

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JILL ANN STEWART,)	CASE NO.: 1:10-CV-00866-JG
)	
Plaintiff,)	JUDGE JAMES GWIN
)	
vs.)	<u>DEFENDANT CITY OF LAKEWOOD'S</u>
)	<u>ANSWER TO PLAINTIFF'S</u>
CITY OF LAKEWOOD, et al.,)	<u>COMPLAINT</u>
)	
Defendants.)	<u>(Jury Demand Endorsed Hereon)</u>
)	

Now comes Defendant City of Lakewood, by and through counsel Mazanec, Raskin, Ryder & Keller Co., L.P.A., and for its answer to the Plaintiff's Complaint state as follows:

1. The answering Defendant denies or denies for want of knowledge the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2. In reply to the allegations contained in Paragraph 2 of the Plaintiff's Complaint, the answering Defendant denies that it is vicariously responsible for the actions of the John Doe Defendants. The answering Defendant denies or denies for want of knowledge the remaining allegations contained in Paragraphs 2 of Plaintiff's Complaint.

3. In reply to Paragraph 3 of Plaintiff's Complaint, the answering Defendant admits that Plaintiff was arrested by the Mayfield Police Department pursuant to a warrant issued by the Lakewood Municipal Court. The answering Defendant denies or denies for want of knowledge the remaining allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. The answering Defendant denies or denies for want of knowledge the allegations contained in Paragraph 4 of Plaintiff's Complaint. The answering Defendant denies or denies for want of knowledge the remaining allegation contained in Paragraph 4 of Plaintiff's Complaint.

5. In answering Paragraph 5 of Plaintiff's Complaint, the answering Defendant admits that the case against Plaintiff was dismissed and bond payment was returned less the applicable fees.

6. In answering Paragraph 6 of Plaintiff's Complaint, the answering Defendant admits that a warrant was issued after the Plaintiff did not respond to a summons, but denies the use of LEADS, and denies any attempt to issue a citation for the minor misdemeanor offense of having a dog at large. The answering Defendant denies or denies for want of knowledge the remaining allegations contained in Paragraph 6.

7. The answering Defendant denies or denies for want of knowledge the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. The answering Defendant denies the allegations contained in Paragraphs 8 and 9 of Plaintiff's Complaint.

9. The answering Defendant denies or denies for want of knowledge the allegations contained in Paragraphs 10 and 11 of Plaintiff's Complaint.

10. The answering Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

11. The answering Defendant denies all allegations contained in Plaintiff's Complaint that are not specifically admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

12. The Plaintiff's Complaint fails to state a claim upon which relief can be granted in some or all respects.

SECOND DEFENSE

13. Probable cause/good faith.

THIRD DEFENSE

14. Sovereign immunity pursuant to R.C. §2744 and/or Ohio Common Law.

FOURTH DEFENSE

15. If the Plaintiff suffered any damages, which the Answering Defendant denies, these damages are the proximate cause of her acts and actions of other third parties.

WHEREFORE, having fully answered, Defendant prays that Plaintiff's Complaint be dismissed, and that it go hence without cost or delay.

Respectfully submitted,

MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A.

s/Cara M. Wright

JAMES A. CLIMER (0001532)

CARA M. WRIGHT (0084583)

100 Franklin's Row

34305 Solon Road

Cleveland, OH 44139

(440) 248-7906

(440) 248-8861 – Fax

Email: jclimer@mrrklaw.com

cwright@mrrklaw.com

Counsel for Defendant City of Lakewood

JURY DEMAND

A trial by jury composed of the maximum number of jurors permitted under the law is hereby demanded.

s/Cara M. Wright

JAMES A. CLIMER (0001532)

CARA M. WRIGHT (0084583)

Counsel for Defendant City of Lakewood

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2010, a copy of the foregoing Defendant City of Lakewood's Answer to Plaintiff's Complaint was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Cara M. Wright

JAMES A. CLIMER (0001532)

CARA M. WRIGHT (0084583)

Counsel for Defendant City of Lakewood