

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

MATT KNIGHTEN, :
 :
 Plaintiff, : CIVIL ACTION NO.
 : 2006CV123367
 v. :
 :
 GEORGIA DEPARTMENT OF PUBLIC : COMPLAINT
 SAFETY, :
 :
 Defendant.

ANSWER AND DEFENSES OF LAW

COMES NOW the Georgia Department of Public Safety,
Defendant in the above-styled action, by and through counsel,
Thurbert E. Baker, Attorney General for the State of Georgia,
and makes its Answer and Defenses of Law to the instant
complaint by showing and stating as follows:

FIRST DEFENSE

The complaint fails to state a claim upon which relief can
be granted.

SECOND DEFENSE

The defense of sovereign immunity may apply in part or in
whole.

THIRD DEFENSE

Responding to the specific allegations of the complaint,
Defendant answers as follows:

1.

In response to paragraph 1, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same.

2.

Paragraph 2 is admitted.

3.

In response to paragraph 3, Defendant states that said paragraph is legal argument to which no response is required. Defendant further states that any provision of the Georgia Code speaks for itself. To the extent any allegations are made against Defendant, said allegations are denied.

4.

In response to paragraph 4, Defendant admits Plaintiff made a request for documents from Defendant in the month of May, 2006

5.

In response to paragraph 5, Defendant admits it responded to Plaintiff's request on May 18, 2006.

6.

In response to paragraph 6, Defendant admits it did not indicate the documents were unavailable. Defendant denies it

indicated that the documents would not be provided until after two weeks.

7.

In response to paragraph 7, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same.

8.

Paragraph 8 is admitted.

9.

In response to paragraph 9, Defendant admits Plaintiff made a request for documents from Defendant in the month of June, 2006. Defendant denies Plaintiff "specifically requested electronically available documents".

10.

Paragraph 10 is admitted.

11.

In response to paragraph 11, Defendant admits it did not indicate that certain documents were unavailable. Defendant denies it indicated that the documents would not be provided until after two weeks.

12,

In response to paragraph 12, Defendant states that the response indicated the documents could be made available to the

Plaintiff. The response further stated that other personnel may have additional information but were out of the office on leave.

13.

Paragraph 13° is admitted.

14.

In response to paragraph 14, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same.

15.

In response to paragraph 15, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same.

16.

In response to paragraph 16, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same. Defendant further states that said allegation does not specify what "Defendant" made these statements to Plaintiff.

17.

In response to paragraph 17, Defendant is without sufficient information to either admit or deny said allegations and therefore denies same. Defendant further states that said allegation does not specify what "Defendant" made these statements to Plaintiff.

18.

Paragraph 18 is denied as written.

19.

In response to paragraph 19, Defendant admits the information can be made available electronically.

20.

Paragraph 20 is denied as written.

21.

Paragraph 21 is admitted.

22.

Paragraph 22 is denied as written.

23.

In response to paragraphs 23 through 32, Defendant states that said paragraphs are legal argument to which no response is required. To the extent any allegations are made against Defendant, they are hereby denied. Defendant further states that any provisions of the Georgia Code speak for themselves.

24.

Defendant denies each and every allegation of fact and law not previously admitted, denied, or otherwise controverted, and further denies Plaintiff is entitled to any of the relief sought by means of the instant complaint.

CONCLUSION

WHEREFORE, having answered the complaint and stated separate Defenses of Law, Defendant prays that the petition be dismissed without requiring further response, that Plaintiff be assessed and Defendant awarded all costs incurred, including attorney's fees, and all costs of this action be taxed against Plaintiff.


Respectfully submitted,

THURBERT E. BAKER 033887
Attorney General

MARY BETH WESTMORELAND 750150
Deputy Attorney General



JOSEPH DROLET 231000
Senior Assistant Attorney General



L. TODD WHITE 754555
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Please serve:

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing document, entitled ANSWER AND DEFENSES OF LAW, prior to filing the same, by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed upon:

John R. Monroe
9640 Coleman Road
Roswell, Georgia 30075

This 6th day of November, 2006.



L. TODD WHITE
Assistant Attorney General