ELECTRONICALLY FILED
3/7/2025 8:11 AM
34-CV-2024-900131.00
CIRCUIT COURT OF
GENEVA COUNTY, ALABAMA
ASHLEY A. POWELL, CLERK

**IN THE CIRCUIT COURT OF GENEVA COUNTY, ALABAMA**

[redacted] )

**Plaintiff,** )

**v.** ) **Case No. CV-2024-900131.00**

**The Water and Sewer Board** )
**Of the City of Geneva,**

)

**Defendant.**

**ANSWER TO COMPLAINT**

COMES NOW the defendant, The Water and Sewer Board of the City of Geneva ("the Board"), and for its answer to the complaint says as follows.

1. Admitted.
2. Admitted.
3. The defendant has been served.
4. Admitted that the plaintiff's complaint seeks damages in excess of $75,000.
5. Admitted.
6. a. Admitted.
   b. Denied.
   c. Denied.
   d. Denied.
   e. Denied.
   f. Denied.
   g. Denied.
   h. Denied.
   i. Denied.
   j. Denied.
   k. Defendant is without knowledge or information sufficient to admit or deny this allegation. Therefore, it is denied.

l. Denied.

m. Defendant is without knowledge or information sufficient to admit or deny this allegation. Therefore, it is denied.

n. Defendant is without knowledge or information sufficient to admit or deny this allegation. Therefore, it is denied.

o. Denied.

p. Denied.

q. Denied.

r. Denied.

s. Denied.

**COUNT I – Slander of Title**

7. Defendant incorporates by reference thereto all prior responses as if same were fully set forth herein.

8. Denied.

9. Paragraph 9 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 9 is construed to assert allegations against defendant, they are denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

**COUNT II – Trespass**

15. Defendant incorporates by reference thereto all prior responses as if same were fully set forth herein.

16. Denied.

17. Denied.

18. Paragraph 18 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 18 is construed to assert allegations against defendant, they are denied.

19. Paragraph 19 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 19 is construed to assert allegations against defendant, they are denied.

20. Denied.

21. Paragraph 21 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 21 is construed to assert allegations against defendant, they are denied.

22. Denied.

23. Denied.

**COUNT III – Negligence**

24. Defendant incorporates by reference thereto all prior responses as if same were fully set forth herein.

25. Paragraph 25 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 25 is construed to assert allegations against defendant, they are denied.

26. Paragraph 26 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 26 is construed to assert allegations against defendant, they are denied.

27. Denied.

**COUNT IV- Negligent Hiring/Training/Retention/Supervision**

28. Defendant incorporates by reference thereto all prior responses as if same were fully set forth herein.

29. Paragraph 29 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 29 is construed to assert allegations against defendant, they are denied.

30. Denied.

**COUNT V – Fraud, Misrepresentation, Deceit**

31. Defendant incorporates by reference thereto all prior responses as if same were fully set forth herein.

32. Paragraph 32 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 32 is construed to assert allegations against defendant, they are denied.

33. Denied.

**COUNT VI – Tort of Outrage**

34. Paragraph 34 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 34 is construed to assert allegations against defendant, they are denied.

35. Denied.

**COUNT VII – Defamation/Slander/Libel**

36. Paragraph 36 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 36 is construed to assert allegations against defendant, they are denied.

37. Paragraph 37 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 37 is construed to assert allegations against defendant, they are denied.

38. Paragraph 38 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 38 is construed to assert allegations against defendant, they are denied.

39. Denied.

40. Denied.

41. Paragraph 41 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 41 is construed to assert allegations against defendant, they are denied.

42. Paragraph 42 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 42 is construed to assert allegations against defendant, they are denied.

43. Paragraph 43 sets forth a statement of law and requires no response from defendant. To the extent that paragraph 43 is construed to assert allegations against defendant, they are denied.

44. Denied. Defendant denies that plaintiff is entitled to any form of relief against it.

## DEFENSES

The Board pleads the following defenses:

1. Unless expressly admitted, the Board denies each and every one of the complaint's allegations.

2. The Board says that the allegations of plaintiff's complaint are untrue.

3. The plaintiff's complaint, and each claim therein, fails to state a cause of action against the Board for which relief can be granted.

4. The plaintiff's own actions contributed to the harm he claims.

5. The plaintiff assumed the risk and consequences of his actions.

6. The Board pleads application of Alabama Code § 11-47-190.

7. The Board pleads the damages cap in Alabama Code § 11-93-2.

8. The Board pleads immunity against punitive damages.

9. The Board pleads Alabama Code § 6-11-26.

10. The Board pleads failure to mitigate.

11. The Board pleads lack of causation.

12. The Board pleads estoppel.

13. The Board pleads immunity.

14. The Board pleads State-agent immunity.

15. The Board pleads discretionary function immunity.

16. The Board pleads substantive immunity.

17. The Board pleads release.

18. The Board pleads waiver.

19. The Board pleads laches.

20. The Board pleads unclean hands.

This the 7th day of March 2025.

*/s/ Steadman S. Shealy, Jr.*
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## Certificate of Service

I hereby certify that on the 7th day of March 2025, the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following and/or that the following was served upon the following via U.S. mail, postage prepaid:

[redacted]

*/s/ Steadman S. Shealy, Jr.*
Steadman S. Shealy, Jr. (SHE023)

## Certificate of Service

I hereby certify that on the 7th day of March 2025, the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following and/or that the following was served upon the following via U.S. mail, postage prepaid:

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/s/ Steadman S. Sheraly, Jr.
Steadman S. Sheraly, Jr. (SHE023)