

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOE,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 22-cv-01405
DELAWARE COUNTY ET AL.,	:	
	:	
Defendants.	:	
	:	

**DEFENDANTS DELAWARE COUNTY AND LAURA WILLIAMS’
ANSWER TO PLAINTIFF’S AMENDED COMPLAINT**

Defendants, Delaware County (the “County”) and Laura Williams (“Ms. Williams”) (collectively, the “Delaware County Defendants”), by and through their undersigned counsel, hereby answer the Amended Complaint of John Doe (“Plaintiff”) in this matter as follows:

INTRODUCTION AND BACKGROUND STATEMENT

1. Admitted in part, denied in part. It is admitted that this action is brought under Titles II and III of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Pennsylvania’s Confidentiality of HIV-related Information Act, and applicable state law. It is denied that Plaintiff’s rights were violated by the Delaware County Defendants.

2. Denied. The Delaware County Defendants did not unlawfully discriminate against Plaintiff by denying him participation in the work program at GWHCF and its attendant benefits. The Delaware County Defendants also did not unlawfully disclose Plaintiff’s confidential HIV-related information.

3. Denied. It is denied that any of Plaintiff's alleged injuries were caused by the Delaware County Defendants.

JURISDICTION AND VENUE

4. Admitted.

5. Denied. These allegations are not factual in nature and therefore no response is required under the Federal rules of Civil Procedure.

6. Admitted in part, denied in part. It is only admitted that venue is proper in the Eastern District of Pennsylvania because the events giving rise to the claims occurred in this judicial district. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

THE PARTIES

7. Admitted in part, denied in part. It is only admitted that at all relevant times, Plaintiff was detained at George W. Hill Correctional Facility. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations. By way of further response, the remaining allegations are conclusions of law to which no response is required under the Federal Rules of Civil Procedure.

8. Denied as stated. It is admitted that GWHCF is now a County operated correctional facility. It is denied that GWHCF was a County operated correctional facility at the times alleged in Plaintiff's Amended Complaint. As the Amended Complaint fails to set forth the alleged federal source and the designated program attached to the alleged federal funding source, the County Defendants are without sufficient information or belief to admit or deny allegations related to federal financial assistance. At all relevant times, the GEO Group managed and operated GWHCF.

9. Admitted that Defendant Williams is the current Warden. The remaining allegations are denied.

10. Admitted in part, denied in part. It is only admitted that at all relevant times, GEO Group managed GWHCF. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

11. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

12. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

13. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

14. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

15. Denied. It is denied that any of the actions alleged in Plaintiff's Amended Complaint were performed by the Delaware County Defendants or by those subject to the Delaware County Defendants' supervision, direction or control.

STATEMENT OF FACTS

16. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

17. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

18. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required. To the extent such allegations are deemed to constitute facts, they are denied.

19. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

20. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

21. Admitted.

22. Admitted in part, denied in part. It is only admitted that Plaintiff remained in custody at GWHCF. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

23. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

24. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

25. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

26. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

27. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

28. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

29. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

30. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

31. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

32. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

33. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

34. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

35. Admitted in part, denied in part. It is only admitted that by the end of March 2020, the COVID-19 pandemic had triggered court closures and delays. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

36. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

37. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

38. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

39. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

40. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

41. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

42. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

43. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

44. Denied. It is denied that the County had a policy or practice of using incarcerated people to deliver intra-prison correspondences to other incarcerated people. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations

45. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

46. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

47. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

48. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

49. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

50. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

51. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

52. Denied. It is denied that the Delaware County Defendants engaged in any illegal conduct. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

53. Denied. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

54. Denied. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

55. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

56. Denied. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

57. Denied. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

58. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

59. Denied. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

60. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

61. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

62. Denied. It is denied that the Delaware County Defendants violated Plaintiff's privacy rights or discriminated against him. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

63. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

64. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

65. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. To the extent the allegations of this paragraph attempt to characterize the writing, the allegations are denied. To the extent that the allegations deviate from the writing, they are denied.

66. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

67. Denied. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

68. Admitted in part, denied in part. It is only admitted that Plaintiff was released from GWHCF on July 20, 2020. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

69. Denied. The Delaware County Defendants did not disclose Plaintiff's confidential HIV-related information to correctional staff or to other incarcerated people.

