

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLIFTON A. JACKSON, <i>et al.</i> ,)	
)	CASE NO. 2:17-cv-163
<i>Plaintiffs,</i>)	
)	CHIEF JUDGE EDMUND A.
-vs-)	SARGUS, JR.
)	
OHIO STATE HIGHWAY)	
PATROL, <i>et al.</i> ,)	MAGISTRATE JUDGE JOLSON
)	
<i>Defendants.</i>)	

DEFENDANT PAUL A. GRIFFIN'S ANSWER AND AFFIRMATIVE DEFENSES

Now comes Defendant Paul A. Griffin ("Griffin"), by and through the undersigned counsel and in response to Plaintiffs' Complaint, states and avers as follows to each numbered paragraph:

1. Deny.
2. Deny without knowledge.
3. Deny without knowledge.
4. Deny without knowledge.
5. Deny without knowledge.
6. Deny without knowledge.
7. Deny without knowledge.
8. Deny without knowledge.
9. Deny without knowledge.
10. Deny without knowledge.
11. Deny without knowledge.

12. Deny without knowledge.

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18. Deny without knowledge.

19. Deny without knowledge.

20. Deny without knowledge.

21. Deny without knowledge.

22. Deny without knowledge.

23. Deny without knowledge.

24. Deny without knowledge.

25. Deny without knowledge.

26. Deny without knowledge.

27. Admit that Paul A. Griffin is an Attorney at Law, licensed in the state of Ohio. Deny any and all remaining allegations contained in paragraph 27 of Plaintiff's Complaint.

28. Deny without knowledge.

29. Deny without knowledge.

30. Deny without knowledge.

31. Deny without knowledge.

32. Deny without knowledge.

33. Deny without knowledge.

34. Deny without knowledge.

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41. Deny without knowledge.

42. Deny without knowledge.

43. Deny without knowledge.

44. Deny.

45. Deny without knowledge.

46. Deny without knowledge.

47. Deny without knowledge.

48. Deny without knowledge.

49. Deny without knowledge.

FIRST DEFENSE

50. Plaintiffs' Complaint fails to state a claim against Defendant Griffin upon which relief can be granted pursuant to Ohio Civ. R. 12(B)(6).

SECOND DEFENSE

51. Plaintiffs' Complaint fails for lack of subject matter jurisdiction.

THIRD DEFENSE

52. Plaintiffs' Complaint fails for lack of personal jurisdiction.

FOURTH DEFENSE

53. Plaintiffs' Complaint fails for improper venue.

FIFTH DEFENSE

54. Pursuant to Ohio Civ.R. 12(B)(4) and 12(B)(5) there was insufficiency of process and/or insufficiency of service of process, Summons and Complaint on Defendant Griffin.

SIXTH DEFENSE

55. All or several of the claims set forth by Plaintiffs in the Complaint are barred by the applicable statutes of limitation.

SEVENTH DEFENSE

56. Plaintiffs have failed to join a party pursuant to Ohio Civ. R. 19 or Ohio Civ. R. 19.1 and therefore Plaintiffs' Complaint against Griffin must be dismissed.

EIGHTH DEFENSE

57. Any harm caused by Plaintiff Clifton A. Jackson's convictions was caused by himself and/or his own actions.

NINTH DEFENSE

58. The injuries and damages of which Plaintiffs complain are attributable to one or more persons from whom the Plaintiffs did not seek recovery in this action (O.R.C. §2307.23(C)).

TENTH DEFENSE

59. The injuries and damages as described by Plaintiffs in the Complaint were proximately caused by the acts and/or omissions of persons and/or entities other than Defendant Griffin over whom Griffin had no control, no right to control, no duty to control and in fact did not control, and therefore, Plaintiffs cannot recover from Defendant Griffin.

ELEVENTH DEFENSE

60. Plaintiffs were comparatively negligent with regard to the injuries and damages as described by Plaintiffs in the Complaint; accordingly, Plaintiffs are either barred from recovery against Defendant Griffin or any recovery obtained by Plaintiffs against Defendant Griffin must be reduced by an amount to be determined by the trier of fact.

TWELFTH DEFENSE

61. Plaintiffs failed to minimize or mitigate damages and injuries claimed to have been suffered as a result of the event at issue; accordingly, any recovery by Plaintiffs against Defendant Griffin is either barred or to be reduced by an amount to be determined by the trier of fact.

THIRTEENTH DEFENSE

62. Plaintiffs lack a reasonable good faith basis upon which to bring this claim against Defendant Griffin thereby entitling Defendant Griffin to an award of attorneys' fees and costs against Plaintiffs as provided by R.C. §2323.52.

FOURTEENTH DEFENSE

63. Plaintiffs' claims are barred by the doctrines of collateral estoppel, estoppel, *res judicata*, judicial estoppel, unclean hands, waiver and the statute of limitations.

FIFTEENTH DEFENSE

64. The injuries and damages as described by Plaintiffs in the Complaint were caused by the acts and/or omissions of other individuals and/or entities whose conduct Defendant Griffin had no reason to anticipate, said conduct not being the responsibility of Defendant Griffin.

SIXTEENTH DEFENSE

65. Griffin is entitled to an apportionment of liability to other parties and non-parties to this action pursuant to R.C. 2307.23.

