

ORIGINAL

IN THE SUPREME COURT OF OHIO

State of Ohio, <i>ex rel.</i>	:	
Steve R. Maddox., <i>et al.</i> ,	:	
	:	
Relators,	:	Case No.: 14-1267
	:	
v.	:	Original action in mandamus
	:	
Village of Lincoln Heights, Ohio, <i>et al.</i> ,	:	
	:	
Respondents.	:	

**RESPONDENTS' ANSWER TO RELATORS' COMPLAINT FOR WRIT OF
MANDAMUS WITH CLASS ACTION ALLEGATIONS**

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**ANSWER TO RELATORS’ COMPLAINT FOR WRIT OF MANDAMUS WITH
CLASS ACTION ALLEGATIONS**

Respondents, The Village of Lincoln Heights, Ohio, Mayor Laverne Mitchell, Stephanie Summerow Dumas, Councilwoman Deborah Seay, Councilman Harold Stewart, Councilwoman Sharon Willis, Clerk of Council Ayrica Raglin, Councilman Richard Headon, Councilwoman Jetta-Chiles, Councilwoman Stevenson, and Councilman Willis (collectively “Respondents”), hereby respond to Relators’ Complaint for Writ of Mandamus with Class Action Allegations as set forth below:

FIRST DEFENSE

1. Paragraph 1 contains a legal conclusion for which no response is required; otherwise, deny.

2. Denied for want of knowledge.

3. Admit.

4. Denied for want of knowledge.

5. Denied for want of knowledge.

6. Denied for want of knowledge.

7. Denied for want of knowledge.

8. Denied for want of knowledge.
9. Denied for want of knowledge.
10. Denied for want of knowledge.
11. Denied for want of knowledge.
12. Denied for want of knowledge.
13. Denied for want of knowledge.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied for want of knowledge.
23. Denied for want of knowledge.
24. Denied.
25. Denied.
26. Admit.
27. Denied for want of knowledge.
28. Admit.
29. Denied.
30. Denied.

31. Denied.
32. Denied.
33. Denied.
34. Denied.
35. Denied.
36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. Denied.
41. Denied.
42. Denied.
43. Denied.

COUNT I
(The Misclassification Class)

44. Respondents reincorporate all previous responses in this Answer as if fully re-written herein.

45. Denied.
46. Denied.
47. Denied.
48. Denied.
49. Denied.
50. Denied.
51. Denied.

COUNT II
(The Fringe Benefits Class)

52. Respondents reincorporate all previous responses in this Answer as if fully re-written herein.

53. Denied.

54. Denied.

55. Paragraph 55 contains a legal conclusion to which no response is required; otherwise, denied.

56. Denied.

COUNT III
(Holiday Pay Class)

57. Respondents reincorporate all previous responses in this Answer as if fully re-written herein.

58. Denied.

59. Denied.

60. Denied.

COUNT IV
(The Sick Leave Class)

61. Respondents reincorporate all previous responses in this Answer as if fully re-written herein.

62. Denied.

63. Denied.

SECOND DEFENSE

64. Relators failed to join necessary and/or additional parties to this case as required by Civ. R. 19, Civ. R. 19.1, and/or R.C. 2721.12.

THIRD DEFENSE

65. This Court lacks subject matter and/or original jurisdiction over Relators' Complaint.

FOURTH DEFENSE

66. Venue is improper.

FIFTH DEFENSE

67. This action, in whole or in part, is not ripe for adjudication.

SIXTH DEFENSE

68. Relators have plain and adequate remedies in the ordinary course of the law that are complete, beneficial, and speedy.

SEVENTH DEFENSE

69. Relators have no legal right to the relief requested in the Complaint.

EIGHTH DEFENSE

70. Respondents are under no legal duty to perform the acts alleged in Relators' Complaint.

NINTH DEFENSE

71. Respondents deny all allegations not expressly admitted in this Answer.

TENTH DEFENSE

72. Relators' Complaint fails to state a claim upon which relief can be granted as set forth in the Motion to Dismiss.

ELEVENTH DEFENSE

73. Relators' claims are barred, in whole or in part, by the doctrines of waiver, accord and satisfaction, estoppel, laches, set-off, and/or settlement.

TWELFTH DEFENSE

74. Relators' claims are barred by the "municipal home rule."

THIRTEENTH DEFENSE

75. Respondents' acts were at all relevant times conducted in good faith and/or supported with valid and legal excuses.

FOURTEENTH DEFENSE

76. Relators' claims are barred by their own comparative or contributory negligence.

SIXTEENTH DEFENSE

77. Some or all of the allegations and claims set forth in Relators' Complaint for Writ of Mandamus are barred by an intervening and/or superseding cause thereby relieving Respondents of all and any responsibility.

SEVENTEENTH DEFENSE

78. Relators failed to mitigate their damages, if any.

EIGHTEENTH DEFENSE

79. The damages sustained by Relators, if any, were the direct and proximate result of the liability of other persons and/or parties and/or entities, other than Respondents and, as a result, any right of recovery must be diminished in whole or in part.

NINETEENTH DEFENSE

80. Any allocation of fault by the trier of fact must be consistent with R.C. 2307.22, et seq., and R.C. 2307.23, et seq.

TWENTIETH DEFENSE

81. Relators are not entitled to attorneys' fees.

TWENTY-FIRST DEFENSE

82. Relators' claims are barred by the applicable statute of limitations, including R.C. 2305.07, R.C. 145.037(D)(1), and R.C. 145.038(C).

TWENTY-SECOND DEFENSE

83. Respondents conduct further legitimate and substantial interests at all times.

TWENTY-THIRD DEFENSE

84. Relators cannot identify their alleged damages with certainty.

TWENTY-FOURTH DEFENSE

85. Relators reserve the right to add additional Affirmative Defenses.

TWENTY-FIFTH DEFENSE

86. R.C. 124.38 and R.C. 124.39 do not apply to Respondents.

WHEREFORE, Respondents pray that Relators' Complaint for Writ of Mandamus with Class Action Allegations be dismissed with prejudice, that Relators be ordered to pay all costs and reasonable attorneys' fees sustained by Respondents, as well as any relief this Court deems appropriate.

Respectfully submitted,



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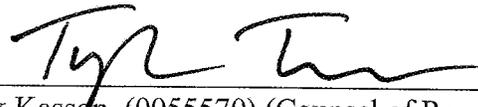
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CERTIFICATE OF SERVICE

This will certify that a true and accurate copy was served on the following via email and regular mail on September 8, 2014:

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