



official capacities (“Defendants”), by and through counsel, the Attorney General of the State of Georgia, and file this Answer and Defenses to Plaintiff’s Complaint, and show the Court the following:

**FIRST DEFENSE**

Some or all of Plaintiff’s Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Some of Plaintiff’s claims and/or remedies may be subject to dismissal for lack of subject matter jurisdiction.

**THIRD DEFENSE**

Plaintiff’s claims are barred to the extent said claims were not raised within the applicable statute of limitations.

**FOURTH DEFENSE**

Plaintiff’s Title IX claim is subject to dismissal because it is preempted by the Title VII claim.

**FIFTH DEFENSE**

Plaintiff’s Title VII claims are barred to the extent that they were not asserted in a charge of discrimination filed with the Georgia Commission on Equal Opportunity or the Equal Employment Opportunity Commission.

**SIXTH DEFENSE**

Plaintiff's Title VII claims are barred to the extent Plaintiff failed to satisfy all jurisdictional and administrative prerequisites for such claims, including the failure to exhaust administrative remedies.

**SEVENTH DEFENSE**

Jere Morehead should be dismissed as a party because Plaintiff has not pled facts sufficient to show that Morehead personally participated in any challenged action or has the authority to effectuate any requested remedy.

**EIGHTH DEFENSE**

To the extent Plaintiff seeks punitive damages, such relief is not available against Defendants.

**NINTH DEFENSE**

Defendants incorporate by reference all affirmative defenses contained in Federal Rule of Civil Procedure 8(c) to the extent that same apply.

**TENTH DEFENSE**

The Eleventh Amendment to the United States Constitution bars some of Plaintiff's claims and/or remedies.

**ELEVENTH DEFENSE**

Defendants deny any allegation not expressly admitted herein.

Defendants reserve the right to raise any additional defenses allowed by law as evidence is discovered in pursuit of this litigation. Without waiving any of the foregoing defenses, Defendants respond to the specific numbered paragraphs of Plaintiff's Complaint as follows:

### **INTRODUCTION**

1.

Defendants deny Paragraph 1 as stated. By way of further response, the first sentence consists of Plaintiff's summary of his case, to which no response is required. Defendants admit that Plaintiff is a "GC Catering Manager" at UGA and that the Board of Regents provides optional long-term and short-term disability benefits to its employees as well as health insurance options, including the University System of Georgia Consumer Choice HSA Healthcare Plan.

2.

Defendants deny Paragraph 2 as stated. By way of further response, Defendants admit the first sentence of Paragraph 2, except to clarify that this is only the case for those employees who have selected these plans. As to the second sentence, Defendants admit that Plaintiff currently contributes \$6.03 per biweekly paycheck for short-term disability benefits, but are without sufficient information to admit or deny whether Plaintiff's "co-workers" contribute this same amount, as

the co-workers are not identified. The third sentence is a generalization about short-term disability benefits and the circumstances under which employees “generally receive coverage.” Without specifics, however, Defendants are without sufficient information to admit or deny this allegation. Defendants are also without sufficient information to admit or deny any facts concerning Plaintiff’s out-of-pocket costs and the medical care that he needs, and are therefore without sufficient information to admit or deny the remainder of Paragraph 2, except that Defendants deny the allegation that UGA has made any decisions about the healthcare policy exclusion to which Plaintiff refers.

3.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 3.

4.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 4.

5.

Paragraph 5 describes Plaintiff’s legal theories and the relief that he seeks and, as such, requires no response from Defendants.

## **JURISDICTION AND VENUE**

6.

Paragraph 6 lists Plaintiff's legal theories and describes the causes of action in this case and, as such, requires no response from Defendants.

7.

Paragraph 7 describes Plaintiff's legal theories regarding jurisdiction and, as such, requires no response from Defendants.

8.

Paragraph 8 describes Plaintiff's legal theories regarding his claims for declaratory and injunctive relief and, as such, requires no response from Defendants.

9.

Paragraph 9 describes Plaintiff's legal theories regarding venue and, as such, requires no response from Defendants. To the extent that any response is required, Defendants admit that this Court is a permissible venue for Plaintiff's claims.

10.

Paragraph 9 describes Plaintiff's legal theories regarding venue and, as such, requires no response from Defendants. To the extent that any response is required, Defendants admit that the University of Georgia is located in Athens, Georgia.

