

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-CV-01820-NYW

PRESTON SOWL,

Plaintiff,

v.

CITY OF LOVELAND, a municipality,
PAUL ASHE, Loveland Police Officer, in his individual capacity,
BENJAMIN DELIMA, Loveland Police Officer, in his individual capacity,
CLINT SCHNORR, Loveland Police Detective, in his individual capacity,
BRIAN BARTNES, Loveland Police Sergeant, in his individual capacity,

Defendants.

ANSWER AND JURY DEMAND

The Defendants, by and through their attorneys at Nathan Dumm & Mayer P.C., hereby submit their Answer and Jury Demand as follows:

1. With reference to the allegations contained in paragraph 1 of Plaintiff's Complaint, the Defendants admit that Mr. Sowl was arrested on or about September 22, 2019.

The Defendants deny the remaining allegations contained in this paragraph.

2. With reference to the allegations contained in paragraph 2 of Plaintiff's Complaint, the Defendants either currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same or outright deny the allegations.

3. With reference to the allegations contained in paragraph 3 of Plaintiff's Complaint, the Defendants aver that the statutes cited speak for themselves and deny all

remaining allegations contained in this paragraph, including that Plaintiff has any viable causes of action.

4. With reference to the allegations contained in paragraph 4 of Plaintiff's Complaint, the Defendants do not dispute jurisdiction.

5. With reference to the allegations contained in paragraph 5 of Plaintiff's Complaint, the Defendants aver that the allegations state a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny that Plaintiff is entitled to the relief he seeks.

6. With reference to the allegations contained in paragraph 6 of Plaintiff's Complaint, the Defendants aver that the allegations state a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny that Plaintiff is entitled to the relief he seeks.

7. With reference to the allegations contained in paragraph 7 of Plaintiff's Complaint, the Defendants do not dispute venue.

8. With reference to the allegations contained in paragraph 8 of Plaintiff's Complaint, the Defendants admit, upon information and belief, that Plaintiff resides in or around Loveland, Colorado. With reference to the remaining allegations contained in this paragraph, the Defendants currently lack sufficient information to admit or deny and therefore deny the same.

9. With reference to the allegations contained in paragraph 9 of Plaintiff's Complaint, the Defendants admit that Officer Ashe is a sworn police officer with the Loveland Police Department and was acting under color of state law at all times relevant to the subject matter of Plaintiff's Complaint. The Defendants also aver that the Complaint speaks for itself

regarding the capacity in which Officer Ashe is named. The Defendants deny the remaining allegations contained in this paragraph.

10. With reference to the allegations contained in paragraph 10 of Plaintiff's Complaint, the Defendants admit that Officer DeLima is a sworn police officer with the Loveland Police Department and was acting under color of state law at all times relevant to the subject matter of Plaintiff's Complaint. The Defendants also aver that the Complaint speaks for itself regarding the capacity in which Officer DeLima is named. The Defendants deny the remaining allegations contained in this paragraph.

11. With reference to the allegations contained in paragraph 11 of Plaintiff's Complaint, the Defendants admit that Det. Schnorr is a sworn police officer with the Loveland Police Department and was acting under color of state law at all times relevant to the subject matter of Plaintiff's Complaint. The Defendants also aver that the Complaint speaks for itself regarding the capacity in which Det. Schnorr is named. The Defendants deny the remaining allegations contained in this paragraph.

12. With reference to the allegations contained in paragraph 12 of Plaintiff's Complaint, the Defendants admit that Sgt. Bartnes is a sworn police officer with the Loveland Police Department and was acting under color of state law at all times relevant to the subject matter of Plaintiff's Complaint. The Defendants also aver that the Complaint speaks for itself regarding the capacity in which Sgt. Bartnes is named. The Defendants deny the remaining allegations contained in this paragraph.

13. With reference to the allegations contained in paragraph 13 of Plaintiff's Complaint, the Defendants admit that the City of Loveland is a municipality.

14. With reference to the allegations contained in paragraph 14 of Plaintiff's Complaint, the Defendants currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same.

15. With reference to the allegations contained in paragraph 15 of Plaintiff's Complaint, the Defendants currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same.

16. With reference to the allegations contained in paragraph 16 of Plaintiff's Complaint, the Defendants currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same.

