

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

**SHIRLEY GRANT on behalf of the
ESTATE OF SARAH FRANCES
DRAYTON, et al.,**

Plaintiffs

v.

MCINTOSH COUNTY, GEORGIA, et al.,

Defendants

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Case Number: 2:16-CV-00053

**ANSWER AND DEFENSES OF MCINTOSH COUNTY, GEORGIA
TO PLAINTIFFS' SECOND AMENDED COMPLAINT**

COME NOW McIntosh County, Georgia, and responds to Plaintiffs' Second Amended Complaint as follows:

First Defense

Plaintiffs' Second Amended Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

Second Defense

Plaintiffs' claims are barred by the statute of limitations.

Third Defense

McIntosh County, Georgia denies that Plaintiffs have been subjected to the deprivation of any right, privilege, or immunities under the Constitution or laws of the United States or the State of Georgia.

Fourth Defense

McIntosh County cannot be held liable on any claim for any actions involving Plaintiffs in which they did not directly participate or of which they had no knowledge.

Fifth Defense

McIntosh County has not caused Plaintiffs any cognizable injury.

Sixth Defense

Plaintiffs' alleged injuries and damages were not proximately caused by any act or omission on the part of McIntosh County, with the result that Plaintiffs are not entitled to recover in this case.

Seventh Defense

Plaintiffs HELP ORG, Inc. and Raccoon Hogg, CDC lack standing to pursue any claim against McIntosh County.

NOTE: CONTRARY TO THE REQUIREMENTS OF FRCP 8, PLAINTIFFS' COMPLAINT IS NEITHER SHORT, NOR PLAIN, IN TRYING TO SET FORTH A STATEMENT FOR RELIEF. DRAFTING A COMPLAINT WITH MULTI-SENTENCE PARAGRAPHS IS AN IMPRACTICAL WAY TO PLEAD SUCH ALLEGATIONS AND DOES NOT MEET THE REQUIREMENTS OF FRCP 8. IN FACT, IT VIOLATES FRCP 8. ACCORDINGLY, DEFENDANTS MAY RESPOND TO A PARAGRAPH CONTAINING MULTIPLE SENTENCES WITH A CONSOLIDATED RESPONSE TO THE PARAGRAPH AS OPPOSED TO EACH INDIVIDUAL SENTENCE, AND WILL DENY ALLEGATIONS, AS WORDED, IF NOT EVERY SENTENCE OF THE PARAGRAPH IS ACCURATE.

Eighth Defense

McIntosh County responds to the numbered paragraphs of Plaintiffs' Second Amended Complaint as follows:

I. Nature of The Action

1. McIntosh County admits that Plaintiffs purportedly bring this action pursuant to 42 U.S.C. §§ 1982 and 1983, for alleged violations of the Fourteenth Amendments to the United States Constitution, and for alleged violations of Title II of the Americans with Disabilities Act. McIntosh County denies that Plaintiffs have stated a claim under these provisions and deny that McIntosh County has violated any of these provisions. McIntosh County denies the remaining allegations contained in this paragraph.

II. Introduction

2. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

3. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

4. McIntosh County denies the allegations contained in this paragraph.

5. McIntosh County denies the allegations contained in this paragraph.

6. McIntosh County denies the allegations contained in this paragraph.

7. McIntosh County denies the allegations contained in this paragraph.

8. McIntosh County denies the allegations contained in this paragraph.

9. McIntosh County denies the allegations contained in this paragraph.

10. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

11. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

12. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

13. McIntosh County denies that there are any “services that the County has neglected on the Island.” McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

14. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

15. McIntosh County denies the allegations contained in this paragraph.

16. McIntosh County denies the allegations contained in this paragraph.

III. Jurisdiction

17. McIntosh County admits that this Court has subject matter jurisdiction over all remaining claims asserted against them.

18. McIntosh County admits that venue is proper in the District Court for the Southern District of Georgia.

IV. Parties

A. Plaintiffs

19. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

20. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

21. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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131. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

132. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

133. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

134. McIntosh County denies that it has engaged in any “discriminatory treatment of Gullah-Geechee descendants associated with Sapelo Island.” McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

135. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

136. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

B. Defendants

137. McIntosh County admits that it is a subdivision of the State and that it is subject to suit.

138. McIntosh County denies the allegations contained in this paragraph, as worded. The McIntosh County Manager is not a member of the Board of Commissioners.

