

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

*In re* Flint Water Cases

Carthan v. Snyder  
Case No: 5:16-cv-10444  
(consolidated)

Honorable Judith E. Levy  
United States District Judge

Magistrate Mona K. Majzoub

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**DEFENDANT GERALD AMBROSE'S  
ANSWER, RELIANCE ON JURY DEMAND, AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' FIFTH CONSOLIDATED AMENDED  
CLASS COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF,  
MONEY DAMAGES, AND JURY DEMAND [DKT. 1175-3]**

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**NOW COMES** Defendant Gerald Ambrose (“Ambrose”), by and through his attorney Barry A. Wolf (P40709), and states that this Answer does not constitute a waiver of Mr. Ambrose’s Fifth and Fourteenth Amendment<sup>1</sup> rights under the United States Constitution nor his rights under Article 1, Section 17 of the Michigan Constitution in any way. Mr. Ambrose does not waive any rights in regards to this matter and he does not waive his rights in any other matters that are related in any way to these proceedings, including, but not limited to, previously

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<sup>1</sup> *Malloy v. Hogan*, 378 U.S. 1, 8; 84 S.Ct. 1389; 12 L.Ed.2d 653 (1964).

pending in the 67th District Court for the County of Genesee.

This Answer is filed pursuant to the Court's August 28, 2020 Order Regarding Matters Discussed at the August 26, 2020 Status Conference [Dkt. 1247]. Mr. Ambrose incorporates by reference all of his responses, except as set forth below, to the Plaintiffs' Fourth Consolidated Amended Class Complaint for Injunctive and Declaratory Relief, Money Damages, and Jury Demand [Dkt. 620-3] contained in his Answer, Reliance on Jury Demand, and Affirmative Defenses to Plaintiffs' Fourth Consolidated Amended Class Complaint for Injunctive and Declaratory Relief, Money Damages, and Jury Demand [Dkt. 1178]. Mr. Ambrose also incorporates by reference all previously asserted affirmative defenses and his reliance upon Plaintiffs' jury demand.

In recognition of the conditions and limitations set forth above, Mr. Ambrose states in Answer to Plaintiffs' Fifth Consolidated Amended Class Complaint for Injunctive and Declaratory Relief, Money Damages, and Jury Demand [Dkt. 1175-3] ("Complaint") as follows:

## **PARTIES**

### **A. Plaintiffs**

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:** Gerald Ambrose lacks knowledge or information sufficient to admit or deny the truth of the matters asserted in this paragraph.

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:** Gerald Ambrose 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:** Gerald Ambrose lacks knowledge or information sufficient to admit or deny the truth of the matters asserted in this paragraph.

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:** Gerald Ambrose lacks knowledge or information sufficient to admit or deny the truth of the matters asserted in this paragraph.

### **RESPONSE TO PRAYER FOR RELIEF**

Gerald Ambrose requests that this Court enter judgment in his favor on all claims and award him an order for an award of reasonable attorney's fees and litigation expenses and denying an order for any other relief and deny Plaintiffs each and every element of relief requested in their Prayer for Relief, including but not limited to:

- a. Denying class certification under Fed. R. Civ. P. 23 on all grounds and bases on which Plaintiffs' seek it;

- b. Denying any declaratory relief;
- c. Denying any injunctive relief;
- d. Denying appointment of a monitor;
- e. Denying an award of compensatory damages;
- f. Denying an order for an award of punitive damages;
- g. Denying an order for an award of exemplary damages;
- h. Denying an order for equitable relief;
- i. Denying an order for pre-judgment and post-judgment interest;
- j. Denying an order for an award of reasonable attorney's fees and litigation expenses; and
- k. Denying an order for any other relief.

**Respectfully Submitted,**

/s/ *Barry A. Wolf*

BARRY A. WOLF (P40709)

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Date: September 8, 2020

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