

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

ANGEL ARGUETA ANARIBA	*	CASE ACTION NO.: 6:24-cv-01216-DCJ-
	*	CBW
	*	
VERSUS	*	JUDGE DAVID C. JOSEPH
	*	
UNITED STATES OF AMERICA, et al	*	MAG. JUDGE CAROL B. WHITEHURST

ANSWER

Defendants The GEO Group Inc., FNU Daley, FNU Deseo, FNU Freeman, and FNU Hall (“Defendants”) answer the First Amended Complaint (ECF No. 12) paragraphs as follows:

“INTRODUCTION”

1.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1.

2.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2; except that, Defendants deny any allegation of liability for the only claims asserted against them, *i.e.*, Count VI (Battery) and Count VII (Assault).

3.

The allegations in paragraph 3 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3.

4.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4; except that, Defendants deny any allegation of liability for the only claims asserted against them, *i.e.*, Count VI (Battery) and Count VII (Assault).

5.

The allegations in paragraph 5 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants admit the allegations in paragraph 5 that Plaintiff brings claims against the United States under the Federal Tort Claims Act (“FTCA”) and alleges damages, but Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

6.

Defendants admit the allegations in paragraph 6 that Plaintiff brings claims against “GEO” and the “GEO Officers” under state law and alleges damages, but Defendants deny the remaining allegations.

“JURISDICTION AND VENUE”

7.

The allegations in paragraph 7 concern legal conclusions to which no response is required. To the extent a response is required, Defendants admit the allegations in paragraph 7 that Plaintiff brings claims under the FTCA and Louisiana state law.

8.

The allegations in paragraph 8 concern legal conclusions and claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack

knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8.

9.

The allegations in paragraph 9 concern legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9.

10.

The allegations in paragraph 10 concern legal conclusions and claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10.

11.

The allegations in paragraph 11 concern legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11.

“PARTIES”

12.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12.

13.

The allegations in paragraph 13 concern legal conclusions and claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants admit the allegations in paragraph 13.

14.

Answering Paragraph 14, Defendants admit that GEO is a corporation engaging in the operation and management of private correctional and detention institutions, that GEO is incorporated in the State of Florida, and that GEO has its principle place of business in the State of Florida. Defendants further admit that GEO operates Pine Prairie pursuant to contractual arrangement. Regarding the allegations citing the contents of websites or government documents, Defendants deny any allegations that are inconsistent with same and to the extent recorded data does not accurately reflect the information reported therein. Defendants deny the remainder of the allegations therein.

15.

Defendants admit the allegations in paragraph 15.

16.

Defendants admit the allegations in paragraph 16.

17.

Defendants admit the allegations in paragraph 17.

18.

Defendants admit the allegations in paragraph 18.

“STATEMENT OF FACTS”

19.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19.

20.

The allegations in paragraph 20 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 20; except that, upon information and belief Plaintiff was housed at Pine Prairie from on or about December 16, 2020, through April 6, 2022.

21.

The allegations in paragraph 21 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 21; except that, Defendants admit that GEO operates Pine Prairie pursuant to contract, which contract speaks for itself. To the extent the allegations are inconsistent with the documents referenced, Defendants deny the allegations.

22.

The allegations in paragraph 22 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 22. Otherwise, the allegations consist of legal conclusions for which no response is required.

23.

The allegations in paragraph 23 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the

allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

24.

The allegations in paragraph 24 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

25.

The allegations in paragraph 25 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

26.

The allegations in paragraph 26 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

27.

The allegations in paragraph 27 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

28.

The allegations in paragraph 28 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants deny all wrongdoing alleged against them in paragraph 28.

29.

The allegations in paragraph 29 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29 and deny all alleged wrongdoing implied against them.

30.

The allegations in paragraph 30 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30. Regarding the allegations referring to reports published at sites referenced in the Complaint, to the extent the allegations do not reflect the contents of the reports, Defendants deny said allegations. Defendants deny any wrongdoing referenced in any such reports.

**“The Defendants Retaliate Against Plaintiffs By Punishing Him with
Solitary Confinement at Adams County”**

31.

The allegations in paragraph 31 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 31.

32.

The allegations in paragraph 32 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32; except that Defendants deny any allegations concerning the contents of policies or government documents that are inconsistent with same.

33.

The allegations in paragraph 33 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33.

34.

The allegations in paragraph 34 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 34.

35.

The allegations in paragraph 35 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35.

36.

The allegations in paragraph 36 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36.

37.

The allegations in paragraph 37 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37.

38.

The allegations in paragraph 38 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38.

39.

The allegations in paragraph 39 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39; except that Defendants deny any allegations concerning the contents of policies or government documents that are inconsistent with same.

40.

The allegations in paragraph 40 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40; except that Defendants deny any allegations concerning the contents of policies or government documents that are inconsistent with same.

41.

The allegations in paragraph 41 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41; except that Defendants deny any allegations concerning the contents of policies or government documents that are inconsistent with same.

42.

The allegations in paragraph 42 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 42; except that Defendants deny any allegations concerning the contents of policies or government documents that are inconsistent with same.

43.

The allegations in paragraph 43 concern claims not asserted against Defendants to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 43; except

that upon information and belief, Defendants admit that Plaintiff was transferred to Pine Prairie on or about December 16, 2020.

**“The Defendants Physically Assaulted Plaintiff at Pine Prairie
and Retaliate Against the Plaintiff By Punishing Him with Solitary Confinement”**

44.