139. McIntosh County admits the allegations contained in this paragraph.

140. McIntosh County denies the allegations contained in this paragraph.

141. McIntosh County denies the allegations contained in this paragraph, as worded. At no time relevant to this suit has McIntosh County been awarded a grant from the U.S. Department of Transportation.

142. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

143. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

144. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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149. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

V. Factual Background

A. Sapelo Island Background

150. McIntosh County admits that Sapelo Island is northeast of Darien, Georgia. McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

151. McIntosh County admits that Sapelo Island is only accessible from mainland McIntosh County by crossing the Doboy Sound. McIntosh County are without sufficient information to admit or deny the remaining allegations contained in this paragraph.

152. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

153. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

154. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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156. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

157. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

B. Sapelo Island History

1. *Sapelo Island Settlement: 1700s-1930s*

158. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

159. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

160. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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162. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

163. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

164. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

165. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

2. 1950's-1960s: Sapelo Island's Gullah-Geechee Population Is Relocated to Hogg Hummock Through Coercive and Fraudulent Land Swaps

166. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

167. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

168. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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174. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

175. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

176. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

3. *1960s-1970s: The State of Georgia Obtains Ownership of Most of Sapelo Island Based on Reynolds' Coercive and Fraudulent Land Swaps*

177. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

178. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

179. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

180. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

181. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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183. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

184. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

185. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

4. *1980s-Present: The State-Created Sapelo Island Heritage Authority Has Further Worked Against the Ownership Interests of Sapelo Island's Remaining Gullah-Geechee Community*

186. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

187. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

188. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

189. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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196. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

197. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

198. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

C. Present-Day Conditions for Hogg Hummock's Gullah-Geechee Community

199. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

200. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

201. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

202. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

203. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

204. McIntosh County denies the allegations contained in this paragraph.

205. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

206. McIntosh County denies the allegations contained in this paragraph.

207. The document referenced in this paragraph speaks for itself as to its content. Any remaining allegations in this paragraph are denied.

208. The document referenced in this paragraph speaks for itself as to its content. Any remaining allegations in this paragraph are denied.

209. The document referenced in this paragraph speaks for itself as to its content. Any remaining allegations in this paragraph are denied.

210. The document referenced in this paragraph speaks for itself as to its content. Any remaining allegations in this paragraph are denied.

D. Unequal and Absent Services on Sapelo Island

211. McIntosh County denies the allegations contained in this paragraph.

212. McIntosh County denies the allegations contained in this paragraph.

1. Emergency Medical Services

213. McIntosh County deny the allegations contained in this paragraph. The only difference between the medical services provided by McIntosh County to persons on the mainland and the medical services provided by McIntosh County to persons on Sapelo Island is that response time to Sapelo Island may be longer than response time to the mainland because Sapelo Island is only accessible by boat or aircraft.

214. McIntosh County denies the allegations contained in this paragraph.

215. McIntosh County denies the allegations contained in this paragraph. Persons in need of medical attention on Sapelo Island may either be treated on Sapelo Island by medical providers who travel from the mainland, or transported by those medical providers to the mainland for treatment, as their condition dictates.

216. McIntosh County denies the allegations contained in this paragraph. While it is true that no particular first responder is on call at any one time and there is nothing to prevent any first responder from leaving Sapelo Island at any given time, this is true of all first responders in McIntosh County, and a Sapelo Island resident can always contact 911 in an emergency.

217. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

218. McIntosh County denies the allegations contained in this paragraph.

219. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

220. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

221. McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

222. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

223. McIntosh County denies that they make no medically trained personnel available to Sapelo Island residents. McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

224. McIntosh County denies the allegations contained in this paragraph.

225. McIntosh County denies the allegations contained in this paragraph.

2. *Fire Services*

226. McIntosh County denies the allegations contained in this paragraph.

227. McIntosh County denies the allegations contained in this paragraph.

228. McIntosh County denies the allegations contained in this paragraph.

229. McIntosh County denies the allegations contained in this paragraph.

230. McIntosh County denies the allegations contained in this paragraph, as worded.

231. McIntosh County denies the allegations contained in this paragraph, as worded.

232. McIntosh County denies the allegations contained in this paragraph, as worded.

3. *Trash Services*

233. McIntosh County denies the allegations contained in this paragraph, as worded.

234. McIntosh County denies the allegations contained in this paragraph, as worded.

235. McIntosh County admits that routine curbside trash pickup is not provided on Sapelo Island. McIntosh County denies the remaining allegations contained in this paragraph, as worded.

