



Acacia M. Perko
Direct Dial (614) 232-2628
aperko@reminger.com

February 24, 2017

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

Alexander Jemison
[REDACTED]
Buffalo, NY [REDACTED]

Amber Powlak
[REDACTED]
Buffalo, NY [REDACTED]

Mason Jackson
[REDACTED]
Buffalo, NY [REDACTED]

Moneh Fuller
[REDACTED]
Buffalo, NY [REDACTED]

Roman Motley
[REDACTED]
Buffalo, NY [REDACTED]

Elijah Fuller
[REDACTED]
Buffalo, NY [REDACTED]

Lorrionna Jackson
[REDACTED]
Buffalo, NY [REDACTED]

April Burns
[REDACTED]
Detroit, MI [REDACTED]

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

Brenda Jackson
[REDACTED]
Detroit, MI [REDACTED]

Jamel Pittman
[REDACTED]
Detroit, MI [REDACTED]

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

State Trooper Christopher Beyer
1970 West Broad Street
P.O. Box 182074
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State Trooper Michael Trader
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Drug Enforcement Administration (DEA)
Special Agent Geno Taliano
1375 E. 9th Street, Suite 700
Cleveland, OH 44114

Drug Enforcement Administration (DEA)
Special Agent Caitlin Szczepinski
1375 E. 9th Street, Suite 700
Cleveland, OH 44114



REMINING CO., LPA

Lorain County Prosecutor, Dennis P. Will
The Justice Center, 3rd Floor
225 Court Street
Elyria, OH 44035

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

Anthony B. Giardini, Esq.
Anthony B. Giardini Co., LPA
520 Broadway, Third Floor
Lorain, OH 44052

Mark A. Aufdenkampe, Esq.
33399 Walker Road, Ste. A
Avon Lake, OH 44012

Paul A. Mancino, Jr., Esq.
75 Public Square, Suite 1016
Cleveland, OH 44113-2098

Edward Zaleski, Retired Judge
The Justice Center, 7th Floor
225 Court Street
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John R. Miraldi, Judge
The Justice Center, 7th Floor
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Re: Clifton A. Jackson v. Ohio State Highway Patrol, et al.
Franklin County Common Pleas Court, Case No. 17CV-01-616

Dear Parties,

Enclosed please find copies of both my entry of appearance and answer which I have filed with the Court today on behalf of my client, Paul A. Griffin in the above-captioned case.

Very truly yours,

REMINGER CO., LPA

Acacia M. Perko
Acacia M. Perko

AMP/sf
Enclosures (2)

IN THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

Clifton A. Jackson, *et al.*)
)
) Plaintiffs,)
)
) v.)
)
) OHIO STATE HIGHWAY PATROL, *et al.*)
)
) Defendants.)
)
)
)

NOTICE OF APPEARANCE OF COUNSEL

Please take notice that Acacia M. Perko (0087950) of Reminger Co., L.P.A. hereby enters her appearance as counsel for Defendant Paul A. Griffin in the above captioned matter.

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
Phone: (614) 232-2628
Fax: (614) 232-2410
Email: aperko@reminger.com
Counsel for Defendant, Paul A. Griffin

IN THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

Clifton A. Jackson, <i>et al.</i>)	CASE NO. 17CV-01-616
)	
Plaintiffs,)	JUDGE DAVID C. YOUNG
)	
v.)	
)	DEFENDANT PAUL A. GRIFFIN'S
OHIO STATE HIGHWAY PATROL, <i>et al.</i>)	ANSWER AND AFFIRMATIVE
)	DEFENSES
Defendants.)	
)	
)	
)	

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.

13. Deny without knowledge.

14. Deny without knowledge.

15. Deny without knowledge.

16. Deny without knowledge.

17. Deny without knowledge.

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.
35. Deny without knowledge.
36. Deny without knowledge.
37. Deny without knowledge.
38. Deny without knowledge.
39. Deny without knowledge.
40. Deny without knowledge.
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.

NINTEENTH 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. 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

A copy of the foregoing has been forwarded by the Franklin County Clerk of Court's e-file notification service and/or by regular 1st Class U.S. mail on this 24th day of February, 2017 to the following:

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

Alexander Jemison
[REDACTED]
Buffalo, NY [REDACTED]

Amber Powlak
[REDACTED]
Buffalo, NY [REDACTED]

Mason Jackson
[REDACTED]
Buffalo, NY [REDACTED]

Moneh Fuller
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Roman Motley
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Elijah Fuller
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Counsel for Defendant, Paul A. Griffin