SEVENTEENTH DEFENSE

66. Any damage or injury Plaintiffs may have suffered as alleged in the Complaint was solely and proximately caused by Plaintiffs' own negligence.

EIGHTEENTH DEFENSE

67. Plaintiffs lack the capacity to sue.

NINETEENTH DEFENSE

68. Plaintiffs lack standing to sue.

TWENTIETH DEFENSE

69. Plaintiffs are required to prove any claim for punitive damages by clear and convincing evidence.

TWENTY-FIRST DEFENSE

70. Awarding punitive damages in favor of the Plaintiffs against Defendant Griffin under the facts and circumstances of this case would constitute the imposition of and contravention of the Constitution of the State of Ohio.

TWENTY-SECOND DEFENSE

71. Punitive damages are subject to statutory caps and jurisdictional limitations.

TWENTY-THIRD DEFENSE

72. Punitive damage claims are subject to mandatory statutory bifurcation pursuant to O.R.C. §2315.21(B).

TWENTY-FORTH DEFENSE

73. Plaintiff Clifton Jackson is engaged in the unauthorized practice of law by representing Plaintiffs other than himself in violation of O.R.C. 4705.07.

TWENTY-FIFTH DEFENSE

74. Defendant Griffin reserves the right to add any additional Affirmative Defenses as the evidence and discovery so disclose.

WHEREFORE, Defendant Griffin requests that Plaintiffs' Complaint be dismissed with prejudice, at Plaintiffs' costs, without delay.

Respectfully submitted,

/s/ Acacia M. Perko

Acacia M. Perko, Esq. (0087950)

REMINGER CO., L.P.A.

200 Civic Center Drive

Suite 800

Columbus, Ohio 43215

Tele: 614.232.2628

Fax: 614.232.2410

Email: aperko@reminger.com

*Counsel for Defendant, Paul A.
Griffin*

CERTIFICATE OF SERVICE:

I certify that on March 2, 2017, I filed the foregoing Answer using the Court's CM/ECF system and I certify that on the same day a copy of the foregoing was sent via regular U.S. Mail to:

Clifton A. Jackson #A652-163
Lake Erie Correctional Institution
501 Thompson Road / P.O. Box 8000
Conneaut, OH 44030
Plaintiff

Amber Powlak
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Moneh Fuller
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Elijah Fuller
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

April Burns
[REDACTED]
Detroit, MI [REDACTED]
Plaintiff

Brenda Jackson
[REDACTED]
Detroit, MI [REDACTED]
Plaintiff

Ohio State Highway Patrol
1970 West Broad Street
P.O. Box 182074
Columbus, OH 43218-2074
Defendant
State Trooper Michael Trader
1970 West Broad Street
P.O. Box 182074

Alexander Jemison
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Mason Jackson
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Roman Motley
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Lorrionna Jackson
[REDACTED]
Buffalo, NY [REDACTED]
Plaintiff

Angel Burns Myles
[REDACTED]
Detroit, MI [REDACTED]
Plaintiff

Jamel Pittman
[REDACTED]
Detroit, MI [REDACTED]
Plaintiff

State Trooper Christopher Beyer
1970 West Broad Street
P.O. Box 182074
Columbus, OH 43218-2074
Defendant
State Trooper K-9 Argo
1970 West Broad Street
P.O. Box 182074

Columbus, OH 43218-2074
Defendant

Drug Enforcement Administration (DEA)
Special Agent Geno Taliano
1375 E. 9th Street, Suite 700
Lorain County Prosecutor
Dennis P. Will, Esq.
The Justice Center, 3rd Floor
225 Court Street
Elyria, OH 44035
Defendant

Leah M. Wolfe
Assistant United States Attorney
303 Marconi Boulevard, Ste 200
Columbus, Ohio 43215
Leah.wolfe@usdoj.gov
*Attorney for United States of America,
substituted party for Special Agent Geno
Taliano and Special Agent Caitlin
Szczepanski*

Lorain County Assistant Prosecutor
Peter J. Gauthier, Esq.
The Justice Center, 3rd Floor
225 Court Street
Elyria, OH 44035
Defendant

Anthony B. Giardini
520 Broadway
Third Floor
Loraine, Ohio 44052
Attorney for Defendant Jack Bradley

Paul A. Mancino, Jr. Attorney at Law
75 Public Square, Suite 1016
Cleveland, OH 44113-2098
Defendant

Columbus, OH 43218-2074
Defendant

Drug Enforcement Administration (DEA)
Special Agent Caitlin Szczepanski
1375 E. 9th Street, Suite 700

Lorain County Assistant Prosecutor
Jennifer M. Riedthaler, Esq.
The Justice Center, 3rd Floor
225 Court Street
Elyria, OH 44035
Defendant

Lorain County Assistant Prosecutor
Laura Ann Dezort, Esq.
The Justice Center, 3rd Floor
225 Court Street
Elyria, OH 44035
Defendant

Edward Zaleski, Retired Judge
The Justice Center, 7th Floor
225 Court Street
Elyria, OH 44035
Defendant

John Nemeth
Anspach Meeks Ellenberger
175 S. Third Street
Columbus, Ohio 432215
*Attorney for Defendant Mark A.
Aufdenkampe*

/s/ Acacia M. Perko
Acacia M. Perko, Esq. (0087950)

*Counsel for Defendant, Paul A.
Griffin*