236. McIntosh County denies the allegations contained in this paragraph, as worded.

237. McIntosh County admits that prior to 2013, dumpsters were provided for waste disposal and that, at times, trash was thrown on the ground. McIntosh County also admits that given the nature of the island, animals and birds were sometimes found at or around the disposal site. McIntosh County denies the remaining allegations contained in this paragraph.

238. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

239. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

240. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

241. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

242. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

243. McIntosh County denies the allegations contained in this paragraph.

4. *Inadequate Roads*

244. McIntosh County admits that there are a number of roads on Sapelo Island and that many of the roads are dirt roads. McIntosh County is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

245. McIntosh County denies the allegations contained in this paragraph. McIntosh County further show that there are no “county roads” on Sapelo Island.

246. McIntosh County denies the allegations contained in this paragraph, as worded.

247. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

248. McIntosh County admits that when it rains on Sapelo Island, potholes on the dirt roads fill with water. McIntosh County denies that the ditches on Sapelo Island are useless. McIntosh County states that it does not own roads on Sapelo Island.

249. McIntosh County denies the allegations contained in this paragraph, as worded.

250. McIntosh County denies the allegations contained in this paragraph, as worded.

251. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

252. McIntosh County denies the allegations contained in this paragraph.

253. McIntosh County denies the allegations contained in this paragraph, as worded.

254. McIntosh County denies the allegations contained in this paragraph, as worded.

255. McIntosh County denies the allegations contained in this paragraph, as worded.

256. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

257. McIntosh County denies the allegations contained in this paragraph, as worded.

258. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

259. McIntosh County denies the allegations contained in this paragraph, as worded.

260. McIntosh County denies the allegations contained in this paragraph, as worded.

5. *Insufficient Water and Sewer Services*

261. McIntosh County denies such allegations, as worded, except to admit it has not provided water service on Sapelo Island.

262. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph, as worded.

263. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

264. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

265. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

266. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

6. *Infrequent Ferry Services*

267. McIntosh County admits that DNR provides a ferry service that operates between the mainland and Sapelo Island. McIntosh County is without sufficient information or knowledge to admit or deny the remaining allegations contained in this paragraph.

268. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

269. McIntosh County admits that there is currently no school on Sapelo Island and that children who live on the island must attend school on the mainland. McIntosh County is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

270. Except to admit that Allen Bailey is a former resident of Sapelo Island and currently plays football for the Kansas City Chiefs, McIntosh County is without sufficient information or knowledge to admit or deny the allegations in this paragraph.

271. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

272. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

273. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

274. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

275. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

276. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

277. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

278. Upon information and belief, McIntosh County denies the allegations contained in this paragraph.

279. McIntosh County admits that the Georgia Department of Transportation has constructed and maintained many roads in the State of Georgia. McIntosh County is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.

7. *Ferry Inaccessibility*

280. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

281. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph, but this Defendant is aware that there are bathroom facilities.

282. McIntosh County denies the allegations contained in this paragraph.

283. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

284. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

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291. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

292. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

E. Discriminatory Application of Zoning Codes

293. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

294. McIntosh County denies the allegations contained in this paragraph.

295. McIntosh County states that this paragraph sets forth a legal conclusion which shall be governed by applicable law.

296. McIntosh County states that this paragraph sets forth a legal conclusion which shall be governed by applicable law.

297. McIntosh County states that this paragraph sets forth a legal conclusion which shall be governed by applicable law.

298. McIntosh County states that this paragraph sets forth a legal conclusion which shall be governed by applicable law.

299. McIntosh County is unable to specifically admit or deny the vague and ambiguous allegations in this paragraph, as the term “out of compliance” is subjective and undefined.

300. McIntosh County denies the allegations contained in this paragraph.

301. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

302. McIntosh County denies the allegations contained in this paragraph.

303. McIntosh County denies the allegations contained in this paragraph.

304. McIntosh County denies the allegations contained in this paragraph.

305. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

F. Discriminatory Property Appraisals

306. McIntosh County denies the allegations contained in this paragraph.

G. County’s Refusal to Consider Historic District Preferential Tax Assessment

307-334. McIntosh County shows that pursuant to this Court’s order granting in part McIntosh County’s Motion to Dismiss Plaintiffs’ First Amended Complaint, Dkt. No. 158 at 42, the McIntosh County Board of Tax Assessors is no longer a party to this litigation and all claims related to taxation and/or the Board of Tax Assessors have been dismissed. The allegations in paragraphs

307-334 involve a dismissed defendant and claims that have been dismissed from this action against all parties. To the extent a response is required, such allegations are denied.

