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10 CITY OF ANTIOCH

EXEMPT FROM FILING FEES
GOV'T CODE § 6103

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF CONTRA COSTA**

14
15 MARK OWENS JORDAN,
16 Plaintiff (pro per),
17 v.
18 CITY OF ANTIOCH,
19 Defendant.

Case No. C20-00976

ANSWER TO COMPLAINT

Department: 23

Action Filed: June 1, 2020
Trial Date: None Set

1 Defendant, City of Antioch (“Defendant”) hereby answers the Complaint of Plaintiff Mark
2 Owens Jordan (“Plaintiff”) as follows:¹

3 **GENERAL DENIAL**

4 Pursuant to Code of Civil Procedure § 431.30 section (d), Defendant denies each and every
5 allegation of the Complaint, denies liability to Defendant for any damage or injury, and denies that
6 Plaintiff is entitled to any compensatory, injunctive or declaratory relief from the courts.

7 **AFFIRMATIVE DEFENSES**

8 Defendant pleads the following separate defenses. Defendant reserves the right to assert
9 additional affirmative defenses that discovery indicates are proper.

10 **FIRST AFFIRMATIVE DEFENSE**

11 **(Failure to State a Claim)**

12 1. As a separate and first affirmative defense to the Complaint, and to the purported
13 causes of action set forth therein, Defendant alleges that the Complaint fails to state facts sufficient
14 to constitute a cause of action.

15 **SECOND AFFIRMATIVE DEFENSE**

16 **(Lack of Standing – No Injury)**

17 2. As a separate and second affirmative defense to the Complaint, and to the purported
18 causes of action set forth therein, Defendant alleges that Plaintiff lacks standing because Plaintiff
19 has not suffered an injury in fact.

20 **THIRD AFFIRMATIVE DEFENSE**

21 **(Lack of Standing – Enforcement of Criminal Law)**

22 3. As a separate and third affirmative defense to the Complaint, and to the purported
23 causes of action set forth therein, Defendant alleges that as a private party, Plaintiff lacks standing
24 to enforce criminal laws.

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28 ¹ Defendant reserves all rights, and does not waive any rights, to seek removal of this action
pursuant to 28 U.S.C. § 1441.

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FOURTH AFFIRMATIVE DEFENSE

(Failure to File Government Claim)

4. As a separate and fourth affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that Plaintiff failed to file a government claim pursuant to Government Code section 911.2 *et seq.*

FIFTH AFFIRMATIVE DEFENSE

(Discretionary Acts)

5. As a separate and fifth affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that Defendant is not liable to Plaintiff because the acts complained of in the Complaint constituted one or more discretionary acts.

SIXTH AFFIRMATIVE DEFENSE

(Equitable Doctrines)

6. As a separate and sixth affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that Plaintiff’s claims are barred by equitable doctrines, including without limitation waiver, unclean hands, and laches.

SEVENTH AFFIRMATIVE DEFENSE

(Estoppel)

7. As a separate and seventh affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that Plaintiff’s claims are barred by reason of Plaintiff’s own actions and course of conduct.

EIGHTH AFFIRMATIVE DEFENSE

(No Punitive Damages)

8. As a separate and eighth affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that Plaintiff is not entitled, pursuant to Government Code section 818, to recover punitive damages because Defendant is a public entity.

WHEREFORE, Defendant prays for relief as follows:

1. That the Complaint be dismissed, with prejudice and in its entirety;
2. That Plaintiff take nothing by reason of this Complaint and that judgment be

1 entered against Plaintiff and in favor of Defendant;

2 3. That Defendant be awarded its costs incurred in defending this action;

3 4. That Defendant be granted its attorneys' fees; and

4 5. That Defendant be granted such other and further relief as the Court may deem just
5 and proper.

6 DATED: July 1, 2020

MEYERS, NAVE, RIBACK, SILVER & WILSON

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By:



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DAVID MEHRETU
Attorneys for Defendant
CITY OF ANTIOCH

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DEMAND FOR JURY

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Defendant demands a jury trial on any issue triable of right by a jury.

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DATED: July 1, 2020

MEYERS, NAVE, RIBACK, SILVER & WILSON

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By:



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DAVID MEHRETU
Attorneys for Defendant
CITY OF ANTIOCH

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 101 W. Broadway, Suite 1105, San Diego, CA 92101.

On July 1, 2020, I served true copies of the following document(s) described as **ANSWER TO COMPLAINT** on the interested parties in this action as follows:

Mark Owens Jordan *Plaintiff Pro Per*
2830 Lone Tree Way
Antioch, CA 94509
Email: Mark@MarkCynthia.com

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Meyers, Nave, Riback, Silver & Wilson for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: At approximately 12:00 p.m., I caused a copy of the document(s) to be sent from e-mail address zhickman@meyersnave.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2020, at San Diego, California.



Zilia Hickman