

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

**KENNETH JOHNSON and JACQUELYN
JOHNSON,**

Plaintiffs,

v.

**BRANDEN R. BELL; BRIAN E. BELL; RICHARD
E. BELL, JR.,** in his individual capacity and as
parent of Brandon Bell and Brian Bell, **et al.,**

Defendants.

**BRANDEN R. BELL; BRIAN E. BELL; RICHARD
E. BELL, JR.,** in his individual capacity and as
parent of Brandon Bell and Brian Bell,

Counterclaim Plaintiffs,

v.

**KENNETH JOHNSON and JACQUELYN
JOHNSON,**

Counterclaim Defendants.

CIVIL ACTION NO: 15CV1313-6

JURY TRIAL DEMANDED

**ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS
OF BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E. BELL BY SPECIAL APPEARANCE**

COME NOW BRANDEN R. BELL, BRIAN R. BELL, and RICHARD E. BELL (hereinafter "Rick Bell"), in his individual capacity and as parent of Brian Bell (hereinafter referred to collectively as "the Bells"), appearing specially and subject to and without waiving any defenses including improper venue, insufficient service of process, insufficient process, and all defenses stated in this Answer, and without submitting themselves to the jurisdiction of this Court, and answer Plaintiffs' Complaint as follows:

FIRST DEFENSE

Plaintiffs' Complaint fails to state a claim against the Bells upon which relief can be granted.

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CASE NUMBER: 15CV1313-6

SECOND DEFENSE

Should it develop during discovery that Plaintiffs are seeking relief against Rick Bell while he was acting as a FBI Agent, Rick Bell reserves the right to remove this case to the appropriate federal court or seek such other relief as may be proper.

THIRD DEFENSE

The Bells are not liable to Plaintiffs because any and all injuries and damages alleged by Plaintiffs were directly and proximately caused by persons or forces other than those over which the Bells had control.

FOURTH DEFENSE

The Bells raise the affirmative defense of improper venue, as there is no named Defendant known to the Bells who is a resident of DeKalb County. The proper county for venue is Lowndes County, Georgia. In the event any defendants do reside in DeKalb County, venue in DeKalb County will be lost upon the dismissal of said defendants.

FIFTH DEFENSE

To the extent this Court deems DeKalb County to be a proper venue, alternatively, the Bells, pursuant to O.C.G.A. § 9-10-31.1, move this Court under the Doctrine of Forum Non Conveniens to transfer this matter to Lowndes County Superior Court.

SIXTH DEFENSE

Plaintiffs' Complaint should be dismissed for insufficient process which results in a lack of personal jurisdiction.

SEVENTH DEFENSE

Plaintiffs' Complaint should be dismissed for insufficient service of process which results in a lack of personal jurisdiction.

EIGHTH DEFENSE

The Bells are not liable to Plaintiffs because some or all of the claims asserted by Plaintiffs are barred by the applicable statute of limitations.

NINTH DEFENSE

The Bells affirmatively deny that they committed any wrongful or tortious acts.

TENTH DEFENSE

Plaintiffs' Complaint lacks substantial justification and asserts claims or other positions with respect to which there exists a complete absence of any justiciable issue of law or fact. Plaintiffs and their attorney(s) cannot reasonably believe that a court will accept the asserted claims or other positions in the complaint and such claims or other positions are substantially frivolous, substantially groundless or substantially vexatious within the meaning of O.C.G.A. § 9-15-14 and O.C.G.A. §51-7-80, et seq.

ELEVENTH DEFENSE

The Bells are not liable to Plaintiffs, and thus any claim by Plaintiffs for punitive damages is barred.

TWELFTH DEFENSE

To the extent as may be shown by evidence obtained through discovery, the Bells raise all those affirmative defenses set forth in O.C.G.A. § 9-11-8.