17. With reference to the allegations contained in paragraph 17 of Plaintiff's Complaint, the Defendants admit that emergency responders were dispatched to 251 W. 14th St. SE Loveland, CO 80537. With reference to the remaining allegations contained in this paragraph, the Defendants currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same.

18. With reference to the allegations contained in paragraph 18 of Plaintiff's Complaint, the Defendants admit that emergency responders tended to the motorcyclist and that Plaintiff remained at the scene. The Defendants deny the remaining allegations contained in this paragraph.

19. With reference to the allegations contained in paragraph 19 of Plaintiff's Complaint, the Defendants admit that Officer Ashe was dispatched to the scene. With reference

to the remaining allegations contained in this paragraph, the Defendants aver that the body camera footage¹ speaks for itself and deny any allegations inconsistent with the footage.

20. With reference to the allegations contained in paragraph 20 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage.

21. With reference to the allegations contained in paragraph 21 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage.

22. With reference to the allegations contained in paragraph 22 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage.

23. With reference to the allegations contained in paragraph 23 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny that Officer Ashe "instantly got angry." The Defendants also deny that Plaintiff indicated he was exercising his right to terminate the encounter by taking a few steps back.

24. With reference to the allegations contained in paragraph 24 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

¹ In referring to body camera footage through this Answer the Defendants are referring to the full footage and not clips or portions specifically made for publicity or other purposes by Plaintiff or others.

25. With reference to the allegations contained in paragraph 25 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

26. With reference to the allegations contained in paragraph 26 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants admit there were first responders on the scene. The Defendants deny the remaining allegations contained in this paragraph.

27. With reference to the allegations contained in paragraph 27 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny the allegations inconsistent with the footage.

28. With reference to the allegations contained in paragraph 28 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

29. With reference to the allegations contained in paragraph 29 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

30. With reference to the allegations contained in paragraph 30 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage.

31. With reference to the allegations contained in paragraph 31 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

32. With reference to the allegations contained in paragraph 32 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

33. With reference to the allegations contained in paragraph 33 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

34. With reference to the allegations contained in paragraph 34 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

35. With reference to the allegations contained in paragraph 35 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

36. With reference to the allegations contained in paragraph 36 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any

allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

37. With reference to the allegations contained in paragraph 37 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. To the extent a response is required, the Defendants deny the allegations contained in this paragraph.

38. With reference to the allegations contained in paragraph 38 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

39. With reference to the allegations contained in paragraph 39 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

40. With reference to the allegations contained in paragraph 40 of Plaintiff's Complaint, the Defendants currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same.

41. With reference to the allegations contained in paragraph 41 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

42. With reference to the allegations contained in paragraph 42 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any

allegations inconsistent with the footage. The Defendants admit that Mr. Sowl was escorted to a police vehicle. The Defendants deny the remaining allegations contained in this paragraph.

43. With reference to the allegations contained in paragraph 43 of Plaintiff's Complaint, the Defendants aver that the statute cited speaks for itself. The Defendants deny any legal interpretation made by Plaintiff.

44. With reference to the allegations contained in paragraph 44 of Plaintiff's Complaint, the Defendants aver that the case cited speaks for itself. The Defendants deny any legal interpretation made by Plaintiff.

45. With reference to the allegations contained in paragraph 45 of Plaintiff's Complaint, the Defendants aver that the case cited speaks for itself. The Defendants deny any legal interpretation made by Plaintiff.

46. The Defendants deny the allegations contained in paragraph 46 of Plaintiff's Complaint.

47. The Defendants deny the allegations contained in paragraph 47 of Plaintiff's Complaint.

48. With reference to the allegations contained in paragraph 48 of Plaintiff's Complaint, the Defendants admit that Plaintiff was placed in a patrol car. The Defendants deny the remaining allegations contained in this paragraph.

49. With reference to the allegations contained in paragraph 49 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

50. With reference to the allegations contained in paragraph 50 of Plaintiff's Complaint, the Defendants deny the allegations contained in this paragraph.

51. With reference to the allegations contained in paragraph 51 of Plaintiff's Complaint, with reference to Plaintiff's subjective beliefs, the Defendants currently lack sufficient information to admit or deny and therefore deny the same. The Defendants deny the remaining allegations contained in this paragraph.

52. With reference to the allegations contained in paragraph 52 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

53. With reference to the allegations contained in paragraph 53 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

54. With reference to the allegations contained in paragraph 54 of Plaintiff's Complaint, the Defendants deny the allegations contained in this paragraph.

