

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE OHIO COURT OF CLAIMS

2015 APR 28 PM 3:23

CHRISTOPHER D. BELL

Case No. 2015-00287

Plaintiff

v.

DEPARTMENT OF REHABILITATION AND
CORRECTION

ANSWER

Defendant

FIRST DEFENSE

1. Defendant admits the allegations in Paragraph 1.
2. Defendant denies the allegations in Paragraph 2.
3. Defendant denies the allegations in Paragraph 3.
4. Defendant denies the allegations in Paragraph 4.
5. Defendant admits the allegations in Paragraph 5.
6. Defendant denies the allegations in Paragraph 6.
7. Defendant denies the allegations in Paragraph 7.
8. Defendant admits the allegations in Paragraph 8.
9. Defendant denies the allegations in Paragraph 9.
10. Defendant denies the allegations in Paragraph 10.
11. Defendant admits the allegations in Paragraph 11.
12. Defendant denies the allegations in Paragraph 12.

ON COMPUTER

13. Defendant denies the allegations in Paragraph 13.
14. Defendant admits the allegations in Paragraph 14.
15. Defendant denies the allegations in Paragraph 15.
16. Defendant denies the allegations in (the second numbered) Paragraph 15.
17. Defendant denies each and every remaining allegation in the Complaint not specifically admitted herein to be true.

ADDITIONAL DEFENSES

18. The Complaint fails to set forth a claim upon which relief may be granted.
19. The Court lacks jurisdiction to hear Plaintiff's claims.
20. Defendant enjoys a privilege.
21. Defendant is immune from liability.
22. Plaintiff is not entitled to the damages requested in the Complaint.
23. Defendant acted in good faith in compliance with the law and not in a wanton and malicious manner.
24. The allegations in the Complaint challenge matters involving a high degree of official discretion from which Defendant is immune from liability.
25. The negligent and/or intentional acts of Plaintiff or one or more persons for whose conduct Defendant cannot be liable were the intervening and superseding causes of the injuries and damages alleged in the Complaint.

26. Plaintiff is barred from recovery because his own negligence caused or contributed to the injuries alleged in the Complaint and was greater than the alleged negligent conduct of Defendant, which has been specifically denied.

27. Defendant is entitled to an apportionment of the negligence of the other inmates, and/or Plaintiff himself, involved in the incident pursuant to Ohio R.C. 2307.23 if this Court makes a finding of liability.

28. Plaintiff is barred from recovery due to the doctrines of fraud, mistake, malicious intent and/or knowledge.

29. Defendant gives notice that it intends to rely upon and utilize such other defenses as may become available and/or apparent during the course of discovery, and hereby reserves the right to amend its Answer to assert such defenses.

WHEREFORE, Defendant requests that Plaintiff's Complaint be dismissed in its entirety at Plaintiff's costs and that Defendant be entitled to costs expended herein.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



JEANNA V. JACOBUS (0085320)
Associate Assistant Attorney General
STACY HANNAN (0081094)
Senior Assistant Attorney General
Court of Claims Defense Section
150 East Gay Street; 18th Floor
Columbus, Ohio 43215
Telephone: (614) 466-7447
Jeanna.Jacobus@ohioattorneygeneral.gov

Stacy.Hannan@ohioattorneygeneral.gov
COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

On April 29, 2015, a copy of this Answer was emailed to:

Richard F. Swope
Swope and Swope
6480 East Main Street, Suite 102
Reynoldsburg, Ohio 43068
rswopeatty@aol.com


JEANNA V. JACOBUS (0085320)
Associate Assistant Attorney General