

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

CAMERON MCCADDEN, a minor, by his,
next friend, CRYSTAL MCCADDEN,

Plaintiff,

Case No. 2:18-cv-12377
Hon. Denise Page Hood

v.

CITY OF FLINT; TIMOTHY JOHNSON,
Chief of Police, City of Flint, in his official
capacity; TERRANCE WALKER, in his
individual capacity, and FLINT & GENESEE
CHAMBER OF COMMERCE, a Michigan
non-profit corporation,

Defendants.

**DEFENDANT FLINT &
GENESEE CHAMBER OF
COMMERCE'S ANSWER TO
FIRST AMENDED COMPLAINT,
LIMITED RELIANCE UPON
AND OBJECTION TO JURY
DEMAND, AND AFFIRMATIVE
DEFENSES**

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**DEFENDANT FLINT & GENESEE CHAMBER OF COMMERCE’S
ANSWER TO FIRST AMENDED COMPLAINT, LIMITED RELIANCE
UPON AND OBJECTION TO JURY DEMAND, AND
AFFIRMATIVE DEFENSES**

Defendant Flint & Genesee Chamber of Commerce (“FGCC” or “Defendant”), through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, state as follows for its Answer to Plaintiffs’ First Amended Complaint:

INTRODUCTION

1. In response to Paragraph 1 of Plaintiffs’ Complaint, Defendant FGCC admits only that Plaintiffs allege claims for damages and declaratory and injunctive relief and that Plaintiffs allege claims under the Fourth Amendment to the U.S. Constitution, Title II of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act, and Michigan’s Persons with Disabilities Civil Rights Act (“PWDCRA”). Defendant FGCC expressly denies that Plaintiffs are entitled to damages and declaratory and injunctive relief, and denies liability under the cited statutes.

2. In response to Paragraph 2 of Plaintiffs' Complaint, Defendant FGCC admits only that on or about October 12, 2015, Plaintiff Cameron McCadden participated in the YouthQuest program, administered by Defendant FGCC. Defendant FGCC neither admits nor denies the remainder of the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiff to their proofs.

3. In response to Paragraph 3 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Flint Police Department ("Flint PD").

4. In response to Paragraph 4 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

5. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Terrance Walker ("Officer Walker").

6. In response to Paragraph 6 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

7. In response to Paragraph 7 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendants Flint PD and Officer Walker.

8. In response to Paragraph 8 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs. Answering further, Defendant FGCC states that the document referred to in Paragraph 8 of Plaintiffs' Complaint speaks for itself.

9. In response to Paragraph 9 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs. Answering further, Defendant FGCC states that the document referred to in Paragraph 9 of Plaintiffs' Complaint speaks for itself.

10. In response to Paragraph 10 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

11. In response to Paragraph 11 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs. Answering further, Defendant FGCC states that the document referred to in Paragraph 11 of Plaintiffs' Complaint speaks for itself.

12. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs. Answering further, Defendant FGCC states that the document referred to in Paragraph 12 of Plaintiffs' Complaint speaks for itself.

13. In response to Paragraph 13 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Flint PD.

Answering further, Defendant FGCC states that the document referred to in Paragraph 13 of Plaintiffs' Complaint speaks for itself.

14. In response to Paragraph 14 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Flint PD.

15. In response to Paragraph 15 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

16. In response to Paragraph 16 of Plaintiffs' Complaint, Defendant FGCC admits only that Plaintiffs allege claims for permanent injunctive relief, declaratory relief, damages, and reasonable attorneys' fees and costs. Defendant expressly denies that Plaintiffs are entitled to permanent injunctive relief, declaratory relief, damages, and reasonable attorneys' fees and costs.

