

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

No. 5:16-cv-10444-JEL-MKM
(consolidated)
Hon. Judith E. Levy
Mag. Mona K. Majzoub

Elnora Carthan, et. al.,

Plaintiffs

No. 5:16-cv-10444-JEL-MKM
(consolidated)
Hon. Judith E. Levy
Mag. Mona K. Majzoub

vs.

Governor Rick Snyder, et. al.

Defendants

**DEFENDANT DAUGHERTY JOHNSON’S ANSWER AND AFFIRMATIVE
DEFENSES TO FIFTH CONSOLIDATED AMENDED CLASS
COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF,
MONEY DAMAGES, AND JURY DEMAND**

Defendant Daugherty Johnson (“Johnson”) in Answer to Plaintiffs’ Fifth Consolidated Amended Class Complaint for Injunctive and Declaratory Relief, Money Damages, and Jury Demand (“Complaint”), answering solely for himself and solely as to allegations directed against him, (1) incorporates by reference its Answer and Affirmative Defenses to the Fourth Consolidated Amended Complaint (DN

1184) and (2) submits the following additional answers, solely as to those allegations added in the Fifth Consolidated Amended Complaint.

26. Plaintiff Darnella Gaines, on behalf of her minor child, K.C., is a 28 year old mother who resides in Flint, Michigan. Ms. Gaines' minor son, K.C., was born on July 26, 2011. From April 25, 2014 until approximately sometime in July 2015, Ms. Gaines and K.C. regularly used unfiltered water for drinking, cooking, bathing/showering, and clothes washing. After July 2015, Plaintiff continued to bathe, shower and wash clothes and dishes in unfiltered water. In addition to being exposed to high levels of lead during the timeframe that he consumed water, K.C. experienced hair loss and persistent skin rashes. As a direct and proximate result of Defendants' conduct, K.C. has experienced serious physical injury due to his exposure to the toxic water, including, but not limited to, heightened levels of lead in his blood.

ANSWER: Mr. Johnson denies an untrue that he was the "direct and proximate" cause of any injury and/or damage stated herein. To the extent that any allegation contained in this paragraph is deemed as an allegation of liability against Mr. Johnson, then said allegation is denied. Any allegation concerning the Plaintiffs' alleged injuries or damages made in connection with any allegation of liability against Mr. Johnson is denied. Mr. Johnson does not have enough knowledge or information to form a belief as to the truth of the allegations in this

paragraph to the extent that they refer to other defendants or plaintiffs.

27. Plaintiffs Elnora Carthan, Rhonda Kelso, individually and on behalf of her minor child, K.E.K., Darnell and Barbara Davis, Michael Snyder, Marilyn Bryson, David Munoz, Tiantha Williams, individually and on behalf of her minor child, T.W., and Darnella Gaines, on behalf of her minor child, K.C., are referred to collectively herein as, “Individual Plaintiffs.”

ANSWER: Mr. Johnson lacks knowledge or information sufficient to admit or deny the truth of the matters asserted in this paragraph.

29. Plaintiff 635 South Saginaw LLC (“South Saginaw LLC”) is the owner of the restaurant “Cork on Saginaw,” which is located at 635 Saginaw Street in Flint Michigan. As the Flint Water crisis unfolded, Cork on Saginaw suffered a significant reduction in income due to the reluctance of restaurant patrons to purchase food and beverages at a restaurant located within the City of Flint that used Flint water. As a direct and proximate result of Defendants’ conduct described herein, South Saginaw LLC has suffered lost business income.

ANSWER: Mr. Johnson denies an untrue that he was the “direct and proximate” cause of any injury and/or damage stated herein. To the extent that any allegation contained in this paragraph is deemed as an allegation of liability against Mr. Johnson, then said allegation is denied. Any allegation concerning the Plaintiffs’ alleged injuries or damages made in connection with any allegation of

liability against Mr. Johnson is denied. Mr. Johnson does not have enough knowledge or information to form a belief as to the truth of the allegations in this paragraph to the extent that they refer to other defendants or plaintiffs.

31. Plaintiffs Frances Gilcreast, South Saginaw LLC, and Angelo's Coney Island are referred to collectively herein as, "Business Plaintiffs." The Business Plaintiffs and Individual Plaintiffs are referred to collectively as, "Plaintiffs."

ANSWER: Mr. Johnson lacks knowledge or information sufficient to admit or deny the truth of the matters asserted in this paragraph.

Respectfully submitted,

Attorneys for Daugherty Johnson

/s/ **Edwar Zeineh**

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed with the U.S. District Court through the ECF filing system and that all parties to the above cause were served via the ECF filing system on September 08, 2020.

Respectfully submitted,

Attorneys for Daugherty Johnson

/s/ Edwar Zeineh

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