THIRTEENTH DEFENSE

The Bells respond to the numbered paragraphs of Plaintiffs' Complaint as follows:

Response to "Preliminary Statement"

Upon information and belief, the Bells admit that Kenneth and Jacquelyn Johnson are the parents of Kendrick Lamar Johnson, who died at Lowndes County High School on January 10, 2013. The Bells deny Plaintiffs' statement that Kendrick Johnson was killed. To the extent that the remaining portion of the Preliminary Statement raises allegations concerning the Bells, the Bells deny any and all such allegations.

RESPONSE TO "JURISDICTION AND VENUE"

1.

Paragraph 1 of Plaintiffs' Complaint contains Plaintiffs' description of their action and, as such, no response is required. To the extent a response to Paragraph 1 is deemed required, it is denied.

2.

In response to the allegations contained in Paragraph 2 of Plaintiffs' Complaint, the Bells admit that the Superior Courts of Georgia have subject matter jurisdiction over the matters asserted as permitted by State law, but deny the remaining allegations. The Bells further deny that the Superior Court of DeKalb County is the proper venue for this action.

3.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

4.

In response to the allegations contained in Paragraph 4 of Plaintiffs' Complaint, the Bells admit that Rick Bell is an FBI agent and that Mr. Bell may be served with process at his residence, but deny the remaining allegations.

5.

In response to the allegations contained in Paragraph 5 of Plaintiffs' Complaint, the Bells admit that Branden Bell is the eldest son of Rick Bell, an FBI agent, and may be served with process at his residence. The Bells deny the remaining allegations.

6.

In response to the allegations contained in Paragraph 6 of Plaintiffs' Complaint, the Bells admit that Brian Bell is the son of Rick Bell, an FBI agent, and may be served with process at his residence. The Bells deny the remaining allegations.

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7.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

8.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

9.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

10.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

11.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

12.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

13.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

40 (sic).

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in second paragraph numbered 40 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

41.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

RESPONSE TO "FACTS COMMON TO ALL CLAIMS"

42.

The Bells admit the allegations contained in Paragraph 42 of Plaintiffs' Complaint.

43.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

44.

The Bells deny the allegations contained in Paragraph 44 of Plaintiffs' Complaint.

45.

The Bells deny the allegations contained in Paragraph 45 of Plaintiffs' Complaint.

46.

The Bells deny the allegations contained in Paragraph 46 of Plaintiffs' Complaint.

47.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

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The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

81.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

82.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

83.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

84.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

85.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

86.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

87.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

88.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

89.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

90.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

91.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

92.

The Bells deny the allegations contained in Paragraph 92 of Plaintiffs' Complaint.

93.

The Bells deny the allegations contained in Paragraph 93 of Plaintiffs' Complaint.

94.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

**RESPONSE TO "FIRST CAUSE OF ACTION – WRONGFUL DEATH"
(Against Defendants Brandon Bell, Brian Bell, Rick Bell, Ryan Hall, John Doe and Jane Doe)**

The Bells incorporate their responses to Paragraphs 1- 94 as if set forth verbatim in response to the unnumbered paragraph preceding Paragraph 95 of Plaintiffs' Complaint.

95.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

96.

The Bells deny the allegations contained in Paragraph 96 of Plaintiffs' Complaint.

97.

The Bells deny the allegations contained in Paragraph 97 of Plaintiffs' Complaint.

98.

The Bells deny the allegations contained in Paragraph 98 of Plaintiffs' Complaint.

99.

The Bells deny the allegations contained in Paragraph 99 of Plaintiffs' Complaint.

100.

The Bells deny the allegations contained in Paragraph 100 of Plaintiffs' Complaint.

101.

The Bells deny the allegations contained in Paragraph 101 of Plaintiffs' Complaint.

**RESPONSE TO "SECOND CAUSE OF ACTION – INTENTIONAL INFLECTION
OF EMOTIONAL DISTRESS"
(Against All Defendants)**

The Bells incorporate their responses to Paragraphs 1- 101 as if set forth verbatim in response to the unnumbered paragraph preceding Paragraph 102 of Plaintiffs' Complaint.

102.

The Bells deny the allegations contained in Paragraph 102 of Plaintiffs' Complaint.

103.