55. With reference to the allegations contained in paragraph 55 of Plaintiff's Complaint, with reference to Paramedic Shane's subjective beliefs, the Defendants currently lack sufficient information to admit or deny and therefore deny the same. The Defendants deny the remaining allegations contained in this paragraph.

56. With reference to the allegations contained in paragraph 56 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any

allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

57. With reference to the allegations contained in paragraph 57 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

58. With reference to the allegations contained in paragraph 58 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

59. With reference to the allegations contained in paragraph 59 of Plaintiff's Complaint, the Defendants admit that Plaintiff was, for a period of time, inside a patrol car and was handcuffed. The Defendants also admit that they conducted an investigation at the scene of the accident. The Defendants deny the remaining allegations contained in this paragraph.

60. With reference to the allegations contained in paragraph 60 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

61. With reference to the allegations contained in paragraph 61 of Plaintiff's Complaint, the Defendants admit that Plaintiff received medical treatment on scene. With respect to the statements recited in this paragraph, the Defendants aver that the body camera footage

speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

62. With reference to the allegations contained in paragraph 62 of Plaintiff's Complaint, the Defendants admit that that Assistant Chief Tim Brown responded to the scene. The Defendants deny the remaining allegations contained in this paragraph.

63. With reference to the allegations contained in paragraph 63 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

64. With reference to the allegations contained in paragraph 64 of Plaintiff's Complaint, the Defendants aver that the statute cited speaks for itself.

65. With reference to the allegations contained in paragraph 65 of Plaintiff's Complaint, the Defendants aver that the allegations state a legal conclusion to which no response is required. To the extent a response is required, the Defendants reject Plaintiff recitation of facts and deny the allegations contained in this paragraph.

66. With reference to the allegations contained in paragraph 66 of Plaintiff's Complaint, the Defendants aver that the allegations state a legal conclusion to which no response is required. To the extent a response is required, the Defendants reject Plaintiff recitation of facts and deny the allegations contained in this paragraph.

67. With reference to the allegations contained in paragraph 67 of Plaintiff's Complaint, the Defendants admit that none of the individuals at the scene of the investigation were charged with Tampering with Physical evidence. With respect to the remaining allegations

contained in this paragraph, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny any remaining allegations contained in this paragraph.

68. With reference to the allegations contained in paragraph 68 and the subparagraphs thereunder of Plaintiff's Complaint, the Defendants currently have insufficient information to admit or deny the allegations contained therein and therefore deny the same.

69. With reference to the allegations contained in paragraph 69 of Plaintiff's Complaint, the Defendants admit that Officer Ashe did not transport Plaintiff to the jail. The Defendants deny the remaining allegations contained in this paragraph.

70. With reference to the allegations contained in paragraph 70 of Plaintiff's Complaint, the Defendants admit that Officer Ashe issued Plaintiff a summons for Obstruction of a Police Officer and Resisting Arrest and then left the hospital. The Defendants deny the remaining allegations contained in this paragraph.

71. With reference to the allegations contained in paragraph 71 of Plaintiff's Complaint, the Defendants currently have insufficient information to admit or deny the allegations contained therein and therefore deny the same.

72. With reference to the allegations contained in paragraph 72 of Plaintiff's Complaint, the Defendants aver that they currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same. The Defendants deny engaging in any unlawful conduct.

73. With reference to the allegations contained in paragraph 73 of Plaintiff's Complaint, the Defendants aver that they currently lack sufficient information to admit or deny

the allegations contained therein and therefore deny the same. The Defendants deny engaging in any unlawful conduct.

74. With reference to the allegations contained in paragraph 74 of Plaintiff's Complaint, the Defendants aver that they currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same. The Defendants deny engaging in any unlawful conduct and deny that Plaintiff is entitled to any relief.

75. With reference to the allegations contained in paragraph 75 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. To the extent a response is required, the Defendants deny the allegations contained in this paragraph.

76. With reference to the allegations contained in paragraph 76 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. To the extent a response is required, the Defendants deny the allegations contained in this paragraph.

77. With reference to the allegations contained in paragraph 77 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. To the extent a response is required, the Defendants deny the allegations contained in this paragraph.

