

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**PATRICK DESMOND AND MARY )  
DESMOND, INDIVIDUALLY, AND )  
MARY C. DESMOND, AS )  
ADMINISTRATRIX OF THE )  
ESTATE OF PATRICK DESMOND, )**

**Plaintiffs,**

**v.**

**NARCONON OF GEORGIA, INC., )  
DELGADO DEVELOPMENT, INC., )  
SOVEREIGN PLACE, LLC, )  
SOVEREIGN PLACE APARTMENT )  
MANAGEMENT, INC., LISA )  
CAROLINA ROBBINS, M.D., THE )  
ROBBINS GROUP, INC., AND )  
NARCONON INTERNATIONAL, )**

**Defendants.**

**CIVIL ACTION FILE  
NO. 10A28641.**

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**ANSWER OF DEFENDANTS SOVEREIGN PLACE, LLC AND  
SOVEREIGN PLACE APARTMENT MANAGEMENT, INC.**

COME NOW, Sovereign Place, LLC and Sovereign Place Apartment Management, Inc., defendants in this case and file this Answer to Plaintiffs' Complaint for Damages as follows:

**FIRST DEFENSE**

Plaintiffs' Complaint, including each Count thereof, fails to state a claim upon which relief can be granted.

## **SECOND DEFENSE**

No act or omission by these Defendants was the proximate cause of the incident alleged in Plaintiffs' Complaint or the injury and damage alleged in the Plaintiffs' Complaint and, accordingly, the Plaintiffs' Complaint must be dismissed as to these Defendants.

## **THIRD DEFENSE**

If the evidence shows that the Plaintiffs' alleged injuries and damages were caused by the Plaintiffs or other persons or entities for which these Defendants are not liable, this lawsuit must be dismissed as to these Defendants.

## **FOURTH DEFENSE**

If the evidence shows that the alleged injuries and damages were caused by an unforeseeable intervening act, the Plaintiffs' Complaint must be dismissed as to these Defendants.

## **FIFTH DEFENSE**

If the evidence shows that these Defendants were negligent, said negligence being expressly denied, and if the evidence shows that the negligence of the Plaintiffs was equal to or greater than any such negligence on the part of these Defendants, the Plaintiff's Complaint must be dismissed in its entirety, or should be reduced accordingly by the percentage of the Plaintiffs' negligence.

**SIXTH DEFENSE**

Plaintiffs' claims are barred due to Plaintiffs' failure to exercise ordinary care for his own safety.

**SEVENTH DEFENSE**

If the evidence shows that the injuries and damages alleged by the Plaintiffs were proximately caused by a party or person other than these Defendants, the Plaintiff's Complaint must be dismissed as to these Defendants.

**EIGHTH DEFENSE**

These Defendants specifically reserve the right to plead and prove such other defenses, including but not limited to those allowed by O.C.G.A. § 9-11-8, as may become known during the course of the investigation and discovery.

**NINTH DEFENSE**

Venue is improper as to these Defendants.

**TENTH DEFENSE**

In response to the specific allegations contained in the Plaintiffs' Complaint, and without waiving the defenses previously raised by these Defendants, as well as those that may be raised in the future, if necessary, these Defendants state the following:

1.

In response to the allegations contained in paragraph 1 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

2.

In response to the allegations contained in paragraph 2 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

3.

In response to the allegations contained in paragraph 3 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

4.

In response to the allegations contained in paragraph 4 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

5.

In response to the allegations contained in paragraph 5 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

6.

These Defendants admit the allegations contained in Paragraph 6 of Plaintiffs' Complaint.

7.

These Defendants deny the allegations contained in Paragraph 7 of Plaintiffs' Complaint.

8.

In response to the allegations contained in paragraph 8 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

9.

In response to the allegations contained in paragraph 9 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

9.

In response to the allegations contained in *second* paragraph 9 of the Plaintiffs' Complaint, these defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

10.

In response to the allegations contained in paragraph 10 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

11.

In response to the allegations contained in paragraph 11 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

12.

In response to the allegations contained in paragraph 12 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

13.

In response to the allegations contained in paragraph 13 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

14.

In response to the allegations contained in paragraph 14 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

15.

In response to the allegations contained in paragraph 15 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

16.

In response to the allegations contained in paragraph 16 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

17.

In response to the allegations contained in paragraph 17 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

18.

In response to the allegations contained in paragraph 18 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

19.

In response to the allegations contained in paragraph 19 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

20.

In response to the allegations contained in paragraph 20 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information



sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

21.

In response to the allegations contained in paragraph 21 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

22.

In response to the allegations contained in paragraph 22 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

23.

These Defendants admit the allegations contained in Paragraph 23 of Plaintiffs' Complaint.

24.

These Defendants deny the allegations contained in Paragraph 24 of Plaintiffs' Complaint.

25.

In response to the allegations contained in paragraph 25 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

26.

These Defendants deny the allegations contained in Paragraph 26 of Plaintiffs' Complaint.