The Bells deny the allegations contained in Paragraph 103 of Plaintiffs' Complaint.

104.

The Bells deny the allegations contained in Paragraph 104 of Plaintiffs' Complaint.

**RESPONSE TO "THIRD CAUSE OF ACTION – FAILURE TO PROPERLY HIRE,
TRAIN, AND SUPERVISE"
(Against Defendants Vernon Keenan, Frank Simmons, and City of Valdosta)**

The Bells incorporate their responses to Paragraphs 1- 104 as if set forth verbatim in response to the unnumbered paragraph preceding Paragraph 105 of Plaintiffs' Complaint.

105.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

106.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

107.

The Bells deny the allegations contained in Paragraph 107 of Plaintiffs' Complaint.

**RESPONSE TO "FOURTH CAUSE OF ACTION – VIOLATION OF RIGHT TO DUE PROCESS AND
EQUAL PROTECTION UNDER STATE CONSTITUTION"
(Against all Defendant Law-Enforcement Officers, Agencies, and City of Valdosta)**

The Bells incorporate their responses to Paragraphs 1- 107 as if set forth verbatim in response to the unnumbered paragraph preceding Paragraph 108 of Plaintiffs' Complaint.

108.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

109.

The Bells are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of Plaintiffs' Complaint, and thus can neither admit nor deny the same.

110.

The Bells deny the allegations contained in Paragraph 110 of Plaintiffs' Complaint.

FOURTEENTH DEFENSE

The Bells deny any and all allegations in Plaintiffs' Complaint not specifically admitted herein, deny all Prayers of Relief in the Complaint, and deny that Plaintiffs are entitled to recover against them in this case.

WHEREFORE, having fully answered Plaintiffs' Complaint, the Bells demand that each and every request for relief of the Plaintiffs be denied and that judgment and court costs be granted to the Bells.

Respectfully submitted this 4th day of March, 2015.

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ATTORNEYS FOR DEFENDANTS BRIAN E. BELL,
BRANDEN R. BELL, AND RICK E. BELL

COUNTERCLAIMS

NOW COME BRIAN E. BELL, BRANDEN R. BELL, and RICHARD E. BELL, Jr. (hereinafter “Rick Bell”), Plaintiffs-in- Counterclaim in the above-captioned case (hereinafter collectively referred to as “the Bells”), and state their Counterclaims against KENNETH and JACQUELYN JOHNSON, showing the Court as follows:

FACTUAL ALLEGATIONS

1.

Plaintiffs Kenneth and Jacquelyn Johnson (hereinafter “the Johnsons”), the parents of Kendrick Johnson (hereinafter “KJ”), are residents of Valdosta, Lowndes County, Georgia.

2.

Following the death of their son KJ in January of 2013, the Johnsons, either directly or through actions of persons acting on their behalf and with their express approval, have operated multiple Facebook accounts, including Justice for Kendrick Johnson, Kendrick Johnson Memorial, RIP Kendrick Johnson, Kendrick’s Law, Jackie Lavvinmeesumnee KJ

Johnson, Jackie Kendrick Johnson, Kendrick KJ Johnson, Kendrick KJ Johnson, Sr. and Kendrick KJ Johnson Graduation Celebration (collectively “KJ Facebook accounts”).

3.

Jacquelyn Johnsons has used the Twitter account @jazzygul since 2013. Likewise, Kenneth Johnsons has used the Twitter account @kendrick1103kj (hereinafter collectively referred to as the “Twitter accounts”).

4.

The Johnsons have given numerous interviews to broadcast media, newspapers, as well as on internet radio and TV shows, since January 12, 2014. Further they have spoken to many rallies or other groups, and many individuals, concerning the person or persons allegedly responsible for the death of KJ.

5.

Since January 12, 2014, the Johnsons used others as their authorized agents to post messages on various social media, including Facebook, Twitter, blogs, instant messaging, and the like, to post messages that were defamatory of the Bells.

6.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys unrelated to pending litigation, to publish their claim that KJ was murdered in the Old Gym at Lowndes County High School (“LCHS”) on January 10, 2013.

