

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

AMBERLY TOOLE and	)	
TYLASIA SCOTT,	)	
	)	CIVIL ACTION FILE NO.:
Plaintiffs,	)	
vs.	)	1:23-CV-05615-SDG-RDC
	)	
INTOWN GYMNASTICS, LLC,	)	
	)	<b>Jury Trial Demanded</b>
Defendant.	)	

**DEFENDANT’S ANSWER AND DEFENSES TO PLAINTIFFS’  
COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES**

COMES NOW INTOWN GYMNASTICS, LLC, named defendant in the above-styled civil action, and files and serves its Answer and Defenses to Plaintiffs’ Complaint for Equitable Relief and Damages, respectfully showing this Court as follows:

**FIRST DEFENSE**

Plaintiffs have failed to state a claim against this purported Defendant upon which relief may be granted.

**SECOND DEFENSE**

As a second defense, this purported Defendant responds to the individually numbered paragraphs of Plaintiffs’ Complaint as follows:

## Introduction

1.

Defendant admits that Plaintiffs purport to bring claims for race discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and race discrimination under 42 U.S.C. § 1981 (“Section 1981”). In further response to Paragraph 3 of Plaintiffs’ Complaint, Defendant denies any claim that it violated Section 1981 and/or Title VII or any other law. Defendant denies all remaining allegations contained in Paragraph 1 of Plaintiffs’ Complaint.

2.

Defendant admits that Plaintiffs seek the remedies articulated in Paragraph 2 of the Complaint. Responding further, Defendant denies any claims that it has violated Title VII and/or Section 1981, or any law and that Plaintiffs are entitled to any remedies articulated in Paragraph 2 of Plaintiffs’ Complaint.

## Jurisdiction and Venue

3.

Defendant can neither admit nor deny the allegations contained in Paragraph 3 of Plaintiffs’ Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

4.

Defendant can neither admit nor deny whether venue is proper in this district. Responding further, Defendant denies the remaining allegations in Paragraph 4 of Plaintiffs' Complaint.

Exhaustion of Administrative Remedies

5.

Defendant can neither admit nor deny the allegations contained in Paragraph 5 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

6.

Defendant admits that Plaintiff Scott alleged discrimination on the basis of race and retaliation. Responding further, Defendant denies any claims that it has discriminated against Plaintiff Scott or otherwise violated any laws.

7.

Defendant can neither admit nor deny the allegations contained in Paragraph 7 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

8.

Defendant can neither admit nor deny the allegations contained in Paragraph 8 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

9.

Defendant can neither admit nor deny the allegations contained in Paragraph 9 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

10.

Defendant can neither admit nor deny the allegations contained in Paragraph 10 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

11.

Defendant admits that Plaintiff Toole alleged discrimination on the basis of race and retaliation. Responding further, Defendant denies any claims that it has discriminated against Plaintiff Toole or otherwise violated any laws.

12.

Defendant can neither admit nor deny the allegations contained in Paragraph 12 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

13.

Defendant can neither admit nor deny the allegations contained in Paragraph 13 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

14.

Defendant can neither admit nor deny the allegations contained in Paragraph 14 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

The Parties

15.

Defendant can neither admit nor deny the allegations contained in Paragraph 15 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

16.

Defendant can neither admit nor deny the allegations contained in Paragraph 16 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

17.

Defendant admits the allegations contained in Paragraph 17 of Plaintiffs' Complaint.

18.

Defendant can neither admit nor deny the allegations contained in Paragraph 18 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

19.

Defendant admits the allegations contained in Paragraph 19 of Plaintiffs' Complaint.

20.

Defendant admits that it employed Plaintiff Scott but can neither admit nor deny the remaining allegations in Paragraph 20 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

21.

Defendant admits that it employed Plaintiff Toole but can neither admit nor deny the remaining allegations in Paragraph 21 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

22.

Defendant admits that it is subject to this Court's jurisdiction but can neither admit nor deny the remaining allegations in Paragraph 22 of Plaintiffs' Complaint

for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

Statement of Facts

23.

Defendant can neither admit nor deny the allegations contained in Paragraph 23 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

24.

Defendant admits the allegations contained in Paragraph 24 of Plaintiffs' Complaint.

25.