**PARTIES**

11.

Based upon information and belief, the assertions in Paragraph 11 are admitted.

12.

The assertions in Paragraph 12 are admitted.

13.

The assertions in Paragraph 13 are admitted.

14.

The assertions in Paragraph 14 are admitted.

15.

The assertions in Paragraph 15 are admitted.

16.

The assertions in Paragraph 16 are admitted.

17.

Defendants deny Paragraph 17 as stated. By way of further response, Defendants admit that Blue Cross Blue Shield of Georgia is the administrator for the Health Plan. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 17.

18.

Defendants deny Paragraph 18 as stated. By way of further response, Defendants admit that the University System of Georgia's disability insurance is administered by Metropolitan Life Insurance Company. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 18.

19.

Defendants deny Paragraph 19 because UGA is not a legal entity capable of being sued. *See McCafferty v. Medical College of Ga.*, 249 Ga. 62 (1982).

20.

Paragraph 20 is a legal assertion and, as such, requires no response from Defendants.

21.

Defendants admit that BOR is a recipient of federal funds from the U.S. Department of Education. The remainder of Paragraph 21 is a legal assertion, to which no response is required.

22.

Defendants admit that UGA is a recipient of federal funds from the U.S. Departments of Education, Agriculture, and Health and Human Services. The remainder of Paragraph 22 is a legal assertion, to which no response is required.

## EXHAUSTION OF ADMINISTRATIVE REQUIREMENT

23.

Defendant denies Paragraph 23 as stated. By way of further response, Defendants admit that Plaintiff filed an EEOC charge of discrimination in which the boxes for “Sex” and “Disability” discrimination were marked; and that the charge was stamped received on February 20, 2018. Defendants admit that Plaintiff named the Board of Regents of the University System of Georgia, Blue Cross Blue Shield Healthcare Plan of Georgia, Anthem Insurance Companies, Inc., and MetLife, Inc. & Metropolitan Life Insurance Company. Defendants are without sufficient information to admit or deny whether the charge was “timely.”

24.

Defendants admit that a copy of a right-to-sue letter is attached to the complaint as Exhibit A and that the letter is dated March 27, 2018. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 24.

25.

Defendants admit that a copy of a right-to-sue letter is attached to the complaint as Exhibit A. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 25.

## FACTUAL BACKGROUND

26.

As to the first sentence, Defendants admit that Plaintiff began attending UGA as a student in the Spring of 2008, but are without sufficient information to admit or deny any facts concerning the place of Plaintiff's life-long residence. Defendants admit the second sentence, except to clarify that Plaintiff was technically pursuing both a Bachelor of Arts in Journalism with a major in Telecommunication Arts and a Bachelor of Arts with a major in Anthropology.

27.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 27, except to admit that Plaintiff stopped attending UGA in 2012 and to deny that he was three courses shy of earning his degrees.

28.

Defendants are without sufficient information to admit or deny the first sentence of Paragraph 28. Defendants admit the remaining assertions in Paragraph 28, except to clarify that his current official title is "GC Catering Manager."

29.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 29.

30.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 30.

31.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 31.

32.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 32.

33.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 33.

34.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 34.

35.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 35.

36.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 36.

37.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 37.

38.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 38.

39.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 39.

40.

Defendants admit that Plaintiff became a full-time employee in September 2015. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 40.

41.

The assertions in Paragraph 41 are denied.

42.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 42.

43.

The assertions in Paragraph 43 are admitted, except to clarify that the contribution rate is only for those participants who have selected the Consumer Choice HSA Healthcare Plan without dependents.

44.

Defendants deny Paragraph 44 as stated. By way of further response, Defendants admit that a copy of the Health Plan is attached to the complaint as Exhibit B and that it contains the stated exclusions. The remaining assertions contain generalizations of the plan terms and, without specifics, Defendants are without sufficient information to admit or deny the remainder of Paragraph 44.

45.

Defendants deny Paragraph 45 as stated. By way of further response, Defendants admit that Plaintiff participates in the short-term Disability Insurance plan, but deny that Plaintiff participates in the long-term plan, both of which are offered as options to all full-time employees at UGA. Defendants admit that Plaintiff currently contributes \$6.03 per biweekly paycheck for short-term

disability benefits, but deny that all participants pay this same amount. Defendants admit that a copy of the Disability Insurance plan is attached to the complaint as Exhibit C and that it contains the stated exclusion.