7.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys unrelated to pending litigation, to publish their claim that KJ’s “murder” was covered

up by local and state law enforcement authorities, including numerous personnel from the Lowndes County Sheriff's Department ("LCS"), the Valdosta Police Department and its State Crime Lab, the Georgia Bureau of Investigation ("GBI"), as well as the alleged "murderers."

8.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys unrelated to pending litigation, to publish their claim that KJ was "murdered" by Brian Bell with the assistance of others, or words to that effect.

9.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys unrelated to pending litigation, to publish their claim that KJ was "murdered" by Branden Bell with the assistance of others, or words to that effect.

10.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys unrelated to pending litigation, to publish their claim that KJ'S "murder" was committed upon the verbal command of Rick Bell, or words to that effect.

11.

Since January 12, 2014, the Johnsons have used the KJ Facebook accounts, the Twitter accounts, others as their authorized agents to post messages on various social media, print, broadcast and internet media, and/or verbal statements and statements through their attorneys

unrelated to pending litigation, to publish their claim that Rick Bell participated in the alleged cover-up of KJ's "murder," or words to that effect.

12.

All statements by the Johnsons alleging that any of the Bells participated in or covered up the "murder" of KJ, or words to that effect, are false.

13.

The Johnsons' false and defamatory statements regarding Brian Bell, Branden Bell, and Rick Bell include, but are not limited to, the following:

- a. On or about November 18, 2014, the Johnsons held a press conference at the Lowndes County Courthouse in Valdosta, Georgia, accompanied by a written press release and a video posted at www.youtube.com entitled "New Kendrick Johnson Investigation," disputing the alibi of BRANDEN BELL for KJ's death, claiming that he was on the LCHS campus until 4:00 PM on January 10, 2013. The video showed Branden Bell in the hall outside the Old Gym that morning, and called for witnesses to come forward if they had any knowledge of Branden Bell's involvement in the death of KJ. This video included photographs and other color images of Rick and Branden BELL, and pointed out that Branden Bell and his younger brother, i.e., Brian Bell, had refused to cooperate and give statements in the LCS investigation of KJ's death. The statement made by the video was that Branden Bell was viable suspect in the alleged murder of KJ. The video has been viewed more than 28,000 times as of March 2, 2015. (The written November 18, 2014 press release is attached and made a part hereof as Exhibit "A"). In fact, Branden Bell left on the LCHS bus for Macon, Georgia no later than 12:30 PM on January 10, 2013, and did not return until after KJ's body was discovered in the Old Gym. The statement by the Johnsons that he was a viable suspect in KJ's alleged death is thus false and defamatory of Branden Bell.

- b. On January 26, 2015, the Johnsons caused the following to be posted or to be published on the KJ Memorial Facebook account:

To whom it may concern: We oppose the recently announcement of Lowndes County High School football linebacker Brian Bell committing to attend Florida State University. Bell has exhibited violent tendencies and a highly unusual appetite for fighting. Additionally, while fellow students at Lowndes High were mourning the loss of fellow student Kendrick Johnson, Bell expressed contempt, irritation, and anger. We believe his social media activities expose the likelihood of him being a psychopath and therefore strongly recommend FSU abandon efforts to recruit him to play football for the university.
Regards,
Concerned Citizen

January 26, 2015 post by the administrator of the KJ Facebook account (Emphasis added).

- c. On January 4, 2015, Jacquelyn Johnson appeared with attorney Benjamin Crump on MSNBC stating the suspects in KJ's murder were the "sons of a FBI agent" who "had received target letters" in the federal civil rights investigation, or words to that effect. The "sons of a FBI agent" and the "FBI agent", who had allegedly received target letters were known to those in the Valdosta area as Brian Bell, Branden Bell, and Rick Bell, respectively, as intended by Jacquelyn Johnson.

14.

On information and belief, KJ died accidentally when he slipped into a vertically stored gym mat and asphyxiated in the Old Gym at Lowndes County High School ("LCHS"), shortly after he entered that facility at approximately 1:10 PM on January 10, 2013, as shown by surveillance camera footage at the entrances to the Old Gym.