H. State and County's Discriminatory Expenditure of Funds

335. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph, as worded.

336. McIntosh County denies the allegations contained in this paragraph.

337. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

338. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

339. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

340. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

341. McIntosh County is without sufficient information to admit or deny the allegations contained in this paragraph.

342. McIntosh County denies the allegations contained in this paragraph, as worded. While the County can choose whether to apply for federal financial aid, any aid awarded must be spent in accordance with the terms of the grant.

343. McIntosh County admits the allegations contained in this paragraph.

344. McIntosh County admits the allegations contained in this paragraph.

345. McIntosh County admits that it has submitted applications for CDBG funding to Defendant DCA. McIntosh County is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

346. McIntosh County denies the allegations contained in this paragraph, as worded. While the County can choose whether to apply for federal financial aid, any aid awarded must be spent in accordance with the terms of the grant. McIntosh County does not have the authority to “allocate” CDBG funding to projects other than those for which the grant was awarded.

347. McIntosh County admits the allegations contained in this paragraph.

348. McIntosh County denies the allegations contained in this paragraph, as worded. McIntosh County does not own or maintain the water system on Sapelo Island.

349. McIntosh County denies the allegations contained in this paragraph, as worded. McIntosh County does not own or maintain the water system on Sapelo Island.

350. McIntosh County denies the allegations contained in this paragraph, as worded. McIntosh County does not own or maintain the water system on Sapelo Island, and in any event cannot “decide” how to use funds awarded in connection with specific grant requests.

351. McIntosh County denies the allegations contained in this paragraph, as worded.

352. McIntosh County denies the allegations contained in this paragraph, as worded.

353. McIntosh County denies the allegations contained in this paragraph, as worded.

354. McIntosh County denies the allegations contained in this paragraph.

355. McIntosh County denies the allegations contained in this paragraph.

356. McIntosh County denies the allegations contained in this paragraph, as worded. McIntosh County applied for, but did not receive, the grant from the USDOT.

357. The allegations in this paragraph involve claims that have been dismissed from this action against all parties. To the extent a response is required, such allegations are denied.

358. McIntosh County denies the allegations in this paragraph, as worded.

359. McIntosh County denies the allegations in this paragraph, as worded.

360. McIntosh County deny the allegations contained in this paragraph, as worded.

VI. Injury to Plaintiffs

361. McIntosh County denies the allegations contained in this paragraph.

362. McIntosh County denies the allegations contained in this paragraph.

363. McIntosh County denies the allegations contained in this paragraph, as worded.

364. The allegations in this paragraph involve claims that have been dismissed from this action against all parties. To the extent a response is required, such allegations are denied.

365. McIntosh County denies the allegations contained in this paragraph.

366. McIntosh County denies the allegations contained in this paragraph.

367. McIntosh County denies the allegations contained in this paragraph.

368. McIntosh County denies the allegations contained in this paragraph.

369. McIntosh County denies the allegations contained in this paragraph.

370. McIntosh County denies the allegations contained in this paragraph.

371. McIntosh County denies the allegations contained in this paragraph.

372. McIntosh County denies the allegations contained in this paragraph.

373. McIntosh County denies the allegations contained in this paragraph.

374. McIntosh County denies the allegations contained in this paragraph.

375. McIntosh County denies the allegations contained in this paragraph.

376. McIntosh County denies the allegations contained in this paragraph.

377. McIntosh County denies the allegations contained in this paragraph.

378. McIntosh County denies the allegations contained in this paragraph.

379. McIntosh County denies the allegations contained in this paragraph.

VII. Causes of Action

First Cause of Action

42 U.S.C. §§ 1981, 1983

Brought by All Plaintiffs Except HELP and Raccoon Hogg

For Injunctive and Declaratory Relief Against Defendants Kemp, Williams, and County

For Damages Against Defendant County

380. This paragraph states a legal conclusion, to which no response is required.

381. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

382. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

383. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County deny the remaining allegations contained in this paragraph.

