

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Twanda Marshinda Brown, et al,)	Civil Action No.
)	
Plaintiffs,)	3:17-1426-MBS-SVH
)	
v.)	ANSWER OF LEXINGTON COUNTY TO
)	AMENDED COMPLAINT
Lexington County, South Carolina, et al.,)	
Defendants.)	JURY TRIAL REQUESTED
)	
)	
)	
)	
_____)	

Defendant Lexington County, answering the Amended Complaint herein, alleges and shows the following:

FOR A FIRST DEFENSE

1. The Amended Complaint fails to state a claim upon which relief can be granted as to this Defendant.

FOR A SECOND DEFENSE

2. Any allegation of the Amended Complaint not hereinafter admitted or qualified is denied.

3. Paragraph 1 is denied.

4. Answering Paragraphs 2 and 3, this Defendant would refer the Court to the pertinent court records for the best evidence of what occurred. Except as expressly admitted, Paragraphs 2 and 3 are denied.

5. The first sentence of Paragraph 4 is denied as stated. Answering the remainder of Paragraph 4, this Defendant would refer the Court to pertinent county records for records for the best evidence of what occurred. Except as expressly admitted, Paragraph 4 is denied.

6. Paragraph 5 is denied.

7. Paragraphs 6 through 10 pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

8. The first and second sentences of Paragraph 11 are denied. Answering the third sentence of Paragraph 11, this Defendant would refer the Court to the records on which those allegations are for the best evidence of what occurred. The remainder of Paragraph 11 is denied.

9. The first two sentences of Paragraph 12 are denied. Answering the third and last sentence of Paragraph 12, this Defendant would refer the Court to pertinent county records for the best evidence of what occurred. Except as expressly admitted, Paragraph 12 is denied.

10. Paragraph 13 is denied.

11. The first sentence of Paragraph 14 is denied. The remainder of Paragraph 14 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

12. Paragraph 15 is denied for lack of information.

13. Paragraph 16 is denied.

14. Answering the first sentence of Paragraph 17, this Defendant would allege that Plaintiffs Goodwin and Wright are subject to appropriate sanctions until they come into

compliance with outstanding legal requirements. The second sentence of Paragraph 17 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

15. Answering Paragraph 18, it is denied that this Defendant violated any legal rights of Plaintiffs. This Defendant denies for lack of information the allegations of Paragraph 18 pertaining to alleged adverse effects on Plaintiffs. The second and last sentence of Paragraph 18 is merely descriptive of Plaintiffs' allegations, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

16. Answering Paragraphs 19 through 25, this Defendant knows only such information about the individual Plaintiffs as is to be found in county records. To the extent the allegations of those paragraphs set forth information not found in county records, such allegations are denied for lack of information.

17. Answering the first sentence of Paragraph 26, it is admitted that this Defendant is a local governmental entity. The remainder of that sentence is denied. Answering the second and third sentences of Paragraph 26, this Defendant would refer the Court to public documents relating to those allegations for the best evidence of the matters set forth therein. The fourth and fifth sentences of Paragraph 26 are denied. The remainder of Paragraph 26 is merely descriptive of Plaintiffs' allegations, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

18. Paragraphs 27 through 32 pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

19. Paragraph 33 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

20. Paragraph 34 is merely descriptive of Plaintiffs' allegations, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

21. Paragraphs 35 through 37 set forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

22. Answering Paragraphs 38 and 39, this Defendant would refer the Court to the census records therein cited for the best evidence of their contents. Except as expressly admitted, Paragraphs 38 and 39 are denied.

23. Paragraph 40, which is essentially speculative, is denied for lack of information.

24. Answering Paragraph 41, this Defendant would refer the Court to pertinent county records for the best evidence of the matters therein alleged. Except as expressly admitted, Paragraph 41 is denied.

25. Paragraph 42 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

26. Answering Paragraphs 43 through 46, this Defendant would refer the Court to the pertinent county records therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraphs 43 through 46 are denied.

27. Paragraph 47 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

28. Paragraph 48 is denied.

29. Answering Paragraph 49, this Defendant would refer the Court to the pertinent county records therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraph 49 is denied.

30. The first sentence of Paragraph 50 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof. The second sentence of Paragraph 50 is admitted on information and belief.

31. Paragraph 51 pertains to another Defendant, and as such requires no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

32. Answering the first sentence of Paragraph 52, this Defendant would refer the Court to the website therein referenced for the best evidence of its contents. The remainder of Paragraph 52, which consists of speculation, is denied as stated. Except as expressly admitted, Paragraph 52 is denied.

33. Paragraph 53, which purports to set forth legislative intent, is denied for lack of information.

34. Paragraph 54 is admitted.

35. Paragraph 55 is denied.

36. Answering the first sentence of Paragraph 56, this Defendant would refer the Court to the pertinent county records for the best evidence of the matters therein alleged. The second sentence of Paragraph 56 is denied. Except as expressly admitted, Paragraph 56 is denied.

