

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

LETALVIS D. COBBINS,)	
)	
Plaintiff,)	
)	
v.)	No. 3:11-cv-327
)	(VARLAN/GUYTON)
OFFICER MORTON, et al.,)	
)	
Defendants.)	

ANSWER OF DEFENDANTS WHITE, MORTON AND RUSSELL

The Defendants Deputy Chad White, Deputy Levi Morton, and Deputy Jason Russell hereby appear, by and through counsel and for their Answer to the Plaintiff's Complaint state as follows:

1. In response to Section I of the Plaintiff's Complaint, any allegations or statements regarding previous lawsuit filed by the Plaintiff are currently outside the course and scope of knowledge of these Defendants, and therefore, to the extent such statements require a response, such allegations are denied and strict proof is required thereof.

2. In response to Section II of the Plaintiff's Complaint, upon information and belief, these Defendants admit that Plaintiff is currently housed at the West Tennessee State Prison. These Defendants lack knowledge to admit or deny whether the Plaintiff presented any facts related to his claims to officials at the West Tennessee State Prison or whether Plaintiff was denied a grievance form from any guards at the West Tennessee State Prison. The remaining allegations of Section II are denied.

3. In response to Section III of the Plaintiff's Complaint, Plaintiff's name and present address are not disputed. It is admitted that Officer Morton, Officer White and Officer Russell were employed as Correction Officers with the Knox County Sherriff's Department on

or about June 5, 2011. It is denied that any “Officer Cole” was employed at the detention facility during the relevant time period. It is denied that there is any basis for suit against these Defendants. The remaining allegations of Section III are denied.

4. The allegations made in Section IV of the Complaint are denied. It is specifically denied that any actions of these Defendants gives rise to a cause of action pursuant to 42 U.S.C. § 1983. It is denied that these Defendants deprived the Plaintiff of any rights, privileges or immunities under the United States Constitution or under Federal Civil Rights Law. Plaintiff’s claims of physical assault are denied as being untrue. It is denied that any of these Defendants kicked or stomped the Plaintiff as alleged in the Complaint. It is further maintained that said force as was used was required by the actions of the Plaintiff. The officers used only such force as was reasonably necessary under the situation in which they were placed by Plaintiff.

5. In response to Section V of the Plaintiff’s Complaint, these Defendants deny that the Plaintiff is entitled to any relief sought. It is denied that these Defendants are liable for any damages.

6. Plaintiff’s Complaint fails to state a claim upon which relief can be granted, and therefore, Plaintiff’s Complaint should be dismissed.

7. These Defendants are entitled to qualified immunity. Their actions in this case were reasonable and appropriate under the circumstances in which they were placed by the Plaintiff. It is maintained that the actions of the officers was in accord with the policies and procedures of Knox County.

8. It is maintained that any force used by these officers was a result of Plaintiff’s own misconduct in refusing to comply with the directives of the officers and in trying to assault

the officers, etc. It is affirmatively maintained that the officers use of force was reasonable and necessary to protect themselves and others from injury.

9. It is denied that Plaintiff is entitled to any injunctive relief.

10. These Defendants are entitled to the grant of attorneys' fees and costs pursuant to 42 U.S.C. § 1988 against the Plaintiff.

11. These Defendants request a jury to try Plaintiff's constitutional claims.

12. These Defendants invoked any and all defenses contained in state law under the Tennessee Governmental Tort Liability Act, Tenn. Code Ann. § 29-20-101 et seq.

13. Any allegations not previously admitted or denied expressly herein pertaining to Plaintiff's Complaint are denied as written and strict proof is required thereof.

14. These Defendants reserve the right to amend this Answer upon further information and discovery in this matter.

15. It is hereby requested that the Complaint filed against these Defendants be dismissed and costs taxed accordingly.

RESPECTFULLY submitted this 23rd day of February, 2012.

CHAD WHITE, LEVI MORTON, and
JASON RUSSELL

By: /s/ Dan R. Pilkington
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CERTIFICATE OF SERVICE

I hereby certify that on Thursday, February 23, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by certified U.S. mail, return receipt requested. Parties may access this filing through the Court's electronic filing system.

Letalvis D. Cobbins, #00459699
West Tennessee State Penitentiary
P.O. Box 115
Henning, Tennessee 38401

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Dated this 23rd day of February, 2012.

/s/ Dan R. Pilkington

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