

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

ELIZABETH GOODWIN, ADMINISTRATOR OF THE ESTATE OF TAMIR RICE)	CASE NO.: 1:14-CV-2670
)	
)	JUDGE SOLOMON OLIVER
)	
Plaintiff,)	
)	
v.)	<u>DEFENDANT CITY OF CLEVELAND’S</u>
)	<u>ANSWER TO AMENDED COMPLAINT</u>
TIMOTHY LOEHMANN, et al.,)	
)	
Defendants.)	
)	**Jury Demand Endorsed Hereon**
)	
)	

Now comes Defendant City of Cleveland, by and through counsel, and for its Answer to Plaintiffs’ Amended Complaint, states as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Amended Complaint.

2. Defendant admits that the City of Cleveland is an Ohio political subdivision, organized and existing under the laws of the state of Ohio; that this Defendant is geographically situated in Cuyahoga County, Ohio; that this Defendant operates a Division of Police; but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2 of the Amended Complaint.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Amended Complaint.

4. In response to paragraph 4 of the Amended Complaint, Defendant denies that it is “withholding substantial evidence and information alleging that the underlying criminal investigation is open and ongoing.” Pleading further, Defendant states that the investigation into

the Tamir Rice incident is being conducted by the Cuyahoga County Sheriff's Office; that the City of Cleveland is cooperating and will continue to fully cooperate with the Cuyahoga County Sheriff's Office regarding this investigation; that in light of the Cuyahoga County Sheriff's Office's ongoing investigation, the circumstances of this incident will not be known until the completion of this investigation. Pleading further, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 4 of the Amended Complaint.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Amended Complaint.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Amended Complaint.

7. In response to paragraph 7 of the Amended Complaint, Defendant admits that on November 22, 2014, Tamir Rice was present outside the Cudell Recreation Center. Pleading further, that in light of the Cuyahoga County Sheriff's Office's ongoing investigation, the circumstances of this incident will not be known until the completion of this investigation. Therefore, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 7 of the Amended Complaint.

8. In response to paragraph 8 of the Amended Complaint, Defendant admits that on November 22, 2014, Tamir Rice was shot by Cleveland Police Officer Timothy Loehmann outside of the Cudell Recreation Center. Pleading further, in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 8 of the Amended Complaint.

9. In light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Amended Complaint.

10. In light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Amended Complaint.

11. In light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Amended Complaint.

12. In light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Amended Complaint.

13. In response to paragraph 13 of the Amended Complaint, Defendant denies that the City of Cleveland has failed to conduct a fair and impartial investigation and that Cleveland Police Chief Calvin Williams made any false statements concerning this incident. Pleading further, in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is

without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 13 of the Amended Complaint.

14. Defendant denies the allegations in paragraph 14 of the Amended Complaint.

15. Defendant denies the allegations in paragraph 15 of the Amended Complaint.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Amended Complaint.

17. In response to paragraph 17 of the Amended Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that Defendant Loehmann applied to work in the Aron, Euclid and Parma Heights police department; that these aforementioned police departments declined to hire Defendant Loehmann; that Defendant Loehmann failed the Cuyahoga County Sheriff's Office written examination; and deny the remaining allegations contained in paragraph 17 of the Amended Complaint.

18. Defendant admits that in February 2014, 911 dispatcher Constance Hollinger did receive a letter of reinstruction, but denies the remaining allegations contained in paragraph 18 of the Amended Complaint.

19. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 19 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 19 of the Amended Complaint.

20. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 20 of the

Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 20 of the Amended Complaint.

21. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 21 of the Amended Complaint.

22. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 22 of the Amended Complaint.

23. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 23 of the Amended Complaint.

24. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 24 of the Amended Complaint.

25. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 25 of the Amended Complaint.

26. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 26 of the Amended Complaint.

27. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 27 of the Amended Complaint.

28. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 28 of the Amended Complaint.

29. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the

Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 29 of the Amended Complaint.

30. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 30 of the Amended Complaint.

31. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 31 of the Amended Complaint.

32. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 32 of the Amended Complaint.

33. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 33 of the Amended Complaint.

34. Defendant admits that on or about 2002 and 2014, the United States Department of Justice commenced investigations and that the allegations of those investigations are a matter of public record, but to the extent that the remaining allegations contained in paragraph 21 of the Amended Complaint inaccurately reflect those allegations, Defendant denies the remaining allegations contained in paragraph 34 of the Amended Complaint.