Defendant can neither admit nor deny the allegations contained in Paragraph 25 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

26.

Upon information and belief, Defendant admits the allegations contained in Paragraph 26 of Plaintiffs' Complaint.

27.

Defendant admits that Plaintiffs were on the leadership team that consisted of 15 people, including both African American and white employees. Responding further, Defendant can neither admit nor deny any remaining allegations contained in Paragraph 27 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

28.

Defendant can neither admit nor deny the allegations contained in Paragraph 28 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

29.

Defendant denies the allegations contained in Paragraph 29 of Plaintiffs' Complaint.

30.

Defendant denies the allegations contained in Paragraph 30 of Plaintiffs' Complaint.

31.

Defendant can neither admit nor deny the allegations contained in Paragraph 31 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

32.

Defendant can neither admit nor deny the allegations contained in Paragraph 32 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

33.

Defendant admits the allegations contained in Paragraph 33 of Plaintiffs' Complaint.

34.

Defendant denies the allegations contained in Paragraph 34 of Plaintiffs' Complaint.

35.

Defendant denies the allegations contained in Paragraph 35 of Plaintiffs' Complaint.

36.

Defendant can neither admit nor deny the allegations contained in Paragraph 36 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

37.

Defendant can neither admit nor deny the allegations contained in Paragraph 37 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

38.

Defendant can neither admit nor deny the allegations contained in Paragraph 38 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

39.

Defendant denies the allegations contained in Paragraph 39 of Plaintiffs' Complaint.

40.

Defendant denies the allegations contained in Paragraph 40 of Plaintiffs' Complaint.

41.

Defendant denies the allegations contained in Paragraph 41 of Plaintiffs' Complaint.

42.

Defendant can neither admit nor deny the allegations contained in Paragraph 42 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

43.

The email referenced in Paragraph 43 of Plaintiffs' Complaint speaks for itself and requires no further elaboration. To the extent the allegations in Paragraph 43 of Plaintiffs' Complaint are inconsistent with or mischaracterize the email, those allegations are denied. Responding further, Defendant can neither admit nor deny any remaining allegations contained in Paragraph 43 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

44.

Defendant denies the allegations contained in Paragraph 44 of Plaintiffs' Complaint.

45.

The email referenced in Paragraph 45 of Plaintiffs' Complaint speaks for itself and requires no further elaboration. To the extent the allegations in Paragraph 45 of Plaintiffs' Complaint are inconsistent with or mischaracterize the email, those allegations are denied. Responding further, Defendant can neither admit nor deny

any remaining allegations contained in Paragraph 45 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

46.

Defendant denies the allegations contained in Paragraph 46 of Plaintiffs' Complaint.

47.

Defendant can neither admit nor deny the allegations contained in Paragraph 47 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

48.

Defendant denies the allegations contained in Paragraph 48 of Plaintiffs' Complaint.

49.

Defendant denies the allegations contained in Paragraph 49 of Plaintiffs' Complaint.

50.

Defendant denies the allegations contained in Paragraph 50 of Plaintiffs' Complaint.

51.

Defendant denies the allegations contained in Paragraph 51 of Plaintiffs' Complaint.

52.

Defendant denies the allegations contained in Paragraph 52 of Plaintiffs' Complaint.

53.

Defendant denies the allegations contained in Paragraph 53 of Plaintiffs' Complaint.

54.

Defendant denies the allegations contained in Paragraph 54 of Plaintiffs' Complaint.

55.

Defendant denies the allegations contained in Paragraph 55 of Plaintiffs' Complaint.

56.

Defendant can neither admit nor deny the allegations contained in Paragraph 56 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

57.

Defendant can neither admit nor deny the allegations contained in Paragraph 57 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

58.

Defendant can neither admit nor deny the allegations contained in Paragraph 58 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same. Responding further, Defendant incorporates herein its response to Paragraph 35 of Plaintiffs' Complaint.

59.

Defendant admits that due to serious performance issues, Defendant terminated Plaintiff Toole's employment.

60.

Defendant denies the allegations contained in Paragraph 60 of Plaintiffs' Complaint.

61.

Defendant denies the allegations contained in Paragraph 61 of Plaintiffs' Complaint.

62.

