

FILED  
2012 JUL 11 PM 4:19  
JULIE J. ARMSTRONG  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

ROOSEVELT SIMMONS,

Plaintiff,

v.

MASE and COMPANY, LLC, J. AL  
CANNON, JR., SHERIFF OF  
CHARLESTON COUNTY and  
CHARLESTON COUNTY,

Defendants.

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

2011-1084

**ANSWER ON BEHALF OF  
DEFENDANTS' J. AL CANNON, JR.,  
SHERIFF OF CHARLESTON COUNTY  
AND CHARLESTON COUNTY TO  
DEFENDANT MASE AND COMPANY,  
LLC AMENDED ANSWER AND CROSS-  
CLAIMS**

(Jury Trial Demanded)

Come now the defendants, J. Al Cannon, Jr., Sheriff of Charleston County, and Charleston County ("these Defendants") and hereby answer the Cross-Claims of Defendant Mase and Company, LLC, ("Defendant Mase") included in Defendant Mase's Amended Answer, 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 1-48 of Defendant Mase's Answer, Cross-Claim and Counterclaim are not directed at these Defendants and therefore no response is required. To the extent a response is required to Paragraphs 1-48 of Defendant Mase's Answer, Cross-Claim and Counterclaim, these Defendants deny any allegations against these Defendants.

2. These Defendants deny the allegations of Paragraph 49 of Defendant Mase's Answer, 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 50 of Defendant Mase' 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

FED. I.D. NO: 5761

Senn, McDonald, & Leinbach, LLC

P.O. Box 12279

Charleston, SC 29422

(843) 556-4045

May 17, 2011

Attorneys for Defendants Sheriff Al Cannon,  
Charleston County Sheriff's Department,  
and the County of Charleston