

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF PENNINGTON)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

<p>LAZY P-6 LAND CO., INC., a South Dakota Corporation and ORVIL DAVIS, Plaintiffs, vs. CITY OF RAPID CITY and SAM KOOIKER, individually and in his official capacity as Mayor of the City of Rapid City, Defendants.</p>	<p>Case No. 51CIV14-001571 ANSWER TO AMENDED COMPLAINT</p>
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COME NOW the Defendants, City of Rapid City and Sam Kooiker, individually and in his official capacity as Mayor of the City of Rapid City, by and through their undersigned counsel, and for their Answer to the Plaintiffs' Complaint state and allege as follows:

1. Plaintiffs' Complaint and every claim and cause of action set forth therein fails to state a claim upon which relief can be granted.
2. Defendants deny each and every claim and cause of action set forth in the Plaintiffs' Complaint except those which are specifically or qualifiedly admitted.
3. Defendants admit the allegations in paragraphs 3 and 4.
4. Defendants affirmatively allege that Plaintiffs' claims are barred by the doctrine of immunity.
5. Defendants affirmatively allege that Plaintiffs' claims are barred by the doctrine of legislative immunity.
6. Defendants affirmatively allege that Plaintiffs' claims are barred by the doctrine of sovereign immunity.

7. Defendants affirmatively allege that Plaintiffs' claims are barred by SDCL § 20-11-5.

8. Defendants affirmatively allege that Plaintiffs' claims are barred by the doctrine of absolute privilege.

9. In the alternative, Defendants affirmatively allege that Plaintiffs' claims are barred by the doctrine of qualified privilege.

10. Defendants affirmatively allege that Plaintiffs' claim for punitive damages is barred as a matter of law.

11. Defendants affirmatively allege that Plaintiffs' claim against the Defendant, Sam Kooiker, in his official capacity is barred as a matter of law.

12. Defendants affirmatively allege that certain of Plaintiffs' claims are barred by SDCL § 3-21-2.

13. Defendants affirmatively allege that Plaintiffs' claims are barred by laches, waiver, estoppel, failure of consideration, illegality, statute of limitations and unclean hands.

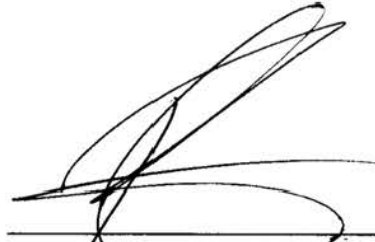
14. Defendants respectfully reserve any other affirmative defenses as more fully set forth at SDCL § 15-6-8(c) or which have otherwise been recognized as affirmative defenses to the extent that such affirmative defenses are identified during the course of discovery in this matter.

WHEREFORE, Defendants pray for judgment as follows:

1. For the dismissal of Plaintiffs' Amended Complaint and every claim and cause of action set forth therein;
2. For the recovery of their costs and disbursements associated with the defense of this matter;
3. For the recovery of their reasonable attorney's fees; and

4. For such other and further relief as the Court deems just and necessary.

Dated this 15th day of December, 2014.



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DEFENDANTS DEMAND TRIAL BY JURY ON ALL ISSUES TRIABLE TO A JURY.

CERTIFICATE OF SERVICE

I, Robert J. Galbraith, attorney for Defendants, hereby certify that a true and correct copy of the foregoing was mailed by first class mail, postage prepaid thereon, to:

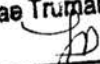
Jess M. Pekarski
Jeffrey D. Swett
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P. O. Box 290
Rapid City, SD 57709-4262

by depositing the same in the United States mail at Rapid City, South Dakota, this 15th day of December, 2014.



ROBERT J. GALBRAITH

Pennington County, SD
FILED
IN CIRCUIT COURT
DEC 16 2014

Ranae Truman, Clerk of Courts
By  Deputy