

1 Georgia A. Staton, Bar #004863
2 JONES, SKELTON & HOCHULI, P.L.C.
3 2901 North Central Avenue, Suite 800
4 Phoenix, Arizona 85012
5 Telephone: (602) 263-1700
6 Fax: (602) 200-7854
7 gstaton@jshfirm.com

8 Attorneys for Defendants Mohave County;
9 Walker; Sockwell; Johnson; Watson; and
10 Ekstrom

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 Gianluca Zanna and Bridget Langston-Zanna,
14 husband and wife,

15 Plaintiffs,

16 NO. CV 10-08149-PCT-GMS

17 **ANSWER ON BEHALF OF**
18 **DEFENDANTS**

19 v.

20 Mohave County, a jural entity; Ron Walker
21 and Jane Doe Walker, husband and wife; Tom
22 Sockwell and Jane Doe Sockwell, husband and
23 wife; Buster Johnson and Jane Doe Johnson,
24 husband and wife; Gary Watson and Jane Doe
25 Watson, husband and wife; and William
26 Ekstrom and Jane Doe Ekstrom, husband and
27 wife,

28 Defendants.

Defendants Mohave County, Walker, Sockwell, Johnson, Watson and Ekstrom, by and through undersigned counsel, for its Answer to Plaintiffs' Complaint, admit, deny and allege as follows:

1. Defendants deny each and every allegation not otherwise admitted or pled to.
2. In answering Paragraph 1 of Plaintiffs' Complaint, Defendants admit same.

1 12. In answering Paragraph 20 of Plaintiffs' Complaint, Defendants deny
2 same.

3 13. In answering Paragraph 21 of Plaintiffs' Complaint, Defendants are
4 without sufficient information or knowledge to form a belief as to the truth of the matters
5 asserted therein and, therefore, deny same.

6 14. In answering Paragraph 22 of Plaintiff's Complaint, Defendants deny
7 same.

8 15. In answering Paragraph 23 of Plaintiffs' Complaint, Defendants deny
9 same.

10 16. In answering Paragraph 24 of Plaintiffs' Complaint, Defendants deny
11 that the County Administration Property is a public forum and further deny that
12 Defendants violated Plaintiffs' First Amendment rights.

13 17. In answering Paragraph 25 of Plaintiffs' Complaint, Defendants
14 admit only that Defendant Sockwell wrote a letter to a local newspaper. Defendants deny
15 all remaining allegations contained therein.

16 18. In answering Paragraph 26 of Plaintiffs' Complaint, Defendants are
17 without sufficient information or knowledge to form a belief as to the truth of the matters
18 asserted therein and, therefore, deny same.

19 19. In answering Paragraph 27 of Plaintiffs' Complaint, Defendants deny
20 same.

21 20. In answering Paragraph 28 of Plaintiffs' Complaint, Defendants deny
22 same.

23 21. In answering Paragraph 29 of Plaintiffs' Complaint, Defendants deny
24 same.

COUNT ONE

(Negligence and/or Gross Negligence)

22. In answering Paragraph 30 of Plaintiffs' Complaint, Defendants incorporate by reference their responses to Paragraphs 1 through 29 as if fully set forth herein.

23. In answering Paragraph 31 of Plaintiffs' Complaint, Defendants admit same.

24. In answering Paragraph 32 of Plaintiffs' Complaint, Defendants deny same.

25. In answering Paragraph 33 of Plaintiffs' Complaint, Defendants admit only that Mohave County is vicariously liable for the acts of its employees acting within the course and scope of their employment.

26. In answering Paragraph 34 of Plaintiffs' Complaint, Defendants deny same.

COUNT TWO

(Intentional Infliction of Emotional Distress)

27. In answering Paragraph 35 of Plaintiffs' Complaint, Defendants incorporate by reference their responses to Paragraphs 1 through 34 as if fully set forth herein.

28. In answering Paragraph 36 of Plaintiffs' Complaint, Defendants deny same.

29. In answering Paragraph 37 of Plaintiffs' Complaint, Defendants deny same.

30. In answering Paragraph 38 of Plaintiffs' Complaint, Defendants admit only that Mohave County is vicariously liable for the acts of its employees acting within the course and scope of their employment.

31. In answering Paragraph 39 of Plaintiffs' Complaint, Defendants deny same.

1 **COUNT THREE**

2 **(42 U.S.C. §1983)**

3 32. In answering Paragraph 40 of Plaintiffs' Complaint, Defendants
4 incorporate by reference their responses to Paragraphs 1 through 39 as if fully set forth
5 herein.

6 33. In answering Paragraphs 41, 42 and 43 of Plaintiffs' Complaint,
7 Defendants deny same.

8 34. In answering Paragraph 44 of Plaintiffs' Complaint, Defendants deny
9 same.

10 35. In answering Paragraph 45 of Plaintiffs' Complaint, Defendants deny
11 same.

12 **COUNT FOUR**

13 **(Defamation/Libel/Slander)**

14 36. In answering Paragraphs 46, 47, 48, 49, 50, 51 and 52 Plaintiffs'
15 Complaint, Defendants deny same.

16 **AFFIRMATIVE DEFENSES**

17 As and for an affirmative dense and in the alternative Defendant asserts:

18 1. Plaintiffs failed to timely and properly comply with Arizona's Notice
19 of Claim statute, A.R.S. §12-821.01 as to each of the named Defendants thus barring
20 Plaintiffs' state law claims.

21 2. Plaintiffs' Complaint, in whole or in part, is barred by the statute of
22 limitations.

23 3. The individually named Defendants, sued in their individual capacity,
24 are entitled to qualified immunity.

25 4. Plaintiffs' Complaint, in whole or in part, fails to state a claim upon
26 which relief can be granted.

27 5. Plaintiffs were comparatively at fault all which serves to reduce or
28 eliminate damages, if any, owed by these answering Defendants.

1 ORIGINAL electronically filed
2 this 8th day of September, 2010.

3 COPY mailed/e-mailed
4 this 9th day of September, 2010, to:

5 Hon. G. Murray Snow
6 United States District Court
7 Sandra Day O'Connor U.S. Courthouse
8 401 West Washington Street, SPC 80
9 Suite 622
10 Phoenix, AZ 85003-2156
11 602-322-7650

12 Vicki A.R. Lopez, Esq.
13 MARC J. VICTOR, P.C.
14 3920 South Alma School Road
15 Suite 5
16 Chandler, AZ 85248
17 Attorneys for Plaintiffs
18 480-755-7110
19 FAX: 480-755-8286
20 E-mail: vicki@attorneyforfreedom.com

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