The email referenced in Paragraph 62 of Plaintiffs' Complaint speaks for itself and requires no further elaboration. To the extent the allegations in Paragraph 62 of Plaintiffs' Complaint are inconsistent with or mischaracterize the email, those allegations are denied. Responding further, Defendant can neither admit nor deny any remaining allegations contained in Paragraph 62 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

63.

Defendant denies the allegations contained in Paragraph 63 of Plaintiffs' Complaint.

64.

Defendant denies the allegations contained in Paragraph 64 of Plaintiffs' Complaint.

65.

Defendant denies the allegations contained in Paragraph 65 of Plaintiffs' Complaint.

**COUNT I**

**Discrimination in Violation of Title VII of the Civil Rights Act of 1964,  
as Amended, 42 U.S.C. § 2000e et seq.**

66.

Defendant incorporates as if fully set forth herein its responses to paragraphs 1 through 65 of plaintiffs' Complaint.

67.

Defendant can neither admit nor deny the allegations contained in Paragraph 67 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

68.

Defendant can neither admit nor deny the allegations contained in Paragraph 68 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

69.

Defendant denies the allegations contained in Paragraph 69 of Plaintiffs' Complaint.

70.

Defendant denies the allegations contained in Paragraph 70 of Plaintiffs' Complaint.

71.

Defendant denies the allegations contained in Paragraph 71 of Plaintiffs' Complaint.

72.

Defendant denies the allegations contained in Paragraph 72 of Plaintiffs' Complaint.

73.

Defendant denies the allegations contained in Paragraph 73 of Plaintiffs' Complaint.

74.

Defendant denies the allegations contained in Paragraph 74 of Plaintiffs' Complaint.

75.

Defendant denies the allegations contained in Paragraph 75 of Plaintiffs' Complaint.

76.

Defendant denies the allegations contained in Paragraph 76 of Plaintiffs' Complaint.

**COUNT II**

77.

Defendant incorporates as if fully set forth herein its responses to paragraphs 1 through 76 of plaintiffs' Complaint.

78.

Defendant can neither admit nor deny the allegations contained in Paragraph 78 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

79.

Defendant can neither admit nor deny the allegations contained in Paragraph 79 of Plaintiffs' Complaint for want of sufficient information to form a belief as to the truth thereof and puts Plaintiffs upon strict proof of same.

80.

Defendant denies the allegations contained in Paragraph 80 of Plaintiffs' Complaint.

81.

Defendant denies the allegations contained in Paragraph 81 of Plaintiffs' Complaint.

82.

Defendant denies the allegations contained in Paragraph 82 of Plaintiffs' Complaint.

83.

Defendant denies the allegations contained in Paragraph 83 of Plaintiffs' Complaint.

84.

Defendant denies the allegations contained in Paragraph 84 of Plaintiffs' Complaint.

85.

Defendant denies the allegations contained in Paragraph 85 of Plaintiffs' Complaint.

86.

Defendant denies the allegations contained in Paragraph 86 of Plaintiffs' Complaint.

### **COUNT III**

#### **Discrimination in Violation of 42 U.S.C. § 1981**

87.

Defendant incorporates as if fully set forth herein its responses to paragraphs 1 through 86 of plaintiffs' Complaint.

88.

Defendant denies the allegations contained in Paragraph 88 of Plaintiffs' Complaint.

89.

Defendant denies the allegations contained in Paragraph 89 of Plaintiffs' Complaint.

90.

Defendant denies the allegations contained in Paragraph 90 of Plaintiffs' Complaint.

91.

Defendant denies the allegations contained in Paragraph 91 of Plaintiffs' Complaint.

92.

Defendant denies the allegations contained in Paragraph 92 of Plaintiffs' Complaint.

93.

Defendant denies the allegations contained in Paragraph 93 of Plaintiffs' Complaint.

94.

Defendant denies the allegations contained in Paragraph 94 of Plaintiffs' Complaint.

95.

Defendant denies the allegations contained in Paragraph 95 of Plaintiffs' Complaint.

#### **COUNT IV**

#### **Retaliation in Violation of 42 U.S.C. § 1981**

96.

Defendant incorporates as if fully set forth herein its responses to paragraphs 1 through 95 of plaintiffs' Complaint.

97.

Defendant denies the allegations contained in Paragraph 97 of Plaintiffs' Complaint.