37. Answering Paragraph 57, this Defendant would refer the Court to pertinent records for the comparison among counties of public defender funding as therein alleged. It is denied that public defender funding in Lexington County is grossly inadequate, as therein alleged. Except as expressly admitted, Paragraph 57 is denied.

38. Answering Paragraph 58, this Defendant would refer the Court to the census records therein cited for the best evidence of their contents. Except as expressly admitted, Paragraph 58 is denied.

39. Answering Paragraph 59, this Defendant would refer the Court to the pertinent records therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraph 59 is denied.

40. Paragraph 60 is denied.

41. Paragraph 61 does not pertain to this Defendant, and as such requires no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

42. Paragraphs 62 through 65 are denied.

43. Answering Paragraphs 66 through 73, this Defendant would refer the Court to the documents therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraphs 66 through 73 are denied.

44. Paragraphs 74 and 75 are denied.

45. Answering Paragraph 76, this Defendant would refer the Court to the budget request therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 76 is denied.

46. To the extent that Paragraphs 77 through 79 refer to this Defendant, such allegations are denied.

47. Paragraphs 80 through 136 pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

48. Paragraphs 137 through 142 are denied for lack of information.

49. Paragraphs 143 through 162 pertain to one or more other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

50. Answering Paragraph 163, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 155 is denied.

51. Paragraphs 164 through 175, which contain no allegations pertaining to this Defendant, are denied for lack of information.

52. Paragraphs 176 through 190, which contain no allegations pertaining to this Defendant, are denied for lack of information.

53. Paragraphs 191 through 204 pertain to one or more other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

54. Paragraphs 205 through 207, which contain no allegations pertaining to this Defendant, are denied for lack of information.

55. Answering Paragraph 208, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 201 is denied.

56. Paragraphs 209 through 221 on pp. 51-53 of the Amended Complaint, which contain no allegations pertaining to this Defendant, are denied for lack of information.

57. The second set of paragraphs numbered 214 through 221 (pp. 53-54), which contain no allegations pertaining to this Defendant, are denied for lack of information.

58. Paragraphs 222 through 229, which contain no allegations pertaining to this Defendant, are denied for lack of information.

59. Answering Paragraph 230, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 230 is denied.

60. Paragraphs 231 through 245, which contain no allegations pertaining to this Defendant, are denied for lack of information.

61. Paragraphs 246 through 261, which contain no allegations pertaining to this Defendant, are denied for lack of information.

62. Answering Paragraph 262, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 262 is denied.

63. Paragraphs 263 through 279, which contain no allegations pertaining to this Defendant, are denied for lack of information.

64. Paragraphs 280 through 312, which contain no allegations pertaining to this Defendant, are denied for lack of information.

65. Answering Paragraph 313, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 313 is denied.

66. Paragraphs 314 through 321, and 222 and 223 on p. 67 of the Amended Complaint, which contain no allegations pertaining to this Defendant, are denied for lack of information.

67. Paragraphs 322 through 329, which contain no allegations pertaining to this Defendant, are denied for lack of information.

68. Answering Paragraph 330, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 330 is denied.

69. Paragraphs 331 through 359, which contain no allegations pertaining to this Defendant, are denied for lack of information. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

70. Paragraphs 360 through 384 do not make allegations against this Defendant, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

71. Answering Paragraph 385, this Defendant would refer the Court to the bench warrant therein referenced for the best evidence of its contents. Except as expressly admitted, Paragraph 385 is denied.

72. Paragraph 386 is denied.

73. Paragraphs 387 and 388 are denied for lack of information.

74. Paragraphs 389 through 401 do not make allegations against this Defendant, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

75. Answering Paragraphs 402 through 409, this Defendant would refer the Court to the records therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraphs 402 through 409 are denied.

76. Paragraph 410 consists of pure speculation, and is denied for lack of information.

77. Paragraph 411 is denied. The records do not disclose whether the persons in the records are indigent or not.

78. Answering Paragraphs 412 and 413, this Defendant would refer the Court to the records therein referenced for the best evidence of their contents. Except as expressly admitted, Paragraphs 412 and 413 are denied.

79. Answering Paragraph 414, this Defendant would refer the Court to the records therein referenced for the best evidence of their contents. This Defendant denies the inferences in Paragraph 414 which Plaintiff's counsel seek to draw from the records. Except as expressly admitted, Paragraph 414 is denied.

80. Paragraphs 415 through 419 are denied.

81. Paragraph 420 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

82. Paragraph 421 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

83. Paragraphs 422 and 423 are denied.

84. Paragraph 424 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

85. Paragraphs 425 and 426 are denied.

86. Answering Paragraph 427, this Defendant would refer the Court to the records therein referenced for the best evidence of their contents. This Defendant denies the inferences in Paragraph 427 which Plaintiff's counsel seek to draw from the records. Except as expressly admitted, Paragraph 427 is denied.