35. Defendant denies the allegations in paragraph 15 of the Amended Complaint.

36. In response to paragraph 36 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 35.

37. Defendant denies the allegations in paragraph 37 of the Amended Complaint.

38. Defendant admits that the Chief of Police and the Mayor are vested with certain authority regarding the operation of the City's Division of Police, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 38 of the Amended Complaint.

39. Defendant denies the allegations in paragraph 39 of the Amended Complaint.

40. Defendant admits that both federal and state law creates certain duties, but denies the remaining allegations contained in paragraph 40 of the Amended Complaint.

41. Defendant denies the allegations in paragraph 41 of the Amended Complaint.

42. Defendant denies the allegations in paragraph 42 of the Amended Complaint.

43. Defendant denies the allegations in paragraph 43 of the Amended Complaint.

44. In response to paragraph 44 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 43.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Amended Complaint.

46. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Amended Complaint.

47. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Amended Complaint.

48. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 of the Amended Complaint.

49. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of the Amended Complaint.

50. In response to paragraph 50 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 49.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 of the Amended Complaint.

52. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of the Amended Complaint.

53. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the Amended Complaint.

54. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Amended Complaint.

55. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the Amended Complaint.

56. In response to paragraph 56 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 55.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Amended Complaint.

58. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the Amended Complaint.

59. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Amended Complaint.

60. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 of the Amended Complaint.

61. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of the Amended Complaint.

62. In response to paragraph 62 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 61.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the Amended Complaint.

64. In response to paragraph 64 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 64 of the Amended Complaint.

65. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the Amended Complaint.

66. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the Amended Complaint.

67. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the Amended Complaint.

68. In response to paragraph 68 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 67.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the Amended Complaint.

70. In response to paragraph 70 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 70 of the Amended Complaint.

71. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the Amended Complaint.

72. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 72 of the Amended Complaint.

73. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the Amended Complaint.

74. In response to paragraph 74 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 73.

75. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the Amended Complaint.

76. In response to paragraph 76 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 76 of the Amended Complaint.

77. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 77 of the Amended Complaint.

78. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78 of the Amended Complaint.

79. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the Amended Complaint.

80. In response to paragraph 80 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 79.

81. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the Amended Complaint.

82. In response to paragraph 76 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 82 of the Amended Complaint.

83. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the

Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 83 of the Amended Complaint.

84. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the Amended Complaint.

85. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the Amended Complaint.

86. In response to paragraph 86 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 85.

87. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the Amended Complaint.

88. In response to paragraph 88 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 88 of the Amended Complaint.

89. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 89 of the Amended Complaint.

90. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 90 of the Amended Complaint.

91. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 91 of the Amended Complaint.

92. In response to paragraph 92 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 91.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the Amended Complaint.

94. In response to paragraph 94 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be

known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 94 of the Amended Complaint.

95. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 95 of the Amended Complaint.

96. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 96 of the Amended Complaint.

97. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97 of the Amended Complaint.

98. In response to paragraph 98 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 97.

99. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 99 of the Amended Complaint.

100. In response to paragraph 100 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 100 of the Amended Complaint.

101. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 101 of the Amended Complaint.

102. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 102 of the Amended Complaint.

103. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 103 of the Amended Complaint.

104. In response to paragraph 104 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 103.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 105 of the Amended Complaint.

106. In response to paragraph 106 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 106 of the Amended Complaint.

107. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 107 of the Amended Complaint.

108. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 108 of the Amended Complaint.

109. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the

Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 109 of the Amended Complaint.

110. In response to paragraph 110 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 109.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 111 of the Amended Complaint.

112. In response to paragraph 100 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 112 of the Amended Complaint.

113. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 113 of the Amended Complaint.

114. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 114 of the Amended Complaint.

115. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 115 of the Amended Complaint.

116. In response to paragraph 116 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 115.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 117 of the Amended Complaint.

118. In response to paragraph 118 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 118 of the Amended Complaint.

119. This Defendant admits that federal and state laws create certain duties for police officers, but as this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 119 of the Amended Complaint.

120. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 120 of the Amended Complaint.

121. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 121 of the Amended Complaint.

122. In response to paragraph 122 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 121.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 123 of the Amended Complaint.

124. In response to paragraph 100 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 124 of the Amended Complaint.

125. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 125 of the Amended Complaint.

126. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 126 of the Amended Complaint.

127. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 127 of the Amended Complaint.

128. In response to paragraph 128 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 127.

129. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 129 of the Amended Complaint.

130. In response to paragraph 130 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 130 of the Amended Complaint.

131. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 131 of the Amended Complaint.

132. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 132 of the Amended Complaint.

133. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 133 of the Amended Complaint.

134. In response to paragraph 134 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 133.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 135 of the Amended Complaint.

136. In response to paragraph 100 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this

Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 136 of the Amended Complaint.

137. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 137 of the Amended Complaint.

138. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 138 of the Amended Complaint.

139. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 139 of the Amended Complaint.

140. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 140 of the Amended Complaint.

141. In response to paragraph 141 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 140.

142. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 142 of the Amended Complaint.

143. In response to paragraph 143 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 143 of the Amended Complaint.

144. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 144 of the Amended Complaint.

145. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 145 of the Amended Complaint.

146. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 146 of the Amended Complaint.

147. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 147 of the Amended Complaint.

148. In response to paragraph 148 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 147.

149. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 149 of the Amended Complaint.

150. Defendant denies the allegations contained in paragraph 150 of the Amended Complaint.

151. Defendant denies the allegations contained in paragraph 151 of the Amended Complaint.

152. Defendant denies the allegations contained in paragraph 152 of the Amended Complaint.

153. Defendant denies the allegations contained in paragraph 153 of the Amended Complaint.

154. Defendant denies the allegations contained in paragraph 154 of the Amended Complaint.

155. Defendant denies the allegations contained in paragraph 155 of the Amended Complaint.

156. In response to paragraph 156 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 155.

157. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 157 of the Amended Complaint.

158. In response to paragraph 158 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 158 of the Amended Complaint.

159. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 159 of the Amended Complaint.

160. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 160 of the Amended Complaint.

161. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 161 of the Amended Complaint.

162. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 162 of the Amended Complaint.

163. In response to paragraph 163 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 162.

164. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 164 of the Amended Complaint.

165. In response to paragraph 165 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 165 of the Amended Complaint.

166. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 166 of the Amended Complaint.

167. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 167 of the Amended Complaint.

168. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 168 of the Amended Complaint.

169. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169 of the Amended Complaint.

170. In response to paragraph 170 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 169.

171. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 171 of the Amended Complaint.

172. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 172 of the Amended Complaint.

173. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 173 of the Amended Complaint.

174. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 174 of the Amended Complaint.

175. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 175 of the Amended Complaint.

176. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 176 of the Amended Complaint.

177. In response to paragraph 177 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 176.

178. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 178 of the Amended Complaint.

179. Defendant denies the allegations contained in paragraph 179 of the Amended Complaint.

180. Defendant denies the allegations contained in paragraph 180 of the Amended Complaint.

181. Defendant denies the allegations contained in paragraph 181 of the Amended Complaint.

182. Defendant denies the allegations contained in paragraph 182 of the Amended Complaint.

183. Defendant denies the allegations contained in paragraph 183 of the Amended Complaint.

184. Defendant denies the allegations contained in paragraph 184 of the Amended Complaint.

185. In response to paragraph 185 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 184.

186. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 186 of the Amended Complaint.

187. In response to paragraph 187 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Timothy Loehmann was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be

known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 187 of the Amended Complaint.

188. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 188 of the Amended Complaint.

189. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 189 of the Amended Complaint.

190. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 190 of the Amended Complaint.

191. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 191 of the Amended Complaint.

192. In response to paragraph 192 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 191.

192. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in second paragraph 192 of the Amended Complaint.

193. In response to paragraph 194 of the Amended Complaint, this Defendant admits that at the time of the Tamir Rice incident, Defendant Frank Garmback was employed by the City of Cleveland, but in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 193 of the Amended Complaint.

194. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 194 of the Amended Complaint.

195. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 195 of the Amended Complaint.

196. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 196 of the Amended Complaint.

197. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 197 of the Amended Complaint.

198. In response to paragraph 198 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 197.

199. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in second paragraph 199 of the Amended Complaint.

200. In light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 200 of the Amended Complaint.

201. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 201 of the Amended Complaint.

202. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in paragraph 202 of the Amended Complaint.

203. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 203 of the Amended Complaint.

204. As this allegation is not directed at this Defendant and in light of the fact that the circumstances of this incident will not be known until the completion of the investigation by the Cuyahoga County Sheriff's Office, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 204 of the Amended Complaint.

