

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

ROOSEVELT SIMMONS,

Plaintiff,

v.

MASE and COMPANY, LLC, J. AL
CANNON, JR., CHARLESTON COUNTY
SHERIFF'S DEPARTMENT,
CHARLESTON COUNTY, CHARLESTON
COUNTY REVENUE COLLECTIONS
DEPARTMENT and HARRY LONG,

Defendants.

CIVIL ACTION NO.: 2:11-cv-00709-RMG

2010 -
2011 - 1084

**ANSWER ON BEHALF OF
DEFENDANTS' J. AL CANNON, JR.,
CHARLESTON COUNTY SHERIFF'S
DEPARTMENT, CHARLESTON
COUNTY, CHARLESTON COUNTY
REVENUE COLLECTIONS
DEPARTMENT AND HARRY LONG TO
DEFENDANT MASE AND COMPANY,
LLC ANSWER TO PLAINTIFF'S
SECOND AMENDED COMPLAINT AND
CROSS-CLAIM**

(Jury Trial Demanded)

FILED
2012 JUL 11 PM 4:22
JULIE J. ARREST RONG
CLERK OF COURT

Come now the defendants, J. Al Cannon, Jr., Sheriff of Charleston County, Charleston County Sheriff's Department, Charleston County, Charleston County Revenue Collections Department and Harry Long, ("these Defendants") and hereby answer the Cross-Claims of Defendant Mase and Company, LLC, ("Defendant Mase") included in Defendant Mase's Answer to Plaintiff's Second Amended Complaint, Cross-Claim, and Counterclaim of Defendant Mase and Company, LLC as follows:

FOR A FIRST DEFENSE
(Qualified General Denial)

All specifically not admitted herein should be deemed denied.

1. These Defendants would show that Paragraphs 1-44 of Defendant Mase's Answer to Plaintiff's Second Amended Complaint, Cross-Claim and Counterclaim are not directed at these

Defendants and therefore no response is required. To the extent a response is required to said Paragraphs, these Defendants deny any allegations against these Defendants.

2. These Defendants deny the allegations of Paragraph 45 of Defendant Mase's Answer to Plaintiff's Second Amended Complaint, Cross-Claim and Counterclaim as they apply to them, but would admit that any damages, should there be any proven, incurred by Defendant Mase were solely caused by Plaintiff.

3. These Defendants deny any allegations of Paragraph 46 of Defendant Mase's Answer, Cross-Claim and Counterclaim as they apply to these Defendants.

FOR A SECOND DEFENSE
(Rules 8 and 12)

4. Defendant Mase has failed to state a cause of action for which relief can be granted. Further, the Cross-Claims should be dismissed for all applicable reasons in accordance with Rule 12 and Rule 8 of the Federal Rules of Civil Procedure.

FOR AN THIRD DEFENSE
(Sovereign Immunity - Tort Claims Act)

5. As to any alleged violation of common law or state law, these Defendants assert the protections and provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-10, et seq., pertinent portions thereto.

FOR A FOURTH DEFENSE
(Failure to Mitigate)

6. Defendant Mase's claims are barred or must be reduced by his failure to mitigate damages, should there be any damages.

Wherefore, having fully answered Defendant Mase's Cross-Claim, these Defendants hereby

pray that the Cross-Claim be dismissed with prejudice; that Defendant Mase be responsible for all costs associated with defending this action; and for all such further relief as this court deems just and proper. In addition, these Defendants reserve the right to amend to allege additional affirmative defenses or other defenses as they become known throughout the course of discovery.

s/Christopher T. Dorsel

CHRISTOPHER T. DORSEL

FED. I.D. NO:

SANDRA J. SENN

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November 10, 2011

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County Sheriff's Department, Charleston
County, Charleston County Revenue
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