

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

C. MCCADDEN, by his next friend,
CHRYSYAL MCCADDEN

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

Plaintiff,

v

CITY OF FLINT, et al.,

Defendants.

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**CITY OF FLINT'S ANSWER TO AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES, AND RELIANCE UPON JURY DEMAND**

INTRODUCTION

1. Admitted.
2. Defendant admits that Flint Police Officer Terrence Walker handcuffed Plaintiff, an African-American boy, on or about October 12, 2015. Defendant neither admits nor denies the balance of the allegations for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
3. Admitted.
4. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
5. This paragraph states a legal conclusion to which no intelligent response is possible. To the extent that a response is required, Defendant denies the factual allegations as untrue.
6. Defendant denies that the handcuffing was unwarranted and intentionally prolonged. Defendant neither admits nor denies the allegations of Plaintiff's

injuries for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

7. Admitted.
8. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
9. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
10. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
11. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
12. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
13. Admitted
14. Defendant denies, for the reason that the allegations in this paragraph are untrue.
15. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
16. Defendant admits that Plaintiff is seeking the relief described. Defendant denies violating Plaintiff's constitutional rights and therefore denies all liability to the Plaintiff.

JURISDICTION AND VENUE

17. Admitted.

18. Admitted that Plaintiff is seeking the damages described. Defendant denies all liability to the Plaintiff.
19. Admitted, under certain circumstances.
20. Admitted.
21. Defendant admits that Officer Terrence Walker handcuffed Plaintiff on or about October 12, 2015. Defendant neither admits nor denies the balance of the allegations for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
22. Admitted.
23. This paragraph applies to another Defendant and so no answer is required of this Defendant.
24. This paragraph applies to another Defendant and so no answer is required of this Defendant.
25. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
26. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
27. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
28. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
29. Admitted.
30. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

31. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
32. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
33. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
34. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
35. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
36. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
37. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
38. Defendant admits that Officer Walker was wearing his uniform and met Plaintiff's mother outside the school. Defendant neither admits nor denies the remainder of the allegations for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
39. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
40. Admitted.

41. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
42. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
43. Defendant admits that Officer Walker informed Plaintiff's mother that a handcuff key was en route. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
44. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
45. Defendant denies that Plaintiff was handcuffed for approximately an hour. Defendant denies that the handcuff key arrived at approximately 5:36. Defendant neither admits nor denies the remaining allegations for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
46. Defendant admits, as applied to the incident in question. Defendant neither admits nor denies as to any circumstances outside of the incident, for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted.
47. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
48. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
49. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

COUNT I

50. Defendant restates its answers to the previous paragraphs.
51. Admitted.
52. Admitted.
53. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.
54. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.
55. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
 - a. Defendant denies for the reason that the allegation is untrue.
 - b. Defendant denies for the reason that the allegation is untrue.
 - c. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
 - d. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
 - e. Defendant denies for the reason that the allegation is untrue.
 - f. Defendant denies for the reason that the allegation is untrue.
 - g. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
 - h. Defendant denies for the reason that the allegation is untrue.
 - i. Defendant denies for the reason that the allegation is irrelevant.

56. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
57. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.
58. Defendant denies for the reason that the allegation is untrue.
59. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
60. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.

COUNT II

61. Defendant restates its answers to the previous paragraphs.
62. Admitted.
63. Admitted.
64. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
65. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
 - a. Defendant denies for the reason that the allegation is untrue.
 - b. Defendant denies for the reason that the allegation is untrue.
 - c. Defendant denies for the reason that the allegation is untrue.
 - d. Defendant denies for the reason that the allegation is untrue.

e. Defendant denies for the reason that the allegation is untrue.

66. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.

67. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.

COUNT III

68. Defendant restates its answers to the previous paragraphs.

69. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.

70. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.

71. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

72. Defendant admits that Officer Walker handcuffed Plaintiff. Defendant denies the remaining allegations for the reason they are untrue.

73. Defendant denies for the reason that the allegation is untrue.

74. Defendant denies for the reason that the allegation is untrue.

75. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.

76. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

77. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.

COUNT IV

78. Defendant restates its answers to the previous paragraphs.
79. Defendant neither admits nor denies because the allegations in this paragraph are irrelevant given the dismissal of this Count in its entirety. .
80. Defendant neither admits nor denies because the allegations in this paragraph are irrelevant given the dismissal of this Count in its entirety.
81. Defendant neither admits nor denies because the allegations in this paragraph are irrelevant given the dismissal of this Count in its entirety.
82. Defendant neither admits nor denies because the allegations in this paragraph are irrelevant given the dismissal of this Count in its entirety.
83. Defendant neither admits nor denies because the allegations in this paragraph are irrelevant given the dismissal of this Count in its entirety.

COUNT IV (SIC)

84. Defendant restates its answers to the previous paragraphs.
85. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.
86. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs
87. No answer is required of this Defendant.
88. No answer is required of this Defendant.
89. No answer is required of this Defendant.

COUNT V

90. Defendant restates its answers to the previous paragraphs.
91. The allegations in this paragraph constitute legal, not factual, allegations, and no response is warranted.
92. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
93. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
94. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
95. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
96. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies for the reason that the allegation is untrue.
97. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant denies that the City policies are deficient.
98. Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.
99. The allegations in this paragraph constitute a legal conclusion to which no response is required. So far as response is required, Defendant neither admits nor denies for lack of knowledge and/or information sufficient to form a belief as to the truth of the matter asserted and leaves Plaintiff to his proofs.

Defendant City of Flint respectfully requests that this Court DISMISS this case with prejudice and award it reasonable costs and attorney's fees.

DEFENDANT'S AFFIRMATIVE DEFENSES

1. Plaintiff may have failed to mitigate his damages by refusing to cooperate with Defendant Walker and his teacher and/or by failing to seek appropriate treatment.
2. Plaintiff has unclean hands.
3. Defendant City of Flint was not the proximate cause of the Plaintiff's injuries.
4. Defendant City of Flint did not provide the public accommodations, public service, and education of which the Plaintiff is complaining about.
5. Defendant reserves the right to amend or supplement this list of affirmative defenses.

RELIANCE UPON JURY DEMAND

Defendant hereby relies upon Plaintiff's jury demand.

Dated: August 5, 2019

/s William Y. Kim (P76411)
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed with the U.S. District Court through the ECF filing system and that all parties to the above cause were served via the ECF filing system on August 5, 2019.

Dated: August 5, 2019

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