINTH DEFENSE

As to plaintiff's claims, defendant Dallas shows that she in her official capacity maintains no policy which has resulted in the violation of any constitutional right alleged by the plaintiff; that no deliberate indifference may be shown on behalf of defendant Dallas; and, that plaintiff's claims should therefore be dismissed.

TENTH DEFENSE

Defendant Dallas hereby responds to the allegations contained in the individually enumerated paragraphs of plaintiff's Complaint as follows:

1. The allegations of paragraph one of plaintiff's Complaint speak for themselves. In further response, defendant Dallas shows that plaintiff is not entitled to relief, and that plaintiff's claims should be dismissed.

2. Defendant Dallas admits that this honorable Court has jurisdiction as to this matter.

3. Defendant Dallas admits that venue is proper. In further response, Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding plaintiff's residence.

4. The allegations of paragraph four of plaintiff's Complaint constitute legal conclusions to which no response is required of this defendant. Defendant Dallas denies any remaining allegations contained in paragraph four of plaintiff's Complaint.

5. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph five of plaintiff's Complaint.

6. Defendant Dallas shows that plaintiff's claims are without merit, and that all claims against all defendants should be dismissed. Defendant Dallas denies as alleged any remaining allegations contained in paragraph six of plaintiff's Complaint.

7. Defendant Dallas admits that the County Board of Education of Richmond County (the "Board") operates the Richmond County public school system. Defendant Dallas denies any remaining allegations contained in paragraph seven of plaintiff's Complaint.

8. Defendant Dallas admits that she and defendant Brown are employees of the Board. Defendant Dallas denies as alleged any remaining allegations contained in paragraph eight of plaintiff's Complaint.

9. Defendant Dallas admits the allegations contained in paragraph nine of plaintiff's Complaint.

10. Defendant Dallas admits that she is the principal of McBean Elementary School, and that McBean Elementary School is a school within the public school system of Richmond County. Defendant Dallas denies as alleged any remaining allegations contained in paragraph ten of plaintiff's Complaint.

11. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph eleven of plaintiff's Complaint.

12. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph twelve of plaintiff's Complaint.

13. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph thirteen of plaintiff's Complaint.

14. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph fourteen of plaintiff's Complaint.

15. Based upon information and belief, defendant Dallas admits the allegations contained in paragraph fifteen of plaintiff's Complaint.

16. Defendant Dallas denies the allegations contained in paragraph sixteen of plaintiff's Complaint.

17. Upon information and belief, defendant Dallas denies that defendant Brown requested that plaintiff come to his office, but she believes that the plaintiff did go to defendant Brown's office on or about October 23, 2013. Defendant Dallas denies any remaining allegations contained in paragraph seventeen of plaintiff's Complaint.

18. Defendant Dallas denies the allegations contained in paragraph eighteen of plaintiff's Complaint.

19. Defendant Dallas denies the allegations contained in paragraph nineteen of plaintiff's Complaint.

20. Defendant Dallas denies the allegations contained in paragraph twenty of plaintiff's Complaint.

21. Defendant Dallas admits the allegations contained in paragraph twenty-one of plaintiff's Complaint.

22. Defendant Dallas admits the allegations contained in paragraph twenty-two of plaintiff's Complaint, although plaintiff made a number of statements that reasonably caused concern to school officials.

23. Responding to the allegations contained in paragraph twenty-three of plaintiff's Complaint, defendant Dallas admits that plaintiff's daughter was zoned to attend McBean Elementary School at certain times during the referenced time frame. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph twenty-three of plaintiff's Complaint.

24. Responding to the allegations contained in paragraph twenty-four of plaintiff's Complaint, defendant Dallas shows that the plaintiff was not prohibited from entering McBean Elementary School, and defendant Dallas denies the allegations contained in paragraph twenty-four of plaintiff's Complaint.

25. Defendant Dallas denies the allegations contained in paragraph twenty-five of plaintiff's Complaint.

26. Defendant Dallas denies as alleged the allegations contained in paragraph twenty-six of plaintiff's Complaint. In further response, defendant Dallas admits that plaintiff's zone change request was granted.

27. Responding to the allegations contained in paragraph twenty-seven of plaintiff's Complaint, upon information and belief, defendant Dallas denies as alleged these allegations.

28. Responding to the allegations contained in paragraph twenty-eight of plaintiff's Complaint, defendant Dallas shows that all zone assignment exceptions are reviewed annually and plaintiff would have been so advised. Defendant Dallas denies the remaining allegations contained in paragraph twenty-eight of plaintiff's Complaint.

29. Responding to the allegations contained in paragraph twenty-nine of plaintiff's Complaint, as all students who are granted zone exceptions provide their own transportation, defendant Dallas admits the allegations contained in paragraph twenty-nine of plaintiff's Complaint.

30. Responding to the allegations contained in paragraph thirty of plaintiff's Complaint, defendant Dallas shows that plaintiff's daughter was eligible to ride the school bus while she attended McBean Elementary School. Defendant Dallas is without knowledge or information sufficient to form a belief as to the

truth of the remaining allegations contained in paragraph thirty of plaintiff's Complaint.

31. Defendant Dallas denies the allegations contained in paragraph thirty-one of plaintiff's Complaint.

32. Defendant Dallas denies the allegations contained in paragraph thirty-two of plaintiff's Complaint.

33. Defendant Dallas is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph thirty-three of plaintiff's Complaint.

34. Defendant Dallas denies the allegations contained in paragraph thirty-four of plaintiff's Complaint.

35. Responding to the allegations contained in paragraph thirty-five of plaintiff's Complaint, defendant Dallas shows that she and defendant Brown are employed by the Board, and that they fulfill duties and responsibilities incident to their employment by the Board. Due to the vague nature of the remaining allegations contained in paragraph thirty-five of plaintiff's Complaint, these remaining allegations are denied as alleged.

36. Responding to the allegations contained in paragraph thirty-six of plaintiff's Complaint, defendant Dallas admits that certain actions were taken

under color of state law. Due to the vague nature of the remaining allegations contained in paragraph thirty-six of plaintiff's Complaint, these remaining allegations are denied as alleged.

37. Defendant Dallas denies the allegations contained in paragraph thirty-seven of plaintiff's Complaint.

38. Defendant Dallas denies the allegations contained in paragraph thirty-eight of plaintiff's Complaint.

39. Defendant Dallas denies the allegations contained in paragraph thirty-nine of plaintiff's Complaint.

40. Defendant Dallas shows that all of plaintiff's demands for relief contained in paragraphs forty through forty-six of plaintiff's Complaint should be denied.

41. Defendant Dallas denies each and every other allegation contained in plaintiff's Complaint not heretofore specifically answered.

WHEREFORE, defendant Dallas prays the relief sought in plaintiff's Complaint be denied by the Court; that plaintiff's claims be dismissed on the merits; that she have a trial by jury; and, that all costs be taxed against the plaintiff.

This 27th day of November, 2013.

COUNSEL FOR DEFENDANTS:

s/Leonard O. Fletcher, Jr.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties to this action in accordance with ECF procedures.

This 27th day of November, 2013.

s/Troy A. Lanier
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