78. The Defendants deny the allegations contained in paragraph 78 of Plaintiff's Complaint.

79. The Defendants deny the allegations contained in paragraph 79 of Plaintiff's Complaint.

80. With reference to the allegations contained in paragraph 80 of Plaintiff's Complaint, the Defendants aver the policy cited speaks for itself and deny any allegations

inconsistent with the plain language of the policy. The Defendants deny all remaining allegations contained in this paragraph.

81. With reference to the allegations contained in paragraph 81 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. The extent a response is required, the Defendants admit that they were acting under color of state law when responding to the scene of the investigation and while conducting their subsequent investigation.

82. With reference to the allegations contained in paragraph 82 of Plaintiff's Complaint, the Defendants aver that they currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same. The Defendants deny engaging in any unlawful conduct.

83. With reference to the allegations contained in paragraph 83 of Plaintiff's Complaint, the Defendants aver that they currently lack sufficient information to admit or deny the allegations contained therein and therefore deny the same. The Defendants deny engaging in any unlawful conduct.

84. With reference to the allegations contained in paragraph 84 of Plaintiff's Complaint, the Defendants incorporate their responses to the paragraphs incorporated therein.

85. With reference to the allegations contained in paragraph 85 of Plaintiff's Complaint, the Defendants aver that the allegations state legal conclusions, to which no response is required. To the extent a response is required, the Defendants deny that they violated Plaintiff's civil rights.

86. The Defendants deny the allegations contained in paragraph 86 of Plaintiff's Complaint.

87. The Defendants deny the allegations contained in paragraph 87 of Plaintiff's Complaint.

88. With reference to the allegations contained in paragraph 88 of Plaintiff's Complaint, the Defendants aver that the allegations are speculative and state legal conclusions, to which no response is required. To the extent a response is required, the Defendants deny that they violated Plaintiff's civil rights.

89. With reference to the allegations contained in paragraph 89 of Plaintiff's Complaint, the Defendants aver that the body camera footage speaks for itself and deny any allegations inconsistent with the footage. The Defendants deny the remaining allegations contained in this paragraph.

90. The Defendants deny the allegations contained in paragraph 90 of Plaintiff's Complaint.

91. With reference to the allegations contained in paragraph 91 of Plaintiff's Complaint, the Defendants aver the case cited speaks for itself. The Defendants deny engaging in any unlawful conduct. The Defendants deny any remaining allegations contained in this paragraph.

92. With reference to the allegations contained in paragraph 92 of Plaintiff's Complaint, the Defendants aver that the report cited speaks for itself and deny any allegations inconsistent with the plain language of the report. The Defendants deny the remaining allegations contained in this paragraph.

93. The Defendants deny the allegations contained in paragraph 93 of Plaintiff's Complaint.

94. With reference to the allegations contained in paragraph 94 of Plaintiff's Complaint, the Defendants incorporate their responses to the paragraphs incorporated therein.

95. The Defendants deny the allegations contained in paragraph 95 of Plaintiff's Complaint.

96. The Defendants deny the allegations contained in paragraph 96 of Plaintiff's Complaint.

97. The Defendants deny the allegations contained in paragraph 97 of Plaintiff's Complaint.

98. The Defendants deny the allegations contained in paragraph 98 of Plaintiff's Complaint.

99. The Defendants deny the allegations contained in paragraph 99 of Plaintiff's Complaint.

100. With reference to the allegations contained in paragraph 100 of Plaintiff's Complaint, the Defendants incorporate their responses to the paragraphs incorporated therein.

101. The Defendants deny the allegations contained in paragraph 101 of Plaintiff's Complaint.

102. The Defendants deny the allegations contained in paragraph 102 of Plaintiff's Complaint.

103. The Defendants deny the allegations contained in paragraph 103 of Plaintiff's Complaint.

104. The Defendants deny the allegations contained in paragraph 104 of Plaintiff's Complaint.

105. The Defendants deny the allegations contained in paragraph 105 of Plaintiff's Complaint.

106. The Defendants deny the allegations contained in paragraph 106 of Plaintiff's Complaint.

107. With reference to the allegations contained in paragraph 107 of Plaintiff's Complaint, the Defendants incorporate their responses to the paragraphs incorporated therein.

108. The Defendants deny the allegations contained in paragraph 108 of Plaintiff's Complaint.

109. With reference to the allegations contained in paragraph 109 of Plaintiff's Complaint, the Defendants aver the policy cited speaks for itself and deny any allegations inconsistent with the plain language of the policy. The Defendants deny all remaining allegations contained in this paragraph.

