

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELIZABETH GOODWIN,

Plaintiff,

v.

CITY OF CLEVELAND, *et al.*,

Defendants.

) CASE NO. 1:15-CV-27

)

) JUDGE DONALD C. NUGENT

)

) **MOTION TO FILE RESPONSIVE**

) **PLEADING OF SCOTT ALDRIDGE**

) **AND BRYAN MYERS INSTANTER**

)

)

)

Defendants Scott Aldridge and Bryan Myers respectfully request leave to file their responsive pleading instanter. Defendants' answer time was being extended due to the ongoing criminal investigation of the events giving rise to the Plaintiff's complaint. While Defendants have anticipated that the Court would continue the extensions for a period of time, Defendants have been apprised that Plaintiff intends to object to any further extension despite the ongoing investigations.

Therefore, Defendants respectfully request that they be granted leave to file their answer instanter. The proposed responsive pleading is attached as Exhibit A. Plaintiff is not prejudiced by this brief delay and in the interest of justice this Court should allow Defendants to file responsive pleading instanter in order to resolve this matter on the merits of the case.

Respectfully submitted,

BARBARA A. LANGHENRY (0038838)
Director of Law, City of Cleveland

By: s/ John P. Bacevice Jr.
JOHN P. BACEVICE JR. (0087306)
Assistant Director of Law
601 Lakeside Avenue
City Hall, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2800
Fax: (216) 664-2663
Email: jbacevice@city.cleveland.oh.us
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion to File Responsive Pleading Instantly was filed electronically on July 7, 2015. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ John P. Bacevice Jr.
John P. Bacevice Jr. (0087306)
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELIZABETH GOODWIN,	)	CASE NO. 1:15-CV-27
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	<u>ANSWER OF DEFENDANTS SCOTT</u>
CITY OF CLEVELAND, <i>et al.</i> ,	)	<u>ALDRIDGE AND BRYAN MYERS</u>
	)	
Defendants.	)	JURY DEMAND ENDORSED
	)	HEREON
	)	

Defendants Scott Aldridge and Bryan Myers respectfully answer Plaintiff's Complaint as follows:

1. To the extent Paragraph 1 of Plaintiff's Complaint asserts allegations against Defendants, Defendants deny those allegations.
2. In response to Paragraph 2 of Plaintiff's Complaint, Defendants admit Tanisha Anderson experienced a mental health episode on November 12, 2014. Defendants deny the remaining allegations in Paragraph 2 of Plaintiff's Complaint.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 3 and therefore deny the same.
4. Defendants admit that Scott Aldridge is a member of the City of Cleveland Division of Police, that he is a "person" under 42 U.S.C. §1983, and that at all times relevant to the allegations set forth in Plaintiff's Complaint, Aldridge was acting under color of law. Defendants deny any remaining allegations set forth in Paragraph 4.
5. Defendants admit that Bryan Myers is a member of the City of Cleveland Division of Police, that he is a "person" under 42 U.S.C. §1983, and that at all times relevant to the allegations set forth in Plaintiff's Complaint, Myers was acting under color of law. Defendants deny any remaining allegations set forth in Paragraph 5.
6. Defendants admit the allegations in Paragraph 6 of Plaintiff's Complaint.
7. Defendants deny the allegations in Paragraphs 7-17 of Plaintiff's Complaint for lack of knowledge or information sufficient to form a belief as to the truth or veracity of the allegations therein.

8. In response to Paragraphs 18-35 of Plaintiff's Complaint, Defendants admit responding to 174 Ansel Road, intending to transport Tanisha Anderson for a mental health evaluation, and that Tanisha Anderson passed away. Defendants deny the remaining allegations in Paragraphs 18-35 of Plaintiff's Complaint.
9. Defendants deny the allegations in Paragraph 36 of Plaintiff's Complaint for lack of knowledge or information sufficient to form a belief as to the truth or veracity of the allegations therein.
10. Defendants admit the allegations in Paragraph 37 of Plaintiff's Complaint.
11. Defendants deny the allegations in Paragraph 38 of Plaintiff's Complaint.
12. The allegations set forth in Paragraphs 39-51 are not directed at these Defendants. To the extent Paragraphs 39-51 assert allegations against Defendants, Defendants deny those allegations.
13. Defendants deny the allegations in Paragraphs 52-54 of Plaintiff's Complaint.
14. Defendants deny the allegations in Paragraph 55 of Plaintiff's Complaint.
15. To the extent Paragraphs 56-59 assert allegations against Defendants, Defendants deny those allegations.
16. Defendants deny the allegations in Paragraphs 60-63 of Plaintiff's Complaint.
17. Defendants deny each and every remaining allegation in Plaintiff's Complaint not expressly admitted to be true.

AFFIRMATIVE DEFENSES

18. The Complaint fails to state a claim upon which relief can be granted.
19. Plaintiff's claims are barred or limited by Ohio Revised Code Chapter 2744.
20. Plaintiff's claims are barred or limited by Ohio Revised Code Chapter 2307.
21. Qualified immunity.
22. Contributory and/or comparative negligence.
23. Assumption of the risk
24. Intervening, superseding causes.

25. Plaintiff failed to mitigate their damages.

26. Defendants at all times acted reasonably, in good faith, and with probable cause.

27. The performance of Defendants' duties violated no duty to Plaintiff.

Defendants Scott Aldridge and Bryan Myers reserve the right to assert additional defenses as may be revealed through discovery.

WHEREFORE, Defendants Scott Aldridge and Bryan Myers respectfully pray that Plaintiff's Complaint be dismissed with prejudice and that the Court enter judgment in their favor, and that it grants Defendants' their costs and attorney's fees, and such other relief as the Court may deem just.

Respectfully submitted,

BARBARA A. LANGHENRY (0038838)
Director of Law, City of Cleveland

By: s/ John P. Bacevice Jr.
JOHN P. BACEVICE JR. (0087306)
Assistant Director of Law
601 Lakeside Avenue
City Hall, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2800
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ATTORNEY FOR DEFENDANTS

JURY DEMAND

Defendants Scott Aldridge and Bryan Myers demand trial by jury in the maximum number of jurors permitted by law for each claim and cause of action in this Complaint.

s/ John P. Bacevice Jr.
John P. Bacevice Jr. (0087306)
Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Answer of Defendants Scott Aldridge and Bryan Myers was filed electronically on July __, 2015. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ John P. Bacevice Jr.
John P. Bacevice Jr. (0087306)
Attorney for Defendants