

2011-CP-10-1084

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

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.

IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CIVIL ACTION NO.: 2011-CP-10-1084

2012 DEC 27 AM 11:53
J. ARMSTRONG
CLERK OF COURT

FILED

MS

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 AMENDMENT TO SECOND AMENDED COMPLAINT, CROSS-CLAIM AND COUNTERCLAIM

(Jury Trial Demanded)

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 Amendment to 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 1-49 of Defendant Mase's Answer to Plaintiff's Amendment to 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 50 of Defendant Mase's Answer to Plaintiff's Amendment to 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 the allegations of Paragraph 51 of Defendant Mase's Answer to Plaintiff's Amendment to Second Amended Complaint, Cross-Claim and Counterclaim as they apply to them, but would admit that Plaintiff lacks standing to bring a cause of action for Inadequacy of Sale Price.

4. These Defendants deny the allegations of Paragraph 52 of Defendant Mase's Answer to Plaintiff's Amendment to 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.

5. These Defendants deny any allegations of Paragraph 53 of Defendant Mase's Answer, Cross-Claim and Counterclaim as they apply to these Defendants.

6. These Defendants deny any allegations of Paragraph 54 of Defendant Mase's Answer, Cross-Claim and Counterclaim as they apply to these Defendants.

FOR A SECOND DEFENSE
(Rules 8 and 12)

7. 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 South Carolina Rules of Civil Procedure.

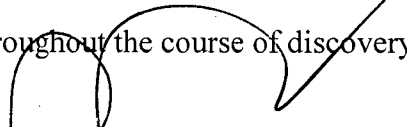
FOR AN THIRD DEFENSE
(Sovereign Immunity - Tort Claims Act)

8. 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)

9. 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.



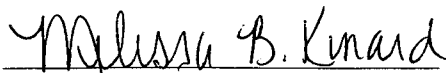
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December 21, 2012
Charleston, South Carolina

Attorneys for Defendants J. Al Cannon, Jr.,
Sheriff of Charleston County, Charleston
County Sheriff's Department, Charleston
County, Charleston County Revenue
Collections Department and Harry Long

CERTIFICATE OF MAILING

I hereby certify that I have electronically served and mailed a copy of the above and foregoing to counsel of record in said proceeding to their office addresses with sufficient postage affixed hereto, this 21 day of December, 2012.



Melissa B. Kinard



Senn Legal

—LLC—

ATTORNEYS AT LAW

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December 21, 2012

The Honorable Julie J. Armstrong
Clerk of Court, Charleston
100 Broad Street, Suite 106
Charleston, SC 29402

RE: Roosevelt Simmons v. Mase and Company, LLC, Et al
Case No.: 2011-CP-10-1084

Dear Julie:

Enclosed please find the original and two (2) copies of the 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's Answer to Plaintiff's Amendment to Second Amended Complaint, Cross-Claim and Counterclaim in the above-referenced matter. Please file the original and return the file-stamped copies to me in the self-addressed envelope that is also enclosed for your convenience. As noted by the Certificate of Mailing, opposing counsel is being served with copies of this pleading on today's date.

With kind regards, I am,

Sincerely,

Sandra J. Senn

mbk

Enclosure

cc: Edward A. Bertele, Esquire
Wendy Keefer, Esquire