

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
AT FRANKFORT

CIVIL ACTION NO. 3:14-CV-00001-GPVT

ELECTRONICALLY FILED

OSCAR ADAMS and MICHAEL KNIGHTS,
individually and on behalf of all others
similarly situated

PLAINTIFF

v.

ANSWER TO AMENDED COMPLAINT

COMMONWEALTH OF KENTUCKY
KENTUCKY JUSTICE & PUBLIC SAFETY CABINET
KENTUCKY DEPARTMENT OF CORRECTIONS, et al.,

DEFENDANTS

Come Defendants Commonwealth of Kentucky (“Commonwealth”), Justice and Public Safety Cabinet (“Cabinet”), Kentucky Department of Corrections (“Department”), J. Michael Brown (“Brown”), LaDonna Thompson (“Thompson”), Kimberly Potter-Blair (“Potter-Blair”), Paula Holden (“Holden”), Jim Erwin (“Erwin”), Randy White (“White”), Gregory Howard (“Howard”), Clark Taylor (“Taylor”), and Aaron Smith (Smith), (“Defendants”) and state as follows for their response to Plaintiffs’ Amended Complaint:

1. In response to paragraphs 1-20 of Plaintiffs’ Amended Complaint, Defendants incorporate by reference, as if restated herein, the February 10, 2014 Answer to paragraphs 1-20 of the original Complaint.
2. In response to paragraph 21, Defendants deny that some of the KDOC’s deaf inmates are in custody at Bell County Forestry Camp and deny that grievances have been filed at Bell County Forestry Camp regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 21 of Plaintiffs’ Amended Complaint.

3. In response to paragraph 22, Defendants deny that grievances have been filed at Blackburn Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 22 of Plaintiffs' Amended Complaint.
4. In response to paragraph 23, Defendants deny that grievances have been filed at Eastern Kentucky Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 23 of Plaintiffs' Amended Complaint.
5. In response to paragraph 24, Defendants deny that grievances have been filed at Green River Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 24 of Plaintiffs' Amended Complaint.
6. Defendants admit the allegations contained in paragraph 25 of Plaintiffs' Amended Complaint.
7. In response to paragraph 26, Defendants deny that grievances have been filed at Little Sandy Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 26 of Plaintiffs' Amended Complaint.
8. In response to paragraph 27, Defendants deny that grievances have been filed at Northpoint Training Center regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 27 of Plaintiffs' Amended Complaint.

9. In response to paragraph 28, Defendants deny that some of the KDOC's deaf inmates are in custody at Roederer Correctional Complex and deny that grievances have been filed at Roederer Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 28 of Plaintiffs' Amended Complaint.
10. In response to paragraph 29, Defendants deny that grievances have been filed at Western Kentucky Correctional Complex regarding accommodations for deaf and hard of hearing inmates. Defendants admit the remainder of allegations contained in paragraph 29 of Plaintiffs' Amended Complaint.
11. In response to paragraph 30, Defendants admit so much of the allegations regarding Underwood's knowledge and experience regarding issues that impact employees. Defendants deny so much of the allegations regarding Underwood's knowledge and experience regarding issues that impact inmates.
12. In response to paragraphs 31-172 of Plaintiffs' Amended Complaint (on page 40 of the Amended Complaint, what is numbered 162 seems to be a mistake, and should be number 172), Defendants incorporate by reference, as if restated herein, the February 10, 2014 Answer to paragraphs 21-162 of the original Complaint.
13. Defendants deny that Plaintiffs are entitled to the relief requested.
14. Defendants deny any allegations not specifically admitted herein.
15. Defendants deny each and every allegation that they deprived the Plaintiffs of any Constitutional right or infringed upon any state or federally protected rights.

16. Defendants at all times acted reasonably and prudently in accordance with the existing law, state of the art, and/or custom in the profession during the relevant time periods thus barring any recovery herein.
17. Any requests for damages against defendants in their official capacities are claims against the Commonwealth and are barred by the Eleventh Amendment.
18. Any requests for damages are barred pursuant to the Prison Litigation Reform Act.
19. Plaintiffs have failed to comply with the Prison Litigation Reform Act by failing to exhaust their administrative remedies as to some or all claims.
20. Defendants plead the affirmative defenses of Estoppel and/or waiver, thus barring any recovery herein.
21. Plaintiffs' claims are barred by the doctrines of absolute, sovereign, official, governmental, good faith, and/or qualified immunities.
22. Defendants reserve the right to assert such other affirmative defenses as may appear appropriate after discovery has been conducted in this matter.

WHEREFORE, Defendants demand as follows:

- A. That Plaintiffs' Complaint be dismissed;
- B. That Defendants recover any and all costs and fees incurred herein;
- C. Any and all other proper relief to which the Defendants may appear entitled; and
- D. Trial by jury on all applicable claims.

Respectfully submitted,

/s/ Angela T. Dunham

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2014, I electronically filed this document with the Clerk of the United States District Court, Eastern District of Kentucky by using the CM/ECF system. I further certify that it is my understanding that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system:

/s/ Angela T. Dunham

COUNSEL FOR DEFENDANTS