87. Paragraph 428 is admitted.

88. Paragraph 429 is denied for lack of information, except for the last sentence of that paragraph, which is denied.

89. Paragraph 430 is denied.

90. The first sentence of Paragraph 431 is denied. The remainder of Paragraph 431 is denied for lack of information.

91. Paragraph 432 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

92. Paragraphs 433 and 434 are denied for lack of information.

93. Paragraph 435 is denied.

94. Paragraphs 436 through 439 are admitted on information and belief.

95. Paragraph 440 is denied.

96. Paragraph 441, requesting a trial by jury, requires neither admission nor denial.

97. Answering Paragraph 442, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

98. Paragraph 443 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof

99. Paragraph 444 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

100. The first sentence of Paragraph 445 is denied. The remainder of Paragraph 445 is denied for lack of information.

101. Answering Paragraphs 446 and 447, this Defendant would refer the Court to pertinent court records for the matters of record which are therein alleged. The remainder of Paragraphs 446 and 447 is denied for lack of information. Except as expressly admitted, Paragraphs 446 and 447 are denied.

102. The first sentence of Paragraph 448 is denied for lack of information. The second sentence of Paragraph 448 is denied.

103. Paragraphs 449 through 452 do not make allegations against this Defendant, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

104. Answering Paragraph 453, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

105. Paragraph 454 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

106. Paragraph 455 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

107. Paragraph 456 is denied.

108. Paragraphs 457 and 458 are denied for lack of information.

109. Paragraph 459 is denied.

110. Paragraph 460 is denied.

111. Paragraph 461 pertains to another Defendant, and as such requires no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

112. Paragraph 462 is denied.

113. Paragraphs 463 through 466 pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

114. The first sentence of Paragraph 467 is denied. The second sentence of Paragraph 467 is merely descriptive of the allegations of Plaintiffs Goodwin and Wright, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

115. Paragraph 468 is denied.

116. Answering Paragraph 469, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

117. Paragraphs 470 through 476, that is, Claim Three, pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

118. Answering Paragraph 477, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

119. Paragraphs 478 through 485, that is, Claim Four, pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

120. Answering Paragraph 486, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

121. Paragraph 487 is merely descriptive, and requires no response from this Defendant.

122. Paragraph 488 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

123. Paragraphs 489 through 491 are denied.

124. Paragraph 492 pertains to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

125. Paragraph 493 is denied.

126. Paragraph 494 is merely descriptive of the relief sought by Plaintiffs, and requires neither admission nor denial. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

127. Answering Paragraph 495, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

128. Paragraphs 496 through 507, that is, Claim Six, pertain to other Defendants, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

129. Answering Paragraph 508, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

130. Paragraphs 509 through 515 pertain to another Defendant, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

131. Answering Paragraph 516, this Defendant reiterates and realleges each and every paragraph and affirmative defense of this Answer as if set forth herein verbatim.

132. Paragraphs 517 through 523 pertain to another Defendant, and as such require no response from this Defendant. To the extent, if any, that such allegations may attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof.

133. Any remaining allegations of the Amended Complaint, including the Prayer for Relief on pp. 116-117, are denied.

FOR A THIRD DEFENSE

134. Plaintiffs' claims are barred by the United States Supreme Court's holding in *Heck v. Humphrey*.

FOR A FOURTH DEFENSE

135. Plaintiffs' claims are barred, in whole or in part, by operation of the Rooker-Feldman doctrine.

FOR A FIFTH DEFENSE

136. Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

FOR A SIXTH DEFENSE

137. Plaintiffs' claims are barred, in whole or in part, by absolute legislative immunity.

FOR A SEVENTH DEFENSE

138. Plaintiffs' claims are barred, in whole or in part, by res judicata or claim preclusion.

FOR AN EIGHTH DEFENSE

139. The Plaintiff's claims are barred, in whole or in part, by collateral estoppel or issue preclusion.

FOR A NINTH DEFENSE

140. The acts of which Plaintiffs complain are the result of valid judicial orders, and do not result from any action or inaction by Lexington County.

FOR A TENTH DEFENSE

141. To the extent that there are still ongoing criminal prosecutions involving any of the Plaintiffs, this action is barred by the abstention doctrine of *Younger v. Harris*.

FOR AN ELEVENTH DEFENSE

142. Some or all of Plaintiffs' claims are barred by the Doctrine of Sovereign Immunity.

FOR A TWELFTH DEFENSE

143. Some or all Plaintiffs have waived any claim they may have had to challenge some or all of the matters of which they complain.

FOR A THIRTEENTH DEFENSE

144. Some or all Plaintiffs are estopped from challenging some or all of the matters of which they complain.

FOR A FOURTEENTH DEFENSE

145. The claims of some or all Plaintiffs are moot, in whole or in part.

FOR AN FIFTEENTH DEFENSE

146. Some or all of the claims of some or all Plaintiffs no longer present an existing case or controversy.

FOR A SIXTEENTH DEFENSE

147. The Court lacks subject matter jurisdiction over some or all of the claims in this action.

WHEREFORE, having fully answered the Amended Complaint, this Defendant prays that the Amended Complaint be dismissed with prejudice, and for such other and further relief as the Court deems just and proper.

DAVIDSON & LINDEMANN, P.A.

BY: s/ Kenneth P. Woodington

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