15.

All of the statements by the Johnsons, directly or through others authorized by them or adopted and repeated by them, that Brian Bell or Branden Bell were responsible in whole or in part for the death of KJ, or were viable suspects in the death of KJ, were false and were known by them to be false when they were made.

16.

All of the statements by the Johnsons, directly or through others authorized by them or adopted and repeated by them, that Rick Bell ordered the death of KJ, were false and were known by them to be false when they were made.

17.

All of the statements by the Johnsons, directly or through others authorized by them or adopted and repeated by them, that Brian Bell, Branden Bell, and Rick Bell were part of a conspiracy to cover up the murder of KJ, were false and were known by them to be false when they were made.

18.

The January 26, 2015 statement by the Johnsons, or others acting for them, and repeated by them, that Brian Bell “exhibited violent tendencies and a highly unusual appetite for fighting,” and was a “psychopath,” was false and was known by them to be false when made.

19.

The Johnsons, individually and through others, made numerous false and defamatory statements, using social media and otherwise, encouraging other persons to contact Florida State University (“FSU”) and urge FSU not to honor its scholarship offer to Brian Bell for 2015 on the grounds that he was a “murderer,” a “murder suspect,” a “violent psychopath,” or words to that effect. They have made similar statements to other colleges offering Brian Bell a scholarship, including the University of Louisville and Clemson University. As a result of these defamatory statements, Brian Bell has no binding offer to play college football despite the fact that he was a four-star college prospect in 2013.

CAUSES OF ACTION

20.

The Bells repeat and re-allege each of the allegations in Paragraphs 1 through 19 of these Counterclaims as if set forth verbatim.

COUNT ONE

LIBEL AND SLANDER

21.

A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt or ridicule. O.C.G.A. § 51-5-1.

22.

Slander or oral defamation consists, in pertinent part, in ... “[i]mputing to another a crime punishable by law...” O.C.G.A. 51-5-4(a)(1).

23.

False statements that one has committed criminal conduct amounting to a felony under Georgia law are libelous or slanderous per se, that is, without the necessity of proving actual damages.

24.

The Johnsons have falsely accused Brian Bell of murder (as codified in O.C.G.A. § 16-5-1); Branden Bell of being an accomplice or accessory to murder (as codified in O.C.G.A. § 16-2-20), if not also a murderer; and Rick Bell of conspiracy to cover up murder (as codified in O.C.G.A. §16-10-50), all of which are felonies under Georgia law.

25.

The false and malicious statements described above, including those spelled out in Paragraphs 7 through 13, accused the Bells of felonies under Georgia law, injured their reputations, and exposed them to public hatred, contempt or ridicule. In addition the

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statement in Paragraph 13(b) above, calling Brian Bell a psychopath exposed him to hatred, ridicule and contempt. Accordingly, all of these statements constitute libel or slander entitling the Bells to bring this action without proof of special damages under Georgia law.

26.

A libelous or slanderous charge is actionable per se whether the words, directly or indirectly, by intimation or innuendo, or indirectly or by inference, contain libel. It is the harmful effect of defamatory language as it is understood which renders it actionable per se, and not its directness or unequivocal nature. In this case, statements by the Johnsons describing the murderer of KJ, or a suspect in the murder of KJ, as the son of an FBI agent in Valdosta and a football player at LCHS who had been in a fight with KJ on a JV football bus before he died, with an older brother at LCHS, were known by students, faculty and coaches at LCHS, and others in Valdosta, to identify Brian Bell, Branden Bell, and Rick Bell, respectively. Such statements were thus defamatory of the Bells.

27.

A libel or slander is published as soon as it is communicated to any person other than the party libeled or slandered. Each of the defamatory statements by the Johnsons in this case have been published since January 12, 2015. The dates that certain specific defamatory statements by the Johnsons were published are described in Paragraph 13 above. Most of the defamatory statements known at this time were published to a nationwide and worldwide audience via the internet. Discovery in this case will most likely reveal additional outrageously untrue and defamatory statements by the Johnsons.

