

8. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

9. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

10. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

11. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

12. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

13. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

14. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

15. Denied.

16. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

17. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

18. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same. Further with respect to Plaintiff Stravitz, he is neither blind nor vision impaired.

19. Denied.

20. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

21. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

22. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

23. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

24. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

25. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

26. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

27. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

28. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

29. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

30. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

31. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

32. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

33. Admitted in part; denied in part. Defendant admits only that he was an employee of Armor. Defendant denies the remaining allegations of this paragraph.

34. Admitted.

35. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

A. National Federation of the Blind

36. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

37. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

38. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

39. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

40. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

41. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

42. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

43. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

44. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

45. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

46. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

47. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

48. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

49. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

50. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

51. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

52. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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54. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

55. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

56. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

57. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

58. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

59. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

60. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

61. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

62. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

63. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

64. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

65. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

66. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

67. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

68. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

69. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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73. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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81. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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83. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

84. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

85. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

B. Nacarlo Courtney

86. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

87. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

88. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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94. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

95. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

96. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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98. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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100. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

101. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

102. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

103. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

104. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

105. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

106. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

107. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

108. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

109. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

110. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

111. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

112. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

113. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

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115. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

116. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

117. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

118. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

119. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

C. William Hajacos

120. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

121. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

122. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

D. Michael McCann

123. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

124. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

125. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

126. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

127. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

128. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

129. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

130. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

131. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

132. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

133. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

134. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

135. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

136. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

137. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

138. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

139. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

140. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

141. Denied. Defendant is without sufficient knowledge or information upon which to form belief as to the truth of the allegations of this paragraph and therefore denies same.

E. Wilbert Rogers

142. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

143. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

144. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

145. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

146. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

F. Kevin Muhammad Shabazz

147. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

148. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

149. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

150. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

151. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

152. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

G. Patrick Shaw

153. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

154. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

155. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

156. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

157. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

158. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

H. William Stravitz

159. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

160. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

161. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

162. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

163. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

164. Admitted based upon a review of the medical records.

165. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

166. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

167. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

168. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

169. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

170. Denied.

171. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

172. Denied.

173. Denied. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

FIRST CLAIM FOR RELIEF:
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
42 U.S.C. § 12131 et seq.
(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson, Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano, Miller, Williams, and Shaw, in their official capacities)

174. Defendant incorporates by reference his responses to paragraphs 1–173 as if set forth at length.

175. No response required as the allegations in this paragraph are not addressed to defendant.

176. No response required as the allegations in this paragraph are not addressed to defendant.

177. No response required as the allegations in this paragraph are not addressed to defendant.

178. No response required as the allegations of this paragraph are not addressed to defendant.

179. No response required as the allegations of this paragraph are not addressed to defendant.

180. No response required as the allegations of this paragraph are not addressed to defendant.

181. No response required as the allegations of this paragraph are not addressed to defendant.

182. No response required as the allegations of this paragraph are not addressed to defendant.

183. No response required as the allegations in this paragraph are not addressed to defendant.

SECOND CLAIM FOR RELIEF:
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
42 U.S.C. § 12131 et seq.
(Nacarlo Courtney against Defendants Clarke, Marano, Talbott,
and Smith, in their official capacities)

184. Defendant incorporates by reference his responses to paragraphs 1–183 as if set forth at length.

185. No response required as the allegations in this paragraph are not addressed to defendant.

186. No response required as the allegations in this paragraph are not addressed to defendant.

187. No response required as the allegations in this paragraph are not addressed to defendant.

188. No response required as the allegations in this paragraph are not addressed to defendant.

THIRD CLAIM FOR RELIEF:
VIOLATION OF SECTION 504 OF THE REHABILITATION ACT
29 U.S.C. § 794
(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson,
Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-
VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano,
Miller, Williams, and Shaw, in their official capacities)

189. Defendant incorporates by reference his responses to paragraphs 1–188 as if set forth at length.

190. No response required as the allegations of this paragraph are not addressed to defendant.

191. No response required as the allegations of this paragraph are not addressed to defendant.

192. No response required as the allegations of this paragraph are not addressed to defendant.

193. No response required as the allegations of this paragraph are not addressed to defendant.

194. No response required as the allegations of this paragraph are not addressed to defendant.

195. No response required as the allegations of this paragraph are not addressed to defendant.

196. No response required as the allegations of this paragraph are not addressed to defendant.

197. No response required as the allegations of this paragraph are not addressed to defendant.

198. No response required as the allegations of this paragraph are not addressed to defendant.

199. No response required as the allegations in this paragraph are not addressed to defendant.

FOURTH CLAIM FOR RELIEF:
VIOLATION OF THE VIRGINIANS WITH DISABILITIES ACT

Va. Code Ann. § 51.5-40

(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson, Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano, Miller, Williams, and Shaw, in their official capacities)