205. In response to paragraph 205 of the Amended Complaint, Defendant incorporates by references its responses to paragraphs 1 through 204.

206. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 206 of the Amended Complaint.

207. Defendant denies the allegations contained in paragraph 207 of the Amended Complaint.

208. Defendant denies the allegations contained in paragraph identified as second 201 of the Amended Complaint.

209. Defendant denies the allegations contained in paragraph identified as second 202 of the Amended Complaint.

210. Defendant denies the allegations contained in paragraph identified as second 203 of the Amended Complaint.

211. Defendant denies the allegations contained in paragraph identified as second 204 of the Amended Complaint.

212. Defendant denies the allegations contained in paragraph identified as second 205 of the Amended Complaint.

AFFIRMATIVE DEFENSES

213. Plaintiffs' Amended Complaint fails to state a claim upon which may be granted against this Defendant.

214. Some or all of the Plaintiffs lack standing to bring this cause of action.

215. Plaintiffs' decedent's injuries, losses, and damages complained of, were directly and proximately caused by the failure of Plaintiffs' decedent to exercise due care to avoid injury.

216. Plaintiffs' decedent's injuries, losses, and damages complained of, were directly and proximately caused by the acts of Plaintiffs' decedent, not this Defendant.

217. Plaintiffs' injuries, losses, and damages complained of, were directly and proximately caused by their own acts, not this Defendant.

218. Plaintiffs' claims are barred by the legal doctrines of comparative and contributory negligence.

219. Plaintiffs' claims are barred by the legal doctrine of assumption of risk.

220. The intervening acts, including negligence, of persons other than this Defendant directly and proximately caused Plaintiffs' decedent's injuries, losses, and damages.

221. Plaintiffs' decedent's injuries, losses, and damages complained of were directly and proximately caused by the conduct of individuals or entities other than Defendant.

222. Plaintiffs have failed to join all necessary and indispensable parties.

223. The Defendant is entitled to all immunities and other defenses available under Ohio Revised Code Chapter 2744.

224. This Defendant is entitled to all other full and qualified immunities available under federal law or state law or both.

225. This Defendant is entitled to common law immunity.

226. This Defendant at all times acted reasonable and in good faith.

227. This Defendant is entitled to assert any rights of indemnity and/or contribution that may arise in this civil action including, but not limited to, any rights of contribution and indemnity provided for under federal and state law.

228. This Defendant is entitled to assert any and all set-off defenses, including any defenses arising from the collateral source doctrine or any other contributory or setoff defense provided by federal or state law.

229. The individual Defendants did not violate any of Plaintiffs' decedent's federal rights and, therefore, this Defendant is entitled to judgment as to Plaintiffs' federal law claims.

230. The individual Defendants are entitled to qualified immunity and, therefore, this Defendant is entitled to judgment as to Plaintiffs' federal law claims.

231. This Defendant is not subject to punitive damages.

232. This Defendant reserves the right to file an Amended Answer and assert additional defenses as may be revealed through discovery.

WHEREFORE, having fully answered Plaintiffs' Amended Complaint, Defendant City of Cleveland respectfully prays that Plaintiffs' Amended Complaint be dismissed with prejudice,

that the Court enters judgment in its favor, grant it costs and attorneys' fees, and such other relief as the Court may deem just.

Respectfully submitted

BARBARA A. LANGHENRY (0038838)
Director of Law

By: s/Shawn M. Mallamad
SHAWN M. MALLAMAD (0011398)
Assistant Director of Law
AIKATERINI HOUSTON (0086262)
Assistant Director of Law
City of Cleveland Department of Law
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2800 Fax: (216) 664-2663
SMallamad@city.cleveland.oh.us
AHouston@city.cleveland.oh.us
Attorneys for Defendant City of Cleveland

JURY DEMAND

Defendant City of Cleveland demands a trial by jury comprised of the maximum number of jurors permitted under the law on all issues.

s/Shawn M. Mallamad
SHAWN M. MALLAMAD (0011398)
Assistant Director of Law

CERTIFICATE OF SERVICE

I certify that on February 27, 2015 a copy of the **Answer of Defendant City of Cleveland to Plaintiffs' Amended Complaint** was electronically filed. 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/Shawn M. Mallamad
SHAWN M. MALLAMAD (0011398)
Assistant Director of Law