27.

In response to the allegations contained in paragraph 27 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

28.

In response to the allegations contained in paragraph 28 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

29.

In response to the allegations contained in paragraph 29 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

30.

In response to the allegations contained in paragraph 30 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

31.

In response to the allegations contained in paragraph 31 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

32.

In response to the allegations contained in paragraph 32 of Plaintiffs' Complaint and insofar as they are directed toward these Defendants, they are denied. Insofar as the allegations contained in paragraph 32 of the Plaintiffs' Complaint are directed toward others, these Defendants show that they are without

knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

33.

In response to the allegations contained in paragraph 33 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

34.

In response to the allegations contained in paragraph 34 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

35.

In response to the allegations contained in paragraph 35 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

36.

In response to the allegations contained in paragraph 36 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

37.

In response to the allegations contained in paragraph 37 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

38.

In response to the allegations contained in paragraph 38 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

39.

In response to the allegations contained in paragraph 39 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

40.

In response to the allegations contained in paragraph 40 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

41.

In response to the allegations contained in paragraph 41 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

42.

In response to the allegations contained in paragraph 42 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

43.

In response to the allegations contained in paragraph 43 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

44.

In response to the allegations contained in paragraph 44 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information

sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

45.

In response to the allegations contained in paragraph 45 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

46.

In response to the allegations contained in paragraph 46 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

47.

In response to the allegations contained in paragraph 47 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

48.

In response to the allegations contained in paragraph 48 of Plaintiffs' Complaint and insofar as they are directed toward these Defendants, they are

denied. Insofar as the allegations contained in paragraph 48 of the Plaintiffs' Complaint are directed toward others, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

49.

In response to the allegations contained in paragraph 49 of Plaintiffs' Complaint and insofar as they are directed toward these Defendants, they are denied. Insofar as the allegations contained in paragraph 49 of the Plaintiffs' Complaint are directed toward others, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

50.

In response to the allegations contained in paragraph 50 of Plaintiffs' Complaint and insofar as they are directed toward these Defendants, they are denied. Insofar as the allegations contained in paragraph 32 of the Plaintiffs' Complaint are directed toward others, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.



51.

In response to the allegations contained in paragraph 51 of Plaintiffs' Complaint and insofar as they are directed toward these Defendants, they are denied. Insofar as the allegations contained in paragraph 32 of the Plaintiffs' Complaint are directed toward others, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

52.

The allegations contained in paragraph 52 of the Plaintiffs' Complaint are denied.

53.

The allegations contained in paragraph 53 of the Plaintiffs' Complaint are denied.

54.

In response to the allegations contained in paragraph 54 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

55.

In response to the allegations contained in paragraph 55 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

56.

In response to the allegations contained in paragraph 56 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

57.

In response to the allegations contained in paragraph 57 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

58.

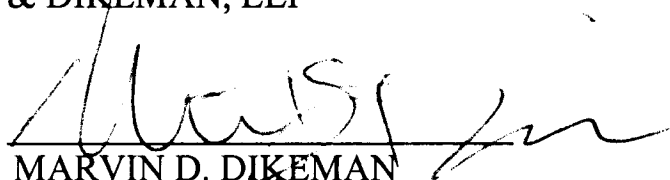
In response to the allegations contained in paragraph 58 of the Plaintiffs' Complaint, these Defendants show that they are without knowledge or information sufficient to form a belief as to the truth of those allegations and thus, those allegations are denied.

These Defendants deny the allegations contained in the "WHEREFORE" paragraph of Plaintiffs' Complaint. Furthermore, any and all other allegations contained in Plaintiffs' Complaint that are not specifically admitted herein are hereby denied.

**WHEREFORE**, having fully answered Plaintiffs' Complaint, Defendants Sovereign Place, LLC and Sovereign Place Apartment Management, Inc., hereby respectfully demand judgment in their favor, that all costs and reasonable attorneys' fees be cast against the Plaintiffs, a trial by jury as to all issues so triable by law, and such other and further relief that this Honorable Court deems just and proper.

Respectfully submitted this 23<sup>rd</sup> day of June, 2010.

WEBB, ZSCHUNKE, NEARY  
& DIKEMAN, LLP



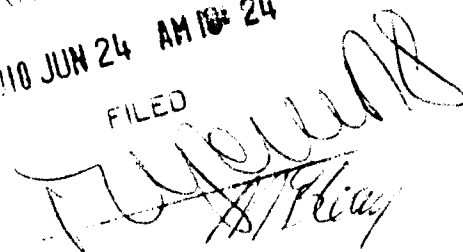
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LLC and Sovereign Place Apartment  
Management, Inc.

STATE COURT  
DEKALB COUNTY, GA.

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FILED



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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing pleading upon all parties by depositing a true copy of the same in the United States Mail, with adequate postage affixed thereon to ensure delivery addressed as follows:

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This 23<sup>rd</sup> day of June, 2010.

  
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