46.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 46.

47.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 47.

48.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 48.

49.

Defendants are without sufficient information to admit or deny the first sentence. Defendants admit the remaining assertions in Paragraph 49.

50.

Defendants admit that Exhibit E to Plaintiff complaint appears to be an Explanation of Benefits dated October 10, 2017 in which BCBS denied the \$8,333.32 claim for surgery; and that the stated quote is an accurate partial quote

from the documents. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 50.

51.

Defendants admit that Exhibit F to Plaintiff complaint is a letter dated April 24, 2018, in which BCBS denied Plaintiff's appeal; and that the statements from the letter are accurate, but partial quotes from the letter. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 51.

52.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 52.

53.

Defendants are without sufficient information to admit or deny the first sentence of Paragraph 53. The remainder of Paragraph 53 is a legal assertion and, as such, requires no response from Defendants.

54.

Defendants deny Paragraph 54 as stated. By way of further response, Defendants admit that Plaintiff did not apply for short-term disability and that he used leave during his absence. The last sentence of Paragraph 54 is a legal assertion and, as such, requires no response from Defendants. Defendants are

without sufficient information to admit or deny the remaining assertions in Paragraph 54.

55.

The assertions in Paragraph 55 are admitted, except to clarify that the Board of Regents is the body ultimately responsible for approving the plan each year, not necessarily for “determining coverage,” which is vague and subject to varying interpretations.

56.

Defendants are without sufficient information to admit or deny Paragraph 56, as the individual(s) with whom Plaintiff spoke are not identified.

57.

Defendants deny Paragraph 57 as stated. By way of further response, Defendants admit that BOR offers four health plans to full-time employees at UGA. Defendants admit that Exhibit G to Plaintiff’s complaint is a February 12, 2018 letter from Karin Elliott, in which she stated in part that the three self-funded health care plans administered by BCBS contained certain exclusions that the Kaiser plan did not, but deny that Elliott referenced the term “gender dysphoria.” Defendants deny any remaining allegations as stated.

58.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 58.

59.

Defendants admit the first sentence of Paragraph 59. The remainder of Paragraph 59 consists of legal assertions and, as such, requires no response from Defendants.

60.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 60.

61.

The first sentence of Paragraph 61 is a legal assertion and, as such, no response is required. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 61.

### **FIRST CAUSE OF ACTION**

62.

Defendants incorporate by reference their responses to Paragraphs 1 through 61 as if set forth fully herein.

63.

Paragraph 63 is a legal assertion regarding the requirements of the Americans with Disabilities Act (“ADA”) and, as such, requires no response from Defendants.

64.

Paragraph 64 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

65.

Paragraph 65 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

66.

Paragraph 66 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

67.

Paragraph 67 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

68.

Paragraph 68 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

69.

Paragraph 69 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

70.

Paragraph 70 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

71.

Paragraph 71 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

72.

Paragraph 72 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

73.

Paragraph 73 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

74.

Paragraph 74 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

75.

Paragraph 75 is a legal assertion regarding the requirements and applicability of the ADA and, as such, requires no response from Defendants.

76.

Paragraph 76 is a legal assertion regarding the requirements and applicability of the ADA and, as such, requires no response from Defendants.

77.

Paragraph 77 consists of legal conclusions regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

78.

Paragraph 78 consists of legal conclusions regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

79.

Paragraph 79 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

80.

Paragraph 80 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

81.

Paragraph 81 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

82.

Paragraph 82 consists of legal assertions and conclusions regarding the requirements of the ADA and, as such, requires no response from Defendants.

83.

The first sentence of Paragraph 83 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants. Defendants are without sufficient information to admit or deny the remaining assertions in Paragraph 83.

84.

Paragraph 84 consists of legal assertions and conclusions regarding the requirements of the ADA and, as such, requires no response from Defendants.

85.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 85.

86.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 86.

87.

Paragraph 87 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

88.

Paragraph 88 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

89.

Paragraph 89 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

## **SECOND CAUSE OF ACTION**

90.

Defendants incorporate by reference their responses to Paragraphs 1 through 89 as if set forth fully herein.

91.

Paragraph 91 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

92.

Paragraph 92 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

93.

Paragraph 93 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

94.