110. The Defendants deny the allegations contained in paragraph 110 of Plaintiff's Complaint.

111. With reference to the allegations contained in paragraph 111 of Plaintiff's Complaint, the Defendants aver that the allegations are too vague to merit a response. To the extent a response is required, the Defendants deny any wrongdoing.

112. The Defendants deny the allegations contained in paragraph 112 of Plaintiff's Complaint.

113. The Defendants deny the allegations contained in paragraph 113 of Plaintiff's Complaint.

114. The Defendants deny the allegations contained in paragraph 114 of Plaintiff's Complaint.

115. The Defendants deny the allegations contained in paragraph 115 of Plaintiff's Complaint.

116. The Defendants deny the allegations contained in paragraph 116 of Plaintiff's Complaint.

117. The Defendants deny the allegations contained in paragraph 117 of Plaintiff's Complaint.

118. The Defendants deny the allegations contained in paragraph 118 of Plaintiff's Complaint.

119. The Defendants deny the allegations contained in paragraph 119 of Plaintiff's Complaint.

120. The Defendants deny the allegations contained in paragraph 120 of Plaintiff's Complaint.

121. The Defendants deny the allegations contained in paragraph 121 of Plaintiff's Complaint.

122. With reference to the allegations contained in paragraph 122 of Plaintiff's Complaint, the Defendants incorporate their responses to the paragraphs incorporated therein.

123. The Defendants deny the allegations contained in paragraph 123 of Plaintiff's Complaint.

124. The Defendants deny the allegations contained in paragraph 124 of Plaintiff's Complaint.

125. The Defendants deny the allegations contained in paragraph 125 of Plaintiff's Complaint.

126. The Defendants deny the allegations contained in paragraph 126 of Plaintiff's Complaint.

127. The Defendants deny the allegations contained in paragraph 127 of Plaintiff's Complaint.

128. The Defendants deny the allegations contained in paragraph 128 of Plaintiff's Complaint.

129. The Defendants deny the allegations contained in paragraph 129 of Plaintiff's Complaint.

130. With reference to the allegations contained in paragraph 130 of Plaintiff's Complaint, the Defendants currently have insufficient information to admit or deny the allegations contained therein and therefore deny the same.

131. The Defendants deny the allegations contained in paragraph 131 of Plaintiff's Complaint.

132. The Defendants deny each and every allegation not heretofore specifically admitted.

AFFIRMATIVE DEFENSES

1. All or a portion of Plaintiff's claims may not state a cause of action and/or a sufficient constitutional violation upon which relief can be granted.

2. The Defendants may be entitled to attorney fees in the defense of this matter under the provisions of 42 U.S.C. § 1988 and other applicable statutes, rules and legal authority.

3. The proximate cause of Plaintiff's claimed damages and/or injuries, if any, may have been the act or omission of a third party or parties over whom the Defendants had no control and for whom the Defendants are not legally responsible.

4. Plaintiff may have failed to mitigate his damages, if any, as required by law.

5. Plaintiff's damages in all or in part may be preexisting and/or not caused or aggravated by any alleged incident which forms the basis of this suit.

6. The damages alleged to have been sustained by Plaintiff, if any, may have been caused in whole or in part by Plaintiff's own acts and conduct and/or a pre-existing medical or physical condition of Plaintiff.

7. The individual Defendants may be entitled to qualified immunity from suit.

8. All actions by the Defendants were taken in good faith and for valid law enforcement reasons.

The Defendants reserve the right to assert any other defenses which may be disclosed as discovery and investigation are accomplished and hereby requests leave of Court to amend this Answer, if necessary, at a later date.

WHEREFORE, having fully answered the Plaintiff's Complaint, the Defendants pray that the same be dismissed and denied and that the Defendants have judgment against Plaintiff for all costs herein expended, for reasonable attorney's fees, and for such other and further relief as to the Court may seem proper.

THE DEFENDANTS REQUEST A TRIAL BY JURY OF ALL OF PLAINTIFF'S CLAIMS WHICH ARE SO TRIABLE.

Respectfully submitted this 20th day of August, 2020.

s/Marni Nathan Kloster

Marni Nathan Kloster

Nicholas C. Poppe

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 20th of August, 2020, I electronically filed the foregoing **ANSWER AND JURY DEMAND** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following at their e-mail addresses:.

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s/Alexandra Sanchez

Paralegal