98.

Defendant denies the allegations contained in Paragraph 98 of Plaintiffs' Complaint.

99.

Defendant denies the allegations contained in Paragraph 99 of Plaintiffs' Complaint.

100.

Defendant denies the allegations contained in Paragraph 100 of Plaintiffs' Complaint.

101.

Defendant denies the allegations contained in Paragraph 101 of Plaintiffs' Complaint.

102.

Defendant denies the allegations contained in Paragraph 102 of Plaintiffs' Complaint.

103.

Defendant denies the allegations contained in Paragraph 103 of Plaintiffs' Complaint.

104.

PRAYER FOR RELIEF

Defendant denies all allegations, to the extent that they exist, in the unnumbered "WHEREFORE" section, including all subparts, of plaintiffs' Complaint. Further, defendant denies that plaintiffs are entitled to any of the relief requested in the "WHEREFORE" section, including all subparts, of plaintiffs' Complaint.

105.

All other allegations contained in plaintiffs' Complaint not hereinbefore specifically responded to are hereby denied.

### **THIRD DEFENSE**

Defendant is not liable to Plaintiffs because it has not discriminated against Plaintiffs based on any protected ground and has not treated any of Plaintiffs' co-workers more favorably than Plaintiffs. Further, Defendant has at all times acted in good faith and reasonably believed that none of the conduct alleged by Plaintiffs violated Title VII, Section 1981, or any other applicable law. Further, Defendant has not intentionally or willfully violated Title VII, Section 1981, or any other applicable federal, state or local law and, thus, Plaintiffs are not entitled to liquidated and/or punitive damages against defendant.

### **FOURTH DEFENSE**

Defendant has not unlawfully retaliated against Plaintiffs for engaging in any protected activity, nor has Defendant engaged in any other unlawful employment practices with regards to Plaintiffs' employment. Any actions taken by Defendant with respect to Plaintiffs were taken for legitimate, non-discriminatory, non-retaliatory business reasons and were in no way based on or related to Plaintiffs' race or any other protected ground.

**FIFTH DEFENSE**

Defendant has not deprived Plaintiffs of any rights, privileges or immunities secured under the United States Constitution or the laws of the United States or the State of Georgia.

**SIXTH DEFENSE**

Plaintiffs' claims are barred to the extent that their job performance did not meet the employer's reasonable expectations or requirements for the position.

**SEVENTH DEFENSE**

Defendant has acted at all times upon the existence of reasonable grounds of belief formed at the time and in light of the circumstances known to it. Further, Defendant has at all times acted in good faith and in a reasonable and prudent manner, exercising the degree of due care required in carrying out any duties allegedly owed to Plaintiffs, and has at all times acted consistently with all applicable laws, guidelines, rules and standards.

**EIGHTH DEFENSE**

Plaintiff cannot establish a prima facie case of discrimination or retaliation against Defendant under Title VII, Section 1981, or any other applicable law.

**NINTH DEFENSE**

Plaintiffs' claims against defendant are barred to the extent that Plaintiffs have failed to satisfy all conditions precedent and all jurisdictional and/or administrative

prerequisites for such claims, including the failure to exhaust all applicable internal and administrative remedies.

#### **TENTH DEFENSE**

Defendant has taken no action against Plaintiffs in a willful, malicious, reckless, egregious or wanton manner, nor has Defendant acted in bad faith or with conscious or deliberate indifference to or disregard for Plaintiffs' legal rights. Plaintiffs' culpable conduct and/or contributory negligence was the cause of any alleged injuries and/or damages, if any, and no act or omission by Defendant either proximately caused or contributed to whatever injury or damage Plaintiff claims to have sustained.

#### **ELEVENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by Plaintiffs failure to mitigate damages, if any, as required by law. Further, to the extent that Plaintiffs succeed in establishing any violation under Title VII or Section 1981, and to the extent any sums are found due and owing to them, which Defendant expressly denies, then Defendant is entitled to a credit or set-off against said sum to the extent paid, tendered, waived, compromised, and/or released prior to the adjudication herein.

**TWELFTH DEFENSE**

Defendant asserts as if fully set forth herein each affirmative defense enumerated in Rule 8 of the Federal Rules of Civil Procedure to the extent applicable and developed by the evidence in discovery.