70. Denied. It is denied that the Delaware County Defendants disclosed Plaintiff's confidential HIV-related information. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

71. Denied. It is denied that the Delaware County Defendants disclosed Plaintiff's confidential HIV-related information. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

72. Denied. It is denied that the handling of Plaintiff's HIV-related information by the Delaware County Defendants' staff led directly to other incarcerated people learning that he was living with HIV. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny the remaining allegations.

COUNT I
DISCRIMINATION ON THE BASIS OF DISABILITY
AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12101 ET. SEQ.
(Against Defendants Delaware County and the GEO Group)

73. The Delaware County Defendants incorporate their answers to the previous paragraphs as though fully set forth at length.

74. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

75. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

76. Admitted in part, denied in part. It is only admitted that GEO Group managed GWHCF and promulgated and enforced policy. The remaining allegations of this paragraph constitute conclusions of law to which no response is required.

77. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

78. Denied. It is denied that the Delaware County Defendants violated Plaintiff's rights under Title II of the ADA. By way of further response, the allegations of this paragraph constitute conclusions of law to which no response is required.

79. Denied. It is denied that any of the actions alleged in Plaintiff's Amended Complaint were performed by the Delaware County Defendants or by those subject to the Delaware County Defendants' supervision, direction or control. Furthermore, it is denied that any of Plaintiff's alleged injuries were caused by the Delaware County Defendants.

COUNT II
DISCRIMINATION ON THE BASIS OF DISABILITY
AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12181 ET. SEQ.
(Against Defendant GEO Group, Inc.)

80. The Delaware County Defendants incorporate their answers to the previous paragraphs as though fully set forth at length.

81. The allegations of this paragraph are not directed to the Delaware County Defendants. To the extent they are, they are denied.

82. The allegations of this paragraph are not directed to the Delaware County Defendants. To the extent they are, they are denied.

83. The allegations of this paragraph are not directed to the Delaware County Defendants. To the extent they are, they are denied.

84. The allegations of this paragraph are not directed to the Delaware County Defendants. To the extent they are, they are denied.

85. The allegations of this paragraph are not directed to the Delaware County Defendants. To the extent they are, they are denied.

COUNT III
VIOLATION OF THE REHABILITATION ACT 29 U.S.C. 794
(Against Defendants Delaware County and GEO Group)

86. The Delaware County Defendants incorporate their answers to the previous paragraphs as though fully set forth at length.

87. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations, as Plaintiff fails to identify any federal funding program that is applicable to Plaintiff's claims.

88. Denied.

89. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

90. Denied. The County did not discriminate against and cause Plaintiff to be excluded from participation in programs, services, and activities at GWHCF due to his disability. Moreover, the Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

91. Denied. The County did not act with deliberate indifference by denying Plaintiff the benefits of public services, programs, and activities because of his disability. Moreover, the Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations.

92. Denied. It is denied that any of the actions alleged in Plaintiff's Amended Complaint were performed by the Delaware County Defendants or by those subject to the Delaware County Defendants' supervision, direction or control. Furthermore, it is denied that any of Plaintiff's alleged injuries were caused by the Delaware County Defendants.

COUNT IV
PENNSYLVANIA CONFIDENTIALITY OF HIV-RELATED INFORMATION
(Against all Defendants)

93. The Delaware County Defendants incorporate their answers to the previous paragraphs as though fully set forth at length.

94. Denied.

95. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

96. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

97. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

98. Denied. The allegations of this paragraph constitute conclusions of law to which no response is required.

99. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

100. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

101. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

102. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

103. Denied.

104. Denied.

105. Denied.

106. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

107. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

108. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

109. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

110. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

111. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required. It is denied that the Delaware County Defendants violated Plaintiff's alleged statutory rights.

112. Denied. It is denied that the Delaware County Defendants violated Plaintiff's alleged statutory rights.

113. Denied.

114. Denied. The Delaware County Defendants are without sufficient knowledge, information, or belief to either admit or deny these allegations. It is denied that the Delaware County Defendants violated Plaintiff's alleged statutory rights.

115. Denied. The allegations of this paragraph are not factual in nature and therefore constitute conclusions of law to which no response is required.

WHEREFORE, The Delaware County Defendants demand judgment in their favor along with recovery of their attorneys' fees and costs and such other relief as the Court may deem appropriate.

AFFIRMATIVE DEFENSES

1. Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.

