

IN THE UNITED STATES DISTRICT COURT
Southern District of Indiana
Indianapolis Division

ESTATE OF JAMES BRANDON PATTERSON)	
)	
Plaintiff,)	
)	Case No.
v.)	1:19-cv-04726-RLY-MPB
)	
HOWARD COUNTY SHERIFF DEPARTMENT,)	
UNKNOWN OFFICERS OF HOWARD COUNTY)	
JAIL, in their Individual and Official capacities,)	
and UNKNOWN AGENTS OF HOWARD COUNTY)	
JAIL, in their individual and official capacities,)	
)	
Defendants.)	

**ANSWER, AFFIRMATIVE DEFENSES AND
REQUEST FOR JURY TRIAL ON BEHALF OF
DEFENDANT HOWARD COUNTY SHERIFF DEPARTMENT**

Defendant, Howard County Sheriff Department, by counsel, for its Answer to Plaintiff's Complaint, alleges and says:

PARTIES

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in paragraph one (1) of Plaintiff's Complaint and therefore denies the same.

2. Defendant admits the material allegations contained in paragraph two (2) of Plaintiff's Complaint.

3-6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in paragraphs three (3), four (4), five (5), and six (6) of Plaintiff's Complaint and therefore denies the same.

ALLEGATIONS OF FACTS TO ALL CAUSES OF ACTION

7, 8. Defendant admits the material allegations contained in paragraphs seven (7) and eight (8) of Plaintiff's Complaint.

9, 10. Defendant denies the material allegations contained in paragraphs nine (9) and ten (10) of Plaintiff's Complaint.

11, 12. Defendant admits the material allegations contained in paragraphs eleven (11) and twelve (12) of Plaintiff's Complaint.

13. Defendant denies the material allegations contained in paragraph thirteen (13) of Plaintiff's Complaint.

VIOLATIONS OF LAW

14-16. Defendant denies the material allegations contained in paragraphs fourteen (14), fifteen (15), and sixteen (16) of Plaintiff's Complaint.

DAMAGES

17. Defendant denies the material allegations contained in paragraph seventeen (17) of Plaintiff's Complaint.

DEMAND FOR JURY TRIAL

18. In response to paragraph eighteen (18) of Plaintiff's Complaint, Defendant asserts that this paragraph does not contain a legal allegation and, therefore, no response is required. To the extent an allegation is contained in paragraph eighteen (18), Defendant is without sufficient information to admit or deny the allegations contained therein.

WHEREFORE, Defendant, Howard County Sheriff Department, prays for judgment in its favor, that Plaintiff take nothing by way of its Complaint, for costs of this action, and for all other just and proper relief in the premises.

AFFIRMATIVE DEFENSES

Defendant, Howard County Sheriff Department, by counsel, for its Affirmative Defenses to Plaintiff's Complaint, alleges and says:

1. Defendant specifically denies any and all alleged violations of constitutional rights and federal statute.
2. Individual Defendants are entitled to qualified immunity.
3. Some or all of Plaintiff's claims are barred for lack of personal involvement by Defendant.
4. At all times relevant, Defendant, and/or its employees and agents, met the applicable standard of care with respect to treatment of Decedent, James Brandon Patterson.
5. Plaintiff's alleged injuries and damages, if any, are barred or reduced by the Decedent's independent acts of negligence and/or intentional conduct.
6. The alleged acts and/or omissions of Defendant did not constitute deliberate indifference to the medical needs of Decedent.
7. Decedent did not sustain any constitutional deprivation based upon any custom or practice of Defendant.
8. Defendant acted in good faith and had reasonable grounds for believing that any acts taken did not violate applicable federal or state laws.

9. Defendant acted in accordance with its authority pursuant to state and federal law.

10. Plaintiff has failed to state a cause of action for which relief may be granted.

11. Plaintiff's action is barred by the statute of limitation.

12. Lack of jurisdiction over the subject matter.

13. Insufficiency of process; and

14. Insufficiency of service of process.

WHEREFORE, Defendant, Howard County Sheriff Department, prays for judgment in its favor, that Plaintiff take nothing by way of its Complaint, for costs of this action, and for all other just and proper relief in the premises.

REQUEST FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Defendant, Howard County Sheriff Department, respectfully demands a trial by jury.

Respectfully submitted,

TRAVELERS STAFF COUNSEL INDIANA

By: */s/ Paul T. Belch*
Paul T. Belch, 18533-49

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically using the Case Management/Electronic Case Files ("CM/ECF") system and served via the CM/ECF system upon registered counsel of record on December 4, 2019.

I further certify that the foregoing document was served upon the following persons via electronic mail on December 4, 2019:

Russell W. Brown, Jr.
KING, BROWN & MURDAUGH
rbrown@kbmtriallawyers.com

By: /s/ Paul T. Belch
Paul T. Belch, 18533-49

TRAVELERS STAFF COUNSEL INDIANA
280 East 96th Street, Suite 325, Indianapolis, IN 46240
Mailing Address: P. O. Box 64093, St. Paul, MN 55164-0093
PH (317) 818-5111
FX (317) 818-5124
pbelch@travelers.com

PTB:gb