**THIRTEENTH DEFENSE**

Plaintiffs are barred and/or estopped by their own conduct from any recovery or relief in this action. Further, some or all of Plaintiffs' claims are barred by the doctrines of estoppel, consent, laches, waiver, and/or unclean hands.

**FOURTEENTH DEFENSE**

Even if Plaintiffs could state a claim for relief in this action, which Defendant denies, Plaintiffs can only recover nominal damages.

**FIFTEENTH DEFENSE**

To the extent Plaintiffs seek compensatory and/or liquidated damages, the sum of such damages is limited as prescribed by law.

**SIXTEENTH DEFENSE**

Plaintiffs' damages, if any, are speculative and were not foreseeable to Defendant.

**SEVENTEENTH DEFENSE**

To the extent Plaintiffs seek punitive damages, Plaintiffs have failed to state a claim upon which relief can be granted.

**EIGHTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or part, because Plaintiff did not properly complain of any alleged unlawful conduct, the existence of which Defendant expressly denies.

**NINETEENTH DEFENSE**

Plaintiffs had full knowledge of the circumstances of which they complain, including the terms and conditions of his employment, and voluntarily and knowingly encountered the conditions of which he complains, with the result that they are not entitled to recover anything from Defendants.

**TWENTIETH DEFENSE**

To the extent that Plaintiffs seek damages that are limited and capped by statute, Plaintiffs are prohibited from claiming or collecting any damages which exceed any statutory cap.

**TWENTY-FIRST DEFENSE**

Defendant maintains an effective policy and procedure to prevent discrimination in employment. Accordingly, Defendant asserts the affirmative defense applicable to discrimination claims as provided for in Burlington Industries

v. Ellerth, 524 U.S. 742 (1998), and related cases. Further, to the extent Plaintiffs failed to properly report any alleged discrimination or retaliation, or otherwise take advantage of any preventative or corrective opportunities provided by Defendant, or to otherwise avoid alleged harm, their claims are barred.

**TWENTY-SECOND DEFENSE**

Some or all of Plaintiffs' claims are barred by the applicable statute of limitations.

**TWENTY-THIRD DEFENSE**

Defendant states that it may have further and additional affirmative defenses which are not yet known to Defendant, but which may become known through future discovery. Defendant specifically reserves the right to assert each and every affirmative defense as may be ascertained through future discovery herein.

WHEREFORE, having answered fully, defendant INTOWN GYMNASTICS, LLC respectfully requests that this Court dismiss Plaintiffs' Complaint and cast all costs against Plaintiffs.

**DEFENDANT DEMANDS A TRIAL BY JURY OF 12 JURORS.**

*[signatures on next page]*

Respectfully submitted this 9th day of February, 2024.

**CRUSER, MITCHELL, NOVITZ,  
SANCHEZ, GASTON & ZIMET, LLP**

*/s/ Sean Keenan* \_\_\_\_\_

Sean Keenan

Georgia Bar No. 523871

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*(Attorneys for defendant)*

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275 Scientific Drive  
Peachtree Corners, GA 30092

**CERTIFICATE OF COMPLIANCE WITH L.R. 7.1**

The undersigned attests that this document was prepared in Times New Roman, 14-point font that complies with this Court's Rules.

This 9th day of February, 2024.

**CRUSER, MITCHELL, NOVITZ,  
SANCHEZ, GASTON & ZIMET, LLP**

*/s/ Sean Keenan* \_\_\_\_\_

Sean Keenan

Georgia Bar No. 523871

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day electronically filed **DEFENDANT’S ANSWER AND DEFENSES TO PLAINTIFFS’ COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES** with the Clerk of Court using the Odyssey file and serve system which will automatically serve a copy of same upon all counsel of record as follows:

Amelia A. Ragan  
LEGARE, ATTWOOD & WOLFE, LLC  
[aaragan@law-llc.com](mailto:aaragan@law-llc.com)

*(Counsel for Plaintiffs)*

This 9th day of February, 2024.

**CRUSER, MITCHELL, NOVITZ,  
SANCHEZ, GASTON & ZIMET, LLP**

*/s/ Sean Keenan* \_\_\_\_\_

Sean Keenan

Georgia Bar No. 523871