Answering paragraph 44, upon information and belief, Defendants admit that Plaintiff was housed at Pine Prairie from on or about December 16, 2020 -April 6,2022. Defendants deny the remainder of the allegations.

45.

Answering paragraph 45, Defendants lack knowledge or information sufficient to form a belief about the truth of the remainder of the allegations.

46.

Defendants deny the allegations in paragraph 46.

47.

Defendants deny the allegations in paragraph 47.

48.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48 but deny all wrongdoing implied therein.

49.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 49 but deny all wrongdoing implied therein.

50.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 50 but deny all wrongdoing implied therein.

51.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 51 but deny all wrongdoing implied therein.

52.

Defendants deny the allegations in paragraph 52.

53.

Defendants deny the allegations in paragraph 53.

54.

Defendants lack knowledge or information sufficient to form a belief about the truth of the remainder of the allegations in paragraph 54 but deny all wrongdoing implied therein.

55.

Defendants lack knowledge or information sufficient to form a belief about the truth of the remainder of the allegations in paragraph 55 but deny all wrongdoing implied therein.

56.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 56 but deny all wrongdoing implied therein.

57.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 57 but deny all wrongdoing implied therein.

58.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 58 but deny all wrongdoing implied therein.

59.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59 but deny all wrongdoing implied therein.

60.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 60 but deny all wrongdoing implied therein.

61.

Defendants do not have sufficient information to admit or deny the allegations in paragraph 61 at this time, and on that basis deny the allegations. Defendants will supplement this response to the extent necessary upon receipt of additional information.

62.

Defendants deny the allegations in paragraph 62.

63.

Answering paragraph 63, the first sentence refers to policies that speak for themselves; to the extent the allegations are inconsistent with the policies, Defendants deny the allegations. Defendants deny the remainder of the allegations therein.

64.

Defendants deny the allegations in paragraph 64.

65.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65 but deny all wrongdoing implied therein.

66.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66 but deny all wrongdoing implied therein.

67.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 67 but deny all wrongdoing implied therein.

68.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 68 but deny all wrongdoing implied therein.

“CLAIMS FOR RELIEF”

69.-126.

The allegations in paragraphs 69-126 concern legal conclusions and claims not asserted against Defendants to which no responses are required. To the extent any response is required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 69-126; except that, Defendants deny any allegation of liability.

“COUNT VI: BATTERY”

“Against the GEO Officers and GEO Group Under Louisiana State Law”

127.

Defendants incorporate by reference their responses to the prior paragraphs as if fully set forth herein.

128.

The allegations in paragraph 128 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with same.

129.

The allegations in paragraph 129 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with same.

130.

The allegations in paragraph 130 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with same.

131.

Defendants deny the allegations in paragraph 131.

132.

Defendants deny the allegations in paragraph 132.

133.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 133.

134.

The allegations in paragraph 134 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 134.

135.

The allegations in paragraph 135 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 135.

136.

The allegations in paragraph 136 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with the same.

137.

The allegations in paragraph 137 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 137.

138.

The allegations in paragraph 138 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 138.

“COUNT VII: ASSAULT”

“Against the GEO Officers and GEO Group Under Louisiana State Law”

139.

Defendants incorporate by reference its responses to the prior paragraphs as if fully set forth herein.

140.

The allegations in paragraph 140 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with the same.

141.

The allegations in paragraph 141 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with the same.

142.

The allegations in paragraph 142 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that are inconsistent with the same.

143.

Defendants deny the allegations in paragraph 143.

144.

Defendants deny the allegations in paragraph 144.

145.

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 145.

146.

The allegations in paragraph 146 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 146.

147.

The allegations in paragraph 147 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 147.

148.

The allegations in paragraph 148 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny any allegations concerning the law that is inconsistent with the same.

149.

The allegations in paragraph 149 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 149.

150.

The allegations in paragraph 150 concern legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 150.

“RELIEF REQUESTED”

Defendants admit that Plaintiff seeks the relief requested in the First Amended Complaint, but Defendants deny that Plaintiff is entitled to any such relief with respect to the only claims asserted against it, *i.e.*, Count VI (Battery) and Count VII (Assault), and Defendants lack knowledge or information sufficient to form a belief about any other relief requested.

AFFIRMATIVE AND OTHER DEFENSES

Defendants assert the following affirmative and other defenses without assuming any burden of production or proof that it would not otherwise bear.

1.

The claims are barred, in whole or in part, because they fail to state claims upon which relief can be granted.

2.

The claims are barred, in whole or in part, by the applicable statute of limitations, including limitations on tort claims that do not qualify as crimes of violence under La. C.C. Art. 3493.10.

3.

The claims are barred, in whole or in part, as a result of Plaintiff's own actions or negligence.

4.

The claims are barred, in whole or in part, as a result of actions of others over whom Defendants lack control, including others who committed superseding, intervening events.

5.

The claims are barred, in whole or in part, by lack of proximate causation.

6.

The claims are barred, in whole or in part, by the failure to mitigate damages.

7.

The claims should be severed and litigated separately from the claims not asserted against Defendants.

8.

Defendants are entitled to a good faith immunity defense.

WHEREFORE, Defendants request that this Court enter a judgment for Defendants, dismiss this lawsuit with prejudice, award Defendants their attorney fees and costs as applicable, and grant any other just and proper relief.

MAHTOOK & LAFLEUR, L.L.C.

/s/Kay A. Theunissen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day **September 10, 2024**, a true and correct copy of the above and foregoing instrument was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record participating in CM/ECF by operation of the court's electronic filing system.

/s/Kay A. Theunissen

KAY A. THEUNISSEN