2. Plaintiff's claims and damages are barred in whole or in part by the applicable statutes of limitations.

3. Tort-like damages are not recoverable under Spending Clause Legislation.

4. Punitive damages are not recoverable against the County Defendants.

5. Plaintiff's claims and damages are barred in whole, or in part, by his failure to exhaust his administrative remedies.

6. Plaintiff's claims are barred by the qualified immunity doctrine.

WHEREFORE, the Delaware County Defendants demand judgment in their favor along with recovery of their attorneys' fees and costs and such other relief as the Court may deem appropriate.

CROSSCLAIMS AGAINST CO-DEFENDANTS

The Delaware County Defendants, by way of crossclaims against Co-Defendants the GEO Group, Debra McFadden, Kristin Grady, Joseph [LNU], and unknown GWHCF Health Services Administration Staff (collectively, "Cross-Claim Defendants"), state as follows:

1. Pursuant to Rule 13(g) of the Federal Rules of Civil Procedure, the Delaware County Defendants assert the following crossclaims against the Cross-Claim Defendants.

2. Solely for purposes of these cross-claims, the Delaware County Defendants incorporate, without admitting and in fact denying, the allegations contained in Plaintiff's Amended Complaint as if the same were set forth herein at length.

3. To the extent that Plaintiff is entitled to any recovery against the Delaware County Defendants, which is denied, some or all of the Cross-Claim Defendants are solely liable to the Delaware County Defendants because their actions and/or omissions complained of are the direct and proximate cause of Plaintiff's alleged harm.

4. To the extent that Plaintiff is entitled to any recovery against the Delaware County Defendants, which is denied, the GEO Group is liable to Defendants by way of common law, statutory and/or contractual indemnification or contribution, including, without limitation, by way of a certain Professional Services Agreement dated January 1, 2019, executed by the Delaware County Board of Prison Inspectors and the GEO Group (the “Agreement”).

5. Pursuant to the Agreement, the GEO Group agreed to provide certain services for GWHCF.

6. The scope of services included, but were not limited to, staffing, training, food service, health services, and wellness.

7. Pursuant to the Agreement, the GEO Group agreed to “indemnify and hold harmless the Board and the County . . . from and against any and all loss, liability, judgments, costs, fees, and expenses, including but not limited to reasonable fees and expenses of counsel, incurred in connection with any and all claims . . . asserted by a third-party . . . arising from, relating to or in connection with [GEO’s] performance or nonperformance of any duty or obligation under the provisions of this Agreement or [GEO’s] doing of or failure to do any act at the Prison, including but not limited to any and all claims arising from: (a) **[GEO’s] provision of the Scope of Service;** (b) **[GEO’s] promulgation or implementation of any policies or procedures, whether or not such policies or procedures have been reviewed, adopted, or approved by the Board;** (c) [GEO’s] breach or default of any covenant or agreement to be performed pursuant to the terms of this Agreement; (d) **[GEO’s] violation of the civil rights of any Inmate;** and (e) any accident, injury, or damage whatsoever caused by any act or omission of [GEO’s] to any Person or property.”

8. The Delaware County Defendants have been damaged, and will continue to be damaged, by the GEO Group's performance of its contractual obligations by, *inter alia*, incurring attorney fees and court costs in connection with Plaintiff's claims in this action and by being exposed to an adverse judgment if Plaintiff establishes a violation of his civil rights or disclosure of his HIV-related information.

9. The Delaware County Defendants' damages will continue to accrue during the pendency of this action and they reserves the right to supplement their damages claim against the GEO Group up to and through the trial in this matter.

WHEREFORE, the Delaware County Defendants, in the event they are held liable to Plaintiff, demands judgment against the Cross-Claim Defendants for all damages, together with interest, attorneys' fees and costs, and such other relief as the Court deems just.

OF COUNSEL:

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/s/ Tanneika Minott
Jeffrey M. Scott, Esquire (I.D. No. 60184)
Tanneika Minott, Esquire (I.D. No. 318501)
Attorneys for Defendants
Delaware County and Laura Williams

Date: July 6, 2022

CERTIFICATE OF SERVICE

I, Tanneika Minott, Esquire, hereby certify that I have served upon all parties a true and correct copy of the Delaware County Defendants' Answer to Plaintiff's Amended Complaint on July 6, 2022 via this Court's electronic filing system

/s/ Tanneika Minott
Tanneika Minott, Esquire (I.D. No. 318501)

Date: July 6, 2022

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