28.

A party who commits libel or slander may be held responsible for repetition of the libel by others if such repetition or republication by others is a natural and probable consequence of the original libel or slander. In this case, the Johnsons made many false and defamatory

statements about the Bells directly to media outlets or on the internet, with the knowledge that they would be spread to the public throughout this state, nation, and the world.

29.

Although malice is inferred in every case of libel or slander, the Johnsons' false and defamatory statements of the Bells were clearly malicious in that they knew such statements to be false when they were made. The Johnsons thus acted with "actual malice" in making the false and defamatory statements, negating any claim of privilege they may raise in this action.

30.

The Johnsons' defamatory conduct has caused great and irreparable harm to the reputations of Brian Bell, Branden Bell, and Rick Bell, entitling them to recover special and general damages to be proven by the evidence of at least \$1,000,000, or such additional sum as is determined appropriate by the jury in this case.

COUNT TWO

PUNITIVE DAMAGES

31.

The Bells repeat and re-allege each of the allegations in Paragraphs 1 through 19 of these Counterclaims as if as if set forth verbatim.

32.

Pursuant to O.C.G.A. 51-5-11, the Bells made written demand for retraction of the Johnsons' defamatory statements by certified letters to their counsel of record, Chevene King, and to their other counsel, Benjamin Crump, dated January 5 and February 12, 2015, respectively. No retractions were made within the allowed deadlines, which exceeded seven days.

33.

Punitive damages may be awarded in tort actions in which it is proven by clear and convincing evidence that the defendant's action shows willful misconduct, malice, fraud,

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wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences. Punitive damages shall be awarded not as compensation to a plaintiff but solely to punish, penalize, and deter a defendant. O.C.G.A. § 51-12-5.4(b)(c).

34.

The defamatory statements of the Johnsons in this case, made with knowledge that they were false and with the express intention of harming Plaintiffs-in-Counterclaim, constituted willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences entitling Plaintiffs-in-Counter claim to recover an amount of punitive damages to be determined in the discretion of the jury to penalize or punish them for their conduct and to deter such conduct in the future.

COUNT THREE

EXPENSES OF LITIGATION

35.

The Bells repeat and re-allege each of the allegations in Paragraphs 1 through 19 of these Counterclaims as if set forth verbatim.

36.

The Bells seek to recover, in the discretion of the jury, their expenses of litigation, including attorney's fees, on the basis that the Johnsons have acted in bad faith, have been stubbornly litigious, or have caused the Bells unnecessary trouble and expense. See O.C.G.A. § 13-6-11.

37.

The amount of expenses of litigation at the time of trial shall be proven by appropriate documents and expert testimony as required by law.

JURY TRIAL DEMANDED

38.

The Bells respectfully demand a jury trial in this action.

WHEREFORE, the Bells respectfully request that the Court grant them the following relief:

1. An award of general and compensatory damages on Count One of the Complaint for libel and slander in the amount of at least \$1,000,000;
2. An award of punitive damages in the amount determined in the discretion of the jury based upon the evidence produced at trial;
3. An award of expenses of litigation, in the discretion of the jury in an amount to be determined by the jury based upon the documentary and expert testimony at trial regarding said expenses; and
4. Such other relief as is just and proper in the premises.

Respectfully submitted this 4th day of March, 2015.

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ATTORNEYS FOR COUNTERCLAIM PLAINTIFFS
BRIAN E. BELL, BRANDEN R. BELL, AND RICK E.
BELL

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the foregoing ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIM OF BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E. BELL, JR. BY SPECIAL APPEARANCE pursuant to the State Court of DeKalb County E-Filing Rules, EFSP Rule 2-107(2), upon the following:

CHEVENE B. KING, JR.
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Kenneth Johnson and Jacquelyn Johnson*

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This 4th day of March, 2015.

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Sgt. Aaron Pritchett; Maj. Logan Henderson;
Dep. Randