

STATE OF INDIANA) IN THE DEARBORN SUPERIOR COURT
) SS:
COUNTY OF DEARBORN) CAUSE NO. 15D02-1702-PL-00013

DANIEL BREWINGTON,)
)
Plaintiff,)
)
v.)
)
DEARBORN SUPERIOR COURT II,)
JUDGE SALLY MCLAUGHLIN,)
JUDGE BRIAN HILL, COURT)
REPORTER BARBARA RUWE)

Defendants.

ANSWER

Defendants, the Dearborn Superior Court II, Judge Sally McLaughlin, Judge Brian Hill, and Barbara Ruwe, by counsel, Joshua R. Lowry, Deputy Attorney General, for answer to the complaint herein alleges and states that:

NATURE OF ACTION

This paragraph is introductory and a summary of the entire complaint and, accordingly, no response is necessary. The paragraph fails to comply with the mandates of Rule 8 because it is neither short nor plain. To the extent a response is necessary, these allegations are denied except to the extent that specific allegations are repeated in the complaint and then admitted below.

PARTIES

1. Defendants admit that Dearborn Superior Court II is a public agency for the purposes of APRA. Defendants deny all remaining allegations in Paragraph 1.
2. Defendants admit that Dearborn Superior Court II Judge Sally McLaughlin is named as a Defendant in this case.

3. Defendants admit that Rush Superior Court Judge Brian Hill is named as a Defendant in this case.

4. Defendants admit that Barbara Ruwe is named as a Defendant in this case, and is the Chief Court Reporter for the Dearborn Superior Court II; it is denied she oversees or administers the court.

JURISDICTION AND VENUE

5. Indiana Code § 5-14-3-9(e) speaks for itself and therefore no response is required.

6. Indiana Code § 5-14-3-9(e) speaks for itself and therefore no response is required.

FACTUAL BACKGROUND

7. Deny.

8. Defendants are without sufficient information to admit or deny Paragraph 8. As to footnote 1, Defendants have been unable to find any rule allowing footnotes or indicating how to respond to footnotes that contain factual allegations. To the extent a response is necessary, Defendants deny the allegations in footnote 1.

9. Admit.

10. Exhibit A speaks for itself and therefore no response is required. To the extent any factual allegation remains in Paragraph 10, Defendants deny. As to footnote 3, Defendants have been unable to find any rule allowing footnotes or indicating how to respond to footnotes that contain factual allegations. To the extent a response is necessary, Defendants admit that Aaron Negangard serves as Chief Deputy to Indiana Attorney General Hill.

11. Exhibit B speaks for itself and therefore no response is required. To the extent any factual allegations remain in Paragraph 11, Defendants deny.

12. Defendants are without sufficient information to admit or deny Paragraph 12, and therefore deny. As to footnote 3, Defendants have been unable to find any rule allowing footnotes or indicating how to respond to footnotes that contain factual allegations. To the extent a response is necessary, Defendants admit the allegations in footnote 3.

13. Admit.

14. Exhibit C speaks for itself and therefore no response is required. To the extent any factual allegation remains in Paragraph 14, Defendants deny. As to footnote 4, Defendants have been unable to find any rule allowing footnotes or indicating how to respond to footnotes that contain factual allegations. To the extent a response is necessary, Defendants are without sufficient information to deny the allegations in footnote 4.

15. Admit.

16. Exhibit D speaks for itself and therefore no response is required. To the extent any factual allegation remain in Paragraph 16, Defendants deny.

17. Defendants are without sufficient information to admit or deny the allegations in Paragraph 17.

18. Defendants admit that Brewington obtained a CD-R from the Dearborn Superior Court II. Defendants deny all remaining allegations in Paragraph 18.

19. Deny.

20. Defendants are without sufficient information to admit or deny the allegations in Paragraph 20.

21. Defendants are without sufficient information to admit or deny the allegations in Paragraph 21.

22. Deny.

RIGHT TO PUBLIC INSPECTION

This section a summary of the entire complaint and, accordingly, no response is necessary. The section fails to comply with the mandates of Rule 8 because it is neither short nor plain. To the extent a response is necessary, these allegations are denied except to the extent that specific allegations are repeated in the complaint and then admitted above.

OBSTRUCTING THE RELEASE OF GRAND JURY AUDIO

This section adds new allegations not alleged in Plaintiff's factual background section and is a summary of Plaintiff's theory and, accordingly, no response is necessary. The paragraph fails to comply with the mandates of Rule 8 because it is neither short nor plain, but instead a full page and a half narrative. To the extent a response is necessary, these allegations are denied except to the extent that specific allegations are repeated in the complaint and then admitted above.

CLAIMS OF INTERTWINING GRAND JURY RECORDS

This section adds new allegations not alleged in Plaintiff's factual background section and is a summary of Plaintiff's theory and, accordingly, no response is necessary. The section fails to comply with the mandates of Rule 8 because it is neither short nor plain. To the extent a response is necessary, these allegations are denied except to the extent that specific allegations are repeated in the complaint and then admitted above.

CONCLUSION

This section is a summary of the entire complaint and, accordingly, no response is necessary. The section fails to comply with the mandates of Rule 8 because it is neither short nor plain. To the extent a response is necessary, these allegations are denied except to the extent that specific allegations are repeated in the complaint and then admitted above.

RELIEF REQUESTED

The section fails to comply with the mandates of Rule 8 because it is neither short nor plain. To the extent a response is necessary, Defendants deny that Brewington is entitled to any relief whatsoever.

Defendants' General Denial and Reservation of Rights

23. Any allegation not specifically admitted or denied by Defendants is hereby denied.

24. Defendants reserve any and all rights they may have to amend their answer as the case progresses.

Affirmative Defenses

25. Defendants Judge McLaughlin, Judge Hill, and Ruwe are not "public agencies" within the definitions of Ind. Codes §§ 5-14-3-9(e) and 5-14-3-2(m).

26. Defendants Judge McLaughlin and Judge Hill are entitled to absolute judicial immunity.

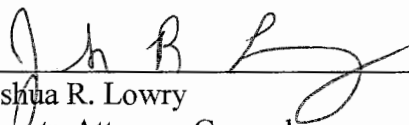
27. Defendant Dearborn Superior Court II is entitled to sovereign immunity.

WHEREFORE, Defendants pray that Plaintiff take nothing by way of his Complaint, that judgment be entered in Defendants' favor, for the costs of this action, and for all other just and proper relief in the premises.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana
Attorney No. 32676-29

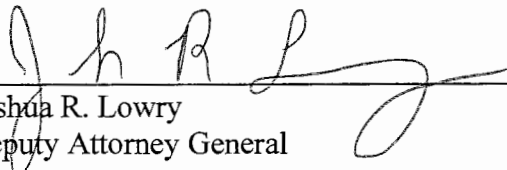
By:


Joshua R. Lowry
Deputy Attorney General
Attorney No. 32676-29

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been duly served upon parties and counsel of record listed below, by United States mail, first-class postage prepaid, on March 14, 2017:

Daniel P. Brewington
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