

COMMONWEALTH OF KENTUCKY
LAUREL CIRCUIT COURT
CASE NO.: 18-CI-00077
-Electronically Filed-

FREEDOM FROM RELIGION FOUNDATION

PLAINTIFF

v.

ANSWER

JAMIE MOSLEY, LAUREL COUNTY JAILER
and LAUREL COUNTY CORRECTIONAL CENTER

DEFENDANTS

Defendants, by counsel, file this Answer to the Plaintiff's Complaint and state as follows:

FIRST DEFENSE

The Complaint fails to state a claim against Defendants upon which relief can be granted and should be dismissed.

SECOND DEFENSE

1. Paragraphs 1, 2, 6 and 8 of the Complaint do not require a factual response of the Defendants.
2. Defendants are without sufficient information or knowledge to form a belief as to the allegations of paragraphs 3 and 4 of the Complaint and therefore deny the allegations of those paragraphs.
3. Defendants admit that Mr. Mosley is the duly elected Jailer of Laurel County, Kentucky. Defendant Laurel County Correctional Center is merely a building and not a corporate entity. Otherwise, Defendants deny the allegations of paragraph 5 inconsistent therewith.
4. Defendants do not contest venue in Laurel Circuit Court.
5. The allegations of paragraphs 12, 13, 14, 15, 16, 17, 18, 19, and 20 refer to record correspondence or other documentation contained with the submission of Plaintiff's requests and

matters with the Kentucky Attorney General. The content of those documents speak for themselves. Therefore, Defendants rely upon those documents in response to the factual allegations made in these referenced paragraphs of the Complaint.

6. Defendant denies the allegations of paragraphs 9, 10, 11, 24, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of the Complaint as stated.

7. Paragraphs 21, 22, 23, 25, 26, and 27 of the Complaint state conclusions of law which do not require a factual response of the Defendants, but to the extent a response is deemed necessary, Defendant denies so much of the allegations of these paragraphs of the Complaint.

8. Defendants deny the remaining allegations of the Complaint not specifically admitted herein.

THIRD DEFENSE

Defendant “Laurel County Correctional Center” is not a corporate entity capable of suing or being sued. To that extent, Plaintiff’s Complaint may be barred by insufficiency of process and insufficiency of service of process.

FOURTH DEFENSE

The Complaint is barred by the sovereign, governmental, absolute, qualified and/or official immunity of the Defendants, which also bars any discovery against Defendants.

FIFTH DEFENSE

These Defendants have acted in conformity with all applicable statutes, regulations, ordinances, common law, and in conformity with the Constitutions of the United States and the Commonwealth of Kentucky.

SIXTH DEFENSE

These Defendants are entitled to good faith immunity in that no action was taken against Plaintiffs with malice or in violation of state or federal law. Because Defendants acted in good faith and without any ill motive or tortious intent, and their actions were not taken in bad faith, acts as a complete bar to Plaintiffs' Complaint.

SEVENTH DEFENSE

Defendants at all times referenced in the Complaint relied upon the advice of counsel which constitutes a complete defense to all or part of Plaintiff's Complaint.

EIGHTH DEFENSE

Defendant reserves the right to raise additional affirmative defenses.

WHEREFORE, Defendants respectfully request judgment be entered in their favor, and that the Plaintiffs' Complaint be dismissed and that they take nothing thereby. Defendants further requests costs and expenses, including attorneys' fees, expended in this matter and for any and all other appropriate relief to which it may appear to be entitled.

Respectfully submitted,

STURGILL, TURNER, BARKER & MOLONEY, PLLC

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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing has been electronically filed with the KY e-Filing system on this 23rd day of March, 2018, and that same has been sent by electronic mail via the Court's electronic filing system to all parties registered to receive electronic filings and also sent via U.S. Mail to:

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