

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
ASHLAND DIVISION
ACTION NO. 0:06-CV-00126-HRW

Electronically Filed

MELISSA MOORE and JERRY MOORE,
as Next Friend and on Behalf of Their
17-year-old Daughter, Jerica Moore

PLAINTIFFS

V.

ANSWER

JAMES BOGGS, Individually and in his
Official Capacity as Principal of Lawrence
County High School; DEBRA DELONG,
Individually and in her Official Capacity
as Assistant Principal of Lawrence County
High School; LAWRENCE COUNTY
BOARD OF EDUCATION and UNKNOWN
EMPLOYEES OF THE LAWRENCE COUNTY
BOARD OF EDUCATION

DEFENDANTS

** ** * ** * ** *

Come the Defendants, James Boggs, Individually and in his Official Capacity as Principal of Lawrence County High School; Debra Delong, Individually and in her Official Capacity as Assistant Principal of Lawrence County High School; and the Lawrence County Board of Education, by counsel, and for their Answer to the Plaintiffs' Complaint, state as follows:

FIRST DEFENSE

The Plaintiffs' claims are barred under the doctrines of sovereign immunity, governmental immunity, absolute and/or qualified immunity.

SECOND DEFENSE

1. These Defendants admit the allegations set forth in Paragraph Nos. 1, 2, and 3 of Plaintiffs' Complaint.

2. These Defendants admit so much of Paragraph No. 4 of Plaintiffs' Complaint which alleges that the "Plaintiffs state that Jerica Moore is an enrolled student at the Lawrence County High School" but deny all other allegations set forth in Paragraph No. 4.

3. These Defendants deny the allegations set forth in Paragraph Nos. 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 of Plaintiffs' Complaint.

4. These Defendants are without sufficient information on which to form a basis of belief as to the truth of the allegations set forth in Paragraph No. 11 of Plaintiffs' Complaint, and therefore same is denied.

5. All allegations of Plaintiffs' Complaint not specifically admitted herein are denied.

THIRD DEFENSE

Defendants James Boggs and Debra Delong , at all times relevant herein, were acting as employees of the Lawrence County Board of Education and therefore have no individual liability in this case.

FOURTH DEFENSE

These Defendants state that the damages about which the Plaintiffs complain, if any, were the result of intentional conduct and/or negligence by or on the part of other parties, over whom these Defendants had no control, and for whom these Defendants have no liability, and these Defendants rely upon said active and primary intentional conduct and/or negligence of said other parties as a complete or partial bar to the cause of action as asserted against them herein.

FIFTH DEFENSE

These Defendants state that the damages about which the Plaintiffs complain, if any, were the result of intentional or negligent acts on the part of the Plaintiffs, without fault on the part of these Defendants, and these Defendants rely upon said active and primary fault of the Plaintiffs as a complete or partial bar to the cause of action as asserted against them herein.

SIXTH DEFENSE

The Plaintiffs' claim of deliberate indifference against the Defendants fails to state a cause of action under 2 U.S.C. §1983, and therefore should be dismissed.

SEVENTH DEFENSE

The Plaintiffs' claims are barred by their failure to exhaust all administrative remedies.

WHEREFORE, having answered, these Defendants demand that the Plaintiffs' Complaint against them be dismissed and that they take nothing therein; for their costs herein expended; for trial by jury; and for any and all other relief to which they may appear properly entitled.

Respectfully submitted,

**BAKER, KRIZ, JENKINS, PREWITT
& JONES, P.S.C.**

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s/BARBARA A. KRIZ, ESQ.
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following: Ned Pillarsdorf, Esq.

s/Barbara A. Kriz, Esq.
BAKER, KRIZ, JENKINS, PREWITT & JONES, P.S.C.