200. Defendant incorporates by reference his responses to paragraphs 1–199 as if set forth at length.

201. No response required as the allegations in this paragraph are not addressed to defendant.

202. No response required as the allegations in this paragraph are not addressed to defendant.

203. No response required as the allegations in this paragraph are not addressed to defendant.

204. No response required as the allegations in this paragraph are not addressed to defendant.

205. No response required as the allegations in this paragraph are not addressed to defendant.

206. No response required as the allegations in this paragraph are not addressed to defendant.

207. No response required as the allegations in this paragraph are not addressed to defendant.

208. No response required as the allegations in this paragraph are not addressed to defendant.

209. No response required as the allegations in this paragraph are not addressed to defendant.

FIFTH CLAIM FOR RELIEF:
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION
AND 42 U.S.C. § 1983
(Nacarlo Courtney against Defendant Dr. Gore)

210. Defendant incorporates by reference his responses to paragraphs 1–209 as if set.

211. No response required as the allegations of this paragraph are not addressed to defendant.

212. No response required as the allegations of this paragraph are not addressed to defendant.

213. No response required as the allegations of this paragraph are not addressed to defendant.

214. No response required as the allegations of this paragraph are not addressed to defendant.

215. No response required as the allegations of this paragraph are not addressed to defendant.

216. No response required as the allegations of this paragraph are not addressed to defendant.

217. No response required as the allegations of this paragraph are not addressed to defendant.

SIXTH CLAIM FOR RELIEF:
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION
AND 42 U.S.C. § 1983
(William Stravitz against Defendants Dr. Harris and Dr. Gupta)

218. Defendant incorporates by reference his responses to paragraphs 1–217 as if set forth at length.

219. Denied.

220. Denied.

221. Denied.

222. Denied.

223. Denied.

224. Denied.

225. Denied.

226. Denied.

SEVENTH CLAIM FOR RELIEF:
MEDICAL MALPRACTICE
(Nacarlo Courtney against Defendant Dr. Gore and respondeat superior liability
against Defendants Armor and VitalCore)

227. Defendant incorporates by reference his responses to paragraphs 1–226 as if set forth at length.

228. No response required as the allegations in this paragraph are not addressed to defendant.

229. No response required as the allegations in this paragraph are not addressed to defendant.

230. No response required as the allegations in this paragraph are not addressed to defendant.

231. No response required as the allegations in this paragraph are not addressed to defendant.

EIGHTH CLAIM FOR RELIEF:
MEDICAL MALPRACTICE
(William Stravitz against Defendant Dr. Harris, and Dr. Gupta and respondeat superior liability against Defendants Armor and VitalCore)

232. Defendant incorporates by reference his responses to paragraphs 1–231 as if set forth at length.

233. Denied.

234. No response required as the allegations in this paragraph are not addressed to defendant.

235. Denied.

236. Denied.

237. No response required as the allegations in this paragraph are not addressed to defendant.

238. No response required as the allegations in this paragraph are not addressed to defendant.

239. No response required as the allegations in this paragraph are not addressed to defendant.

240. No response required as the allegations in this paragraph are not addressed to defendant.

241. No response required as the allegations in this paragraph are not addressed to defendant.

242. No response required as the allegations in this paragraph are not addressed to defendant.

243. No response required.

244. No response required.

245. No response required.

AFFIRMATIVE DEFENSES

1. Defendant denies that he breached any of the plaintiffs' constitutional, common law, or statutory rights, denies any wrongdoing, intentional or tortious behavior, and denies that plaintiffs are entitled to any relief.

2. Plaintiffs fail to state a claim pursuant to 42 U.S.C. §1983 and under the Eighth Amendment upon which relief may be granted for deliberate indifference to medical care.

3. Plaintiffs fail to state a claim for medical malpractice under Virginia law upon which relief may be granted.

4. Plaintiffs fail to state a claim for medical malpractice under Virginia law based on a breach of the standard of care.

5. At all times, Defendant acted in good faith, lawfully, and pursuant to his legal obligations and responsibilities.

6. At no time did Defendant act with deliberate indifference to plaintiffs' health, mental health, safety, or medical needs.

7. Defendant did not act with malice or recklessness toward plaintiffs, but rather acted in good faith at all times, thereby barring any claims for compensatory or punitive damages.

8. Plaintiffs may have failed to exhaust their administrative remedies as required by the Prison Litigation Reform Act.

9. Defendant reserves the right to add such other and further defenses as may be developed in the course of discovery in this action.

10. Any paragraph of the Amended Complaint not admitted or denied is hereby denied.

11. A jury trial is demanded in this matter.

WHEREFORE, having fully answered and set forth his affirmative defenses, Defendant Alvin Harris, M.D. moves for dismissal of this action with prejudice, plus costs.

ALVIN HARRIS, M.D.

By: _____ /s/ _____
Of Counsel

Jeff W. Rosen, Esq., VSB No. 22689
PENDER & COWARD, P.C.
222 Central Park Avenue, Suite 400
Virginia Beach, VA 23462
Phone/Fax: (757) 490-6253
jrosen@pendercoward.com
Counsel for Harris

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2023, I will electronically file the foregoing *Defendant Alvin Harris, M.D.'s Answer and Affirmative Defenses to Plaintiffs' Amended Complaint* with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following:

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I hereby certify that I will mail the foregoing document by U.S. Mail to the following non-filing user:

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