Paragraph 94 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

95.

Paragraph 95 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

96.

Paragraph 96 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

97.

Paragraph 97 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

98.

Paragraph 98 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

99.

Paragraph 99 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

100.

Paragraph 100 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

### **THIRD CAUSE OF ACTION**

101.

Defendants incorporate by reference their responses to Paragraphs 1 through 100 as if set forth fully herein.

102.

Paragraph 102 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

103.

Paragraph 103 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

104.

Paragraph 104 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

105.

Paragraph 105 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

106.

Paragraph 106 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

107.

Paragraph 107 is a legal assertion regarding the requirements of the ADA and, as such, requires no response from Defendants.

108.

Paragraph 108 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

109.

Paragraph 109 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

110.

Paragraph 110 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

111.

Paragraph 111 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

112.

Paragraph 112 is a legal conclusion regarding Plaintiff's claim under the ADA and, as such, requires no response from Defendants.

#### **FOURTH CAUSE OF ACTION**

113.

Defendants incorporate by reference their responses to Paragraphs 1 through 112 as if set forth fully herein.

114.

Paragraph 114 is a legal assertion regarding Section 504 of the Rehabilitation Act ("Rehab Act") and, as such, no response is required.

115.

Paragraph 115 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

116.

Paragraph 116 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

117.

Paragraph 117 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

118.

Paragraph 118 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

119.

Paragraph 119 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

120.

Paragraph 120 is a legal assertion regarding the requirements of the Rehab Act and, as such, requires no response from Defendants.

121.

Paragraph 121 is a legal assertion regarding the requirements and applicability of the Rehab Act and, as such, requires no response from Defendants.

122.

Paragraph 122 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

123.

Paragraph 123 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

124.

Paragraph 124 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

125.

Paragraph 125 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

126.

Paragraph 126 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

127.

Paragraph 127 is a legal conclusion regarding Plaintiff's claim under the Rehab Act and, as such, requires no response from Defendants.

## FIFTH CAUSE OF ACTION

128.

Defendants incorporate by reference their responses to Paragraphs 1 through 127 as if set forth fully herein.

129.

Paragraph 129 is a legal assertion regarding the requirements of Title VII of the Civil Rights Act of 1964 (“Title VII”) and, as such, no response is required.

130.

Paragraph 130 is a legal assertion regarding the requirements of Title VII and, as such, requires no response from Defendants.

131.

Paragraph 131 is a legal assertion regarding the requirements of Title VII and, as such, requires no response from Defendants.

132.

Paragraph 132 is a legal conclusion regarding Plaintiff’s claim under Title VII and, as such, requires no response from Defendants.

133.

Paragraph 133 is a legal conclusion regarding Plaintiff’s claim under Title VII and, as such, requires no response from Defendants.

134.

Paragraph 134 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

135.

Paragraph 135 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

136.

Paragraph 136 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

137.

Paragraph 137 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

138.

Paragraph 138 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

139.

Paragraph 139 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

140.

Paragraph 140 is a legal assertion regarding the requirements of Title VII and, as such, requires no response from Defendants.

141.

Paragraph 141 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

142.

Defendants are without sufficient information to admit or deny the assertions in Paragraph 142.

143.

Defendants admit the first sentence of Paragraph 143. Defendants are without sufficient information to admit or deny the remaining assertions.

144.

Paragraph 144 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

145.

Paragraph 145 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

146.

Paragraph 146 is a legal conclusion regarding Plaintiff's claim under Title VII and, as such, requires no response from Defendants.

### **SIXTH CAUSE OF ACTION**

147.

Defendants incorporate by reference their responses to Paragraphs 1 through 146 as if set forth fully herein.

148.

Paragraph 148 is a legal assertion regarding Title IX of the Educational Amendments of 1972 ("Title IX") and, as such, no response is required.

149.

Paragraph 149 is a legal assertion regarding the requirements of Title IX and, as such, requires no response from Defendants.

150.

Paragraph 150 consists of legal assertions regarding the requirements of Title IX and, as such, requires no response from Defendants.

151.

Paragraph 151 is a legal conclusion regarding Plaintiff's Title IX claim and, as such, requires no response from Defendants.

152.

Paragraph 152 consists of legal conclusions regarding Plaintiff's Title IX claim and, as such, requires no response from Defendants.

153.

