

<p>DISTRICT COURT, ADAMS COUNTY, STATE OF COLORADO Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601</p> <hr/> <p>Plaintiffs: REBECCA BRINKMAN AND MARGARET BURD,</p> <p>v.</p> <p>Defendants: KAREN LONG, in her official capacity as Clerk and Recorder of Adams County.</p> <hr/> <p>ADAMS COUNTY ATTORNEY'S OFFICE Heidi M. Miller # 33923 County Attorney Jennifer D. Stanley, # 33084 Assistant County Attorney 4430 South Adams County Parkway 5th Floor, Suite C5000B Brighton, CO 80601-8206 Phone: 720-523-6116 Fax: 720-523-6114 hmiller@adcogov.org jstanley@adcogov.org</p>	<p>DATE FILED: January 2, 2014 5:04 PM FILING ID: B84809CB58F7C CASE NUMBER: 2013CV32572</p> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case No.: 13CV032572</p> <p>Division: C</p>
<p style="text-align: center;">ANSWER</p>	

Defendant Karen Long, Adams County Clerk and Recorder, through counsel Heidi M. Miller, County Attorney, and Jennifer D. Stanley, Assistant County Attorney, answers Plaintiffs' Complaint as follows:

A majority of Plaintiffs' Complaint is comprised of citation to the law and legal argument. Plaintiffs' counsel, Thomas Russell, specifically requested that Defendant not include statements like "the law speaks for itself" or "calls for a legal conclusion." Mr. Russell suggested that Defendant indicate that she does not have sufficient information to answer those allegations. The following Answer complies with that request.

1. Defendant is without sufficient information or knowledge to know the truthfulness of the allegations contained in paragraphs 1, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, and 16 of Plaintiffs' Complaint and therefore denies the same.

2. Defendant admits the allegations contained in paragraphs 2, 4, and 11 of Plaintiffs' Complaint.

3. For her response to paragraph 5 of Plaintiffs' Complaint, Defendant admits that pursuant to C.R.S. § 14-2-105(1)(a), and when asked, the Plaintiffs presented the deputy with their driver's licenses. Defendant is without sufficient information or knowledge to know the truthfulness of the remaining allegations contained in paragraphs 5 of Plaintiffs' Complaint and therefore denies the same.

First Claim for Relief

4. For her response to paragraph 17, Defendant incorporates her responses to paragraphs 1 through 16 above.

5. Defendant is without sufficient information or knowledge to know the truthfulness of the allegations contained in paragraphs 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of Plaintiffs' Complaint and therefore denies the same.

Second Claim for Relief

6. For her response to paragraph 34, Defendant incorporates her responses to paragraphs 1 through 33 above.

7. Defendant is without sufficient information or knowledge to know the truthfulness of the allegations contained in paragraphs 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52 of Plaintiffs' Complaint and therefore denies the same.

Affirmative Defenses

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

2. Plaintiffs' rights under the United States Constitution and the Colorado Constitution were not violated, and Plaintiffs were afforded all of the rights, privileges and immunities granted by both.

3. Defendant is a constitutional and statutory officer under Colo. Const. Art. XIV, § 8 and C.R.S. § 30-10-401, *et. seq.*, and as such, has no authority to disregard Colorado law.

4. The conduct of Defendant at all relevant times was lawful, justified, and/or made in good faith.

5. There is no unconstitutional custom, practice or policy of Defendant.

6. Defendant is entitled to the immunities and limitations provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et. seq.*

7. Defendant is not a proper party to this action.

8. Defendant reserves the right to supplement her affirmative defenses as discovery continues in this case.

Disclaimer

Defendant, Adams County Clerk and Recorder, is a constitutional and statutory officer and has no authority to disregard Colorado law. Defendant takes no position on any substantive issue raised in this matter and will follow any order that this court deems proper. Since the Clerk and Recorder does not plan to actively defend this case, she does not plan to participate in any discovery or briefing and asks that she be excused from the requirements of Rule 16 and Rule 26 and be excused from attending future court dates that may be set in this case. The Clerk and Recorder will cooperate with any other party or the Court to the extent that she has relevant information that may be helpful to resolution of this case.

WHEREFORE, having responded to Plaintiffs' allegations and having asserted affirmative defenses, Defendant respectfully requests that no costs or fees be assessed against the Clerk and Recorder and for such other relief as the Court deems necessary.

Dated this 2nd day of January 2014.

Respectfully submitted,

s/ Jennifer D. Stanley
Jennifer D. Stanley, #33084
Assistant County Attorney

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing was served via ICCES, this 2nd day of January 2014, addressed to the following:

Ralph Ogden – Irishcorky@aol.com

Thomas Russell – tdrlaw@comcast.net

Michael Francisco - Michael.Francisco@state.co.us

s/Kelly C. Vis
Kelly C. Vis
Paralegal

Pursuant to C.R.C.P. 121 Section 1-26(7), a scanned copy of the original signed foregoing document is retained at the Adams County Attorney's Office and is available for inspection upon request.