384. McIntosh County denies the allegations contained in this paragraph.

385. McIntosh County denies the allegations contained in this paragraph.

Second Cause of Action

42 U.S.C. §§ 1982, 1983

Brought by All Plaintiffs Except HELP and Raccoon Hogg

For Injunctive and Declaratory Relief Against Defendants Kemp, Williams, and County

For Damages Against Defendant County

386. This paragraph states a legal conclusion, to which no response is required.

387. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

388. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

389. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

390. McIntosh County denies the allegations contained in this paragraph.

391. McIntosh County denies the allegations contained in this paragraph.

Third Cause of Action

U. S. Const. Amend. XIV, § 1, cl. 4; 42 U.S.C. § 1983

Brought by All Plaintiffs Except HELP and Raccoon Hogg

For Injunctive and Declaratory Relief Against Defendants Kemp, Williams, and County

For Damages Against Defendant County

392. This paragraph states a legal conclusion, to which no response is required.

393. To the extent that this paragraph states a legal conclusion, no response is required.

McIntosh County denies the remaining allegations contained in this paragraph.

394. To the extent that this paragraph states a legal conclusion, no response is required. McIntosh County denies the remaining allegations contained in this paragraph.

395. To the extent that this paragraph states a legal conclusion, no response is required. McIntosh County denies the remaining allegations contained in this paragraph.

396. McIntosh County denies the allegations contained in this paragraph.

Fourth Cause of Action

Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d *et seq.*

Brought by All Plaintiffs Except HELP and Raccoon Hogg

**For Injunctive and Declaratory Relief and Damages Against Defendants DCA, DNR, and
County by and through its Board of Commissioners**

397. McIntosh County show that pursuant to this Court's order granting in part McIntosh County's Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

398. McIntosh County show that pursuant to this Court's order granting in part McIntosh County's Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

399. McIntosh County show that pursuant to this Court's order granting in part McIntosh County's Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

400. McIntosh County show that pursuant to this Court's order granting in part McIntosh County' Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

401. McIntosh County show that pursuant to this Court's order granting in part McIntosh County' Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

402. McIntosh County shows that pursuant to this Court's order granting in part McIntosh County' Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. No. 158 at 42, Count IX of Plaintiffs' First Amended Complaint has been dismissed. To the extent a response is required, such allegations are denied.

Fifth Cause of Action:

Title II of the ADA, 42 U.S.C. §§ 12132, 12142, 12146-12148

Brought by Plaintiffs Melvin Banks, Sr.; Carolyn Banks; Lorie Banks on behalf of herself and the estate of Melvin Banks, Jr.; Roberta Banks; Marion Banks; Richard Banks; Andrea Dixon; David Grovner, Jr. on behalf of himself and the estate of Vernell Grovner; Rall Grovner; Benjamin Hall; Florence Hall; Dena Mae Harrison on behalf of the estate of Johnnie Hillery; Verdie Walker; Sylvia Williams; HELP; and Raccoon Hogg

403-458. The allegations in paragraphs 403-458 involve a claim that is not asserted against McIntosh County. To the extent a response is required, such allegations are denied.

Any allegation or claim for relief in Plaintiffs' Second Amended Complaint not explicitly addressed above is denied.

WHEREFORE, McIntosh County prays:

- (a) That its Answer and Defenses be inquired into and sustained;
- (b) That Plaintiffs' Second Amended Complaint be dismissed, and that all relief requested therein be denied;
- (c) That Defendant have a trial by jury; and
- (d) For any and all other relief the Court deems just or proper.

Respectfully submitted this tenth day of April, 2019.

/s/Richard K. Strickland

Richard K. Strickland

Georgia State Bar Number: 687830

/s/Emily R. Hancock

Emily R. Hancock

Georgia Bar Number: 115145

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP

Post Office Box 220

Brunswick, GA 31521

(912) 264-8544

(912) 264-9667 FAX

rstrickland@brbcsw.com

ehancock@brbcsw.com

ATTORNEYS FOR MCINTOSH COUNTY

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

SARAH FRANCES DRAYTON, et al.,	*
	*
Plaintiffs	*
	*
v.	* Case Number: 2:16-cv-053
	*
McINTOSH COUNTY, GEORGIA, et al.,	*
	*
Defendants	*

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”), which was generated as a result of electronic filing.

Respectfully submitted this tenth day of April, 2019.

/s Emily R. Hancock
Emily R. Hancock
Georgia Bar No. 115145
BROWN, READDICK, BUMGARTNER
CARTER, STRICKLAND & WATKINS, LLP
5 Glynn Avenue
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX
ehancock@brbcs.com

ATTORNEYS FOR MCINTOSH COUNTY