Paragraph 153 consists of legal conclusions regarding Plaintiff's Title IX claim and, as such, requires no response from Defendants.

154.

Paragraph 154 is a legal conclusion regarding Plaintiff's Title IX claim and, as such, requires no response from Defendants.

155.

Paragraph 155 is a legal conclusion regarding Plaintiff's Title IX claim and, as such, requires no response from Defendants.

### **SEVENTH CAUSE OF ACTION**

156.

Defendants incorporate by reference their responses to Paragraphs 1 through 155 as if set forth fully herein.

157.

Paragraph 157 is a legal assertion regarding the requirements of 42 U.S.C. § 1983 ("Section 1983") and, as such, requires no response from Defendants.

158.

Paragraph 158 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

159.

Paragraph 159 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

160.

Paragraph 160 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

161.

Paragraph 161 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

162.

Paragraph 162 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

163.

Paragraph 163 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

## **EIGHTH CAUSE OF ACTION**

164.

Defendants incorporate by reference their responses to Paragraphs 1 through 163 as if set forth fully herein.

165.

Paragraph 165 is a legal assertion regarding the requirements of the Equal Protection Clause and, as such, requires no response from Defendants.

166.

Paragraph 166 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

167.

Paragraph 167 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

168.

Paragraph 168 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

169.

Paragraph 169 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

## **NINTH CAUSE OF ACTION**

170.

Defendants incorporate by reference their responses to Paragraphs 1 through 169 as if set forth fully herein.

171.

Paragraph 171 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

172.

Paragraph 172 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

173.

Paragraph 173 is a legal conclusion regarding Plaintiff's claim under the Equal Protection Clause and, as such, requires no response from Defendants.

## **REQUEST FOR RELIEF**

The remainder of Plaintiff's Complaint contains Plaintiff's legal assertions regarding his requests for relief, to which no response is required.

Defendants deny any allegation contained in Plaintiff's Complaint that is not specifically admitted or denied herein.

WHEREFORE, having answered fully, Defendants hereby pray that Plaintiff's Complaint be dismissed in its entirety with all costs cast upon Plaintiff.

Respectfully submitted this 12<sup>th</sup> day of October, 2018.

CHRISTOPHER M. CARR 112505  
Attorney General

ANNETTE M. COWART 191199  
Deputy Attorney General

/s/ Bryan K. Webb  
BRYAN K. WEBB 743580  
Senior Assistant Attorney General

/s/ Shelley S. Seiberger  
SHELLEY S. SEIBERGER 617056  
Senior Assistant Attorney General

/s/ Katherine Powers Stoff  
KATHERINE POWERS STOFF 536807  
Senior Assistant Attorney General

Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, Georgia 30334  
Tel: (404) 656-3385  
bwebb@law.ga.gov  
sseiberger@law.ga.gov  
kstoff@law.ga.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2018, I electronically filed the foregoing ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT ON BEHALF OF THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA, JAMES HULL, JERE MOREHEAD, AND KARIN ELLIOTT with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

ANTON SORKIN  
[anton@justiceatwork.com](mailto:anton@justiceatwork.com)

NOAH ETHAN LEWIS  
[nlewis@transcendlegal.org](mailto:nlewis@transcendlegal.org)

AMANDA A FARAHANY  
[amanda@bf-llp.com](mailto:amanda@bf-llp.com)

JAMES A WASHBURN  
[james.washburn@troutmansanders.com](mailto:james.washburn@troutmansanders.com)

JOHN SIKES GIBBS, III  
[evan.gibbs@troutmansanders.com](mailto:evan.gibbs@troutmansanders.com)

ELIZABETH J BONDURANT  
[lisa.bondurant@wbd-us.com](mailto:lisa.bondurant@wbd-us.com)

JOHN GREGORY PERRY  
[joperry@wcsr.com](mailto:joperry@wcsr.com)

*/s/ Shelley S. Seinberg*  
\_\_\_\_\_  
SHELLEY S. SEINBERG  
Georgia Bar No. 617056

*Counsel for Defendants Board of  
Regents, Hull, Morehead, and Elliott*

Department of Law, State of Georgia  
40 Capitol Square S.W.  
Atlanta, GA 30334-1300  
Ph: 404-656-3385; Fax: 404-657-9932  
Email: [sseinberg@law.ga.gov](mailto:sseinberg@law.ga.gov)