JURISDICTION AND VENUE

17. In response to Paragraph 17 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

18. In response to Paragraph 18 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason

that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

19. In response to Paragraph 19 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

20. In response to Paragraph 20 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

PARTIES

21. In response to Paragraph 21 of Plaintiffs' Complaint, Defendant FGCC admits only that on or about October 12, 2015, Plaintiff Cameron McCadden participated in the YouthQuest Afterschool Program. Defendant FGCC neither admits nor denies that Plaintiff Cameron McCadden has a disability and that he is a person with a disability under Title II of the ADA, Section 504 of the Rehabilitation Act, and the PWDCRA for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8. Answering further, Defendant FGCC neither admits nor denies the remaining allegations contained therein for the reason that Defendant FGCC is without

knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

22. In response to Paragraph 22 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

23. In response to Paragraph 23 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant FGCC admits that it operates the YouthQuest program. Answering further, Defendant FGCC neither admits nor denies the remaining allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

FACTS

25. In response to Paragraph 25 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

26. In response to Paragraph 26 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

27. In response to Paragraph 27 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

28. In response to Paragraph 28 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

29. In response to Paragraph 29 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

30. In response to Paragraph 30 of Plaintiffs' Complaint, Defendant FGCC admits only that Plaintiff Cameron McCadden has attended the YouthQuest Afterschool Program at Brownell STEM Academy. Defendant FGCC neither admits nor denies the remaining allegations contained therein for the reason that

Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

31. In response to Paragraph 31 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

32. In response to Paragraph 32 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

33. In response to Paragraph 33 of Plaintiffs' Complaint, Defendant FGCC admits only that on or about October 12, 2015, Plaintiff Cameron McCadden participated in YouthQuest at Brownell STEM Academy. Answering further, Defendant FGCC neither admits nor denies the remaining allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

34. In response to Paragraph 34 of Plaintiffs' Complaint, Defendant FGCC admits only that Ashley Liddell-Ruffin radioed for a student resource officer on or about October 12, 2015. Answering further, Defendant FGCC neither

admits nor denies the remaining allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

35. In response to Paragraph 35 of Plaintiffs' Complaint, Defendant FGCC admits only that Ashley Liddell-Ruffin called Plaintiff Cameron McCadden's mother on or about October 12, 2015. Answering further, Defendant FGCC neither admits nor denies the remaining allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

36. In response to Paragraph 36 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

37. In response to Paragraph 37 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

38. In response to Paragraph 38 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason

that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

39. In response to Paragraph 39 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

40. In response to Paragraph 40 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

41. In response to Paragraph 41 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

42. In response to Paragraph 42 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

43. In response to Paragraph 43 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason

that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

44. In response to Paragraph 44 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

45. In response to Paragraph 45 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

46. In response to Paragraph 46 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

47. In response to Paragraph 47 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

48. In response to Paragraph 48 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason

that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

49. In response to Paragraph 49 of Plaintiffs' Complaint, Defendant FGCC admits only that Plaintiff Cameron McCadden has not returned to YouthQuest since October 12, 2015. Answering further, Defendant FGCC denies that Plaintiffs are deterred from participating in the YouthQuest program for the reason that said allegations are untrue. Defendant FGCC denies that the YouthQuest program does not comply with the ADA. Defendant FGCC neither admits nor denies the remainder of the allegations contained therein for the reason that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

CLAIMS FO RELIEF

COUNT I – UNREASONABLE SEIZURE AND EXCESSIVE FORCE IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION AND 42 U.S.C. §1983

(Against Officer Walker)

50. In response to Paragraph 50 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 49 as if fully stated and set forth herein.

51. In response to Paragraph 51 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these

allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

52. In response to Paragraph 52 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

53. In response to Paragraph 53 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

54. In response to Paragraph 54 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

55. In response to Paragraph 55 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained in Paragraph 56 and each of its subparts for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

56. In response to Paragraph 56 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these

allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

57. In response to Paragraph 57 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

58. In response to Paragraph 58 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

59. In response to Paragraph 59 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

60. In response to Paragraph 60 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

COUNT II – MONELL LIABILITY IN VIOLATION OF 42 U.S.C. §1983

(Against the City of Flint)

61. In response to Paragraph 61 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 60 as if fully stated and set forth herein.

62. In response to Paragraph 62 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

63. In response to Paragraph 63 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

64. In response to Paragraph 64 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

65. In response to Paragraph 65 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained in Paragraph 66 and each of its subparts for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

66. In response to Paragraph 66 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

67. In response to Paragraph 67 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

**COUNT III – DISABILITY-BASED DISCRIMINATION IN VIOLATION
OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT,
42 U.S.C. §12132**

(Against the City of Flint)

68. In response to Paragraph 68 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 67 as if fully stated and set forth herein.

69. In response to Paragraph 69 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

70. In response to Paragraph 70 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

71. In response to Paragraph 71 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

72. In response to Paragraph 72 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

73. In response to Paragraph 73 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

74. In response to Paragraph 74 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

75. In response to Paragraph 75 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

76. In response to Paragraph 76 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

77. In response to Paragraph 77 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

**COUNT IV – DISABILITY-BASED DISCRIMINATION IN VIOLATION
OF SECTION 504 OF THE REHABILITATION ACT, 29 U.S.C. §794**

(Against the City of Flint)

78. In response to Paragraph 78 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 77 as if fully stated and set forth herein.

79. In response to Paragraph 79 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

80. In response to Paragraph 80 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

81. In response to Paragraph 81 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

82. In response to Paragraph 82 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

83. In response to Paragraph 83 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

**COUNT IV (sic) – DISABILITY-BASED DISCRIMINATION IN
VIOLATION OF TITLE III OF THE AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. 12182**

(Against Flint & Genesee Chamber of Commerce)

84. In response to Paragraph 84 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 83 as if fully stated and set forth herein.

85. In response to Paragraph 85 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

86. In response to Paragraph 86 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

87. In response to Paragraph 87 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

88. In response to Paragraph 88 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

89. In response to Paragraph 89 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

**COUNT V (sic) – DISABILITY-BASED DISCRIMINATION IN
VIOLATION OF MICHIGAN'S PERSONS WITH DISABILITIES CIVIL
RIGHTS ACT, MICH. COMP. LAWS §37.1101, et seq.**

**(Against Defendants City of Flint, Officer Walker, and
Flint & Genesee Chamber of Commerce)**

90. In response to Paragraph 90 of Plaintiffs' Complaint, Defendant FGCC incorporates and realleges each and every answer stated in response to Paragraphs 1 through 89 as if fully stated and set forth herein.

91. In response to Paragraph 91 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason that said allegations constitute conclusions of law and thus fail to conform to the requirements of Fed. R. Civ. P. 8.

92. In response to Paragraph 92 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies the allegations contained therein for the reason

that Defendant FGCC is without knowledge or information sufficient to form a belief as to the truth thereof and therefore leaves Plaintiffs to their proofs.

93. In response to Paragraph 93 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

94. In response to Paragraph 94 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

95. In response to Paragraph 94 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

96. In response to Paragraph 96 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant Officer Walker.

97. In response to Paragraph 97 of Plaintiffs' Complaint, Defendant FGCC neither admits nor denies these allegations for the reason that these allegations are not directed to Defendant FGCC but rather Defendant City of Flint.

98. In response to Paragraph 98 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

99. In response to Paragraph 99 of Plaintiffs' Complaint, Defendant FGCC denies the allegations contained therein for the reason that said allegations are untrue.

WHEREFORE Defendant Flint & Genesee Chamber of Commerce respectfully requests that this Honorable Court dismiss Plaintiffs' Complaint in its entirety and award costs, including attorney fees, as the premises permit, to Defendant.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

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Dated: August 2, 2019

LIMITED RELIANCE UPON AND OBJECTION TO JURY DEMAND

Defendant Flint & Genesee Chamber of Commerce, through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, hereby state its limited reliance upon the jury demand previously made herein and, further, hereby demand a jury trial as to all legal claims and defenses at issue in this litigation, with the exception of any and all claims that sound in equity or which in the underlying matter, intrinsically involve issues of law for the trial judge to decide and which, therefore, is properly triable only by the judge assigned to this case.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

By: /s/ Ryan J. Koss
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Dated: August 2, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

CAMERON MCCADDEN, a minor, by his,
next friend, CRYSTAL MCCADDEN,

Plaintiff,

Case No. 2:18-cv-12377
Hon. Denise Page Hood

v.

CITY OF FLINT; TIMOTHY JOHNSON,
Chief of Police, City of Flint, in his official
capacity; TERRANCE WALKER, in his
individual capacity, and FLINT & GENESEE
CHAMBER OF COMMERCE, a Michigan
non-profit corporation,

**DEFENDANT FLINT &
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AFFIRMATIVE DEFENSES**

Defendants.

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DEFENDANT FLINT & GENESEE CHAMBER OF COMMERCE’S
AFFIRMATIVE DEFENSES

Defendant Flint & Genesee Chamber of Commerce (“FGCC” or “Defendant”), through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, state as follows for their Affirmative Defenses to the allegations in Plaintiffs’ First Amended Complaint:

1. Plaintiffs’ Complaint, in whole or in part, fails to state a claim upon which relief can be granted as a matter of fact and/or law.
2. Plaintiffs’ claims are barred, in whole or in part, by the applicable statutes of limitations, statute of repose, and/or jurisdictional prerequisites.
3. Plaintiffs’ claims are barred, in whole or in part, because Plaintiff Cameron McCadden was not disabled.
4. Plaintiffs’ claims are barred, in whole or in part, because Plaintiff Cameron McCadden posed a “direct threat.”

5. Defendant FGCC acted at all times within the bounds of good faith, without malice, with justification, out of necessity, and/or were privileged to so act.

6. Plaintiffs' claims are barred, in whole or in part, because Plaintiff Cameron McCadden was not discriminated against on the basis of a disability.

7. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs were not denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of a disability.

8. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs did not request a reasonable modification.

9. Plaintiffs' claims are barred, in whole or in part, because Defendant FGCC did not fail to make reasonable modifications in policies, practices, or procedures.

10. Plaintiffs' claims are barred, in whole or in part, because no modifications were necessary to afford Plaintiffs goods, services, facilities, privileges, advantages, or accommodations.

11. Plaintiffs' claims are barred, in whole or in part, because any modification would fundamentally alter the nature of goods, services, facilities, privileges, advantages, or accommodations.

12. Plaintiffs' claims are barred, in whole or in part, because the alleged modification(s) are outside Defendant FGCC's area of specialization.

13. Plaintiffs' claims are barred, in whole or in part, by 28 C.F.R. §36.302(g).

14. Plaintiffs' claims and/or alleged damages, in whole or in part, against Defendant FGCC are barred because it was not the cause-in-fact or proximate cause of any harm or damage that Plaintiffs allege.

15. Plaintiffs' claims, in whole or in part, are barred because he did not suffer any harm or damages attributable to Defendant FGCC.

16. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' lack standing.

17. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' claims are moot.

18. Plaintiffs have failed to mitigate their damages, entitlement to which is expressly denied.

19. Plaintiffs' alleged damages and/or relief are barred, in whole or in part, because the law does not entitle Plaintiffs to the damages and/or relief that they seek.

20. Plaintiffs' claims and/or alleged damages, in whole or in part, against Defendant FGCC are barred because the law does not entitle Plaintiffs to the damages and/or relief sought and/or damages are speculative.

21. Defendant FGCC reserves the right to add additional affirmative defenses as may be learned in the course of discovery proceedings or otherwise.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

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Dated: August 2, 2019

CERTIFICATE OF SERVICE

The undersigned says that on August 2, 2019, she has caused to be served a copy of **Defendant Flint & Genesee Chamber of Commerce's Answer to First Amended Complaint, Limited Reliance Upon and Objection to Jury Demand, and Affirmative Defenses** and this **Certificate of Service** via the Court's Electronic Court Filing system upon all attorneys of record.

I declare that the above statements are true and correct to the best of my knowledge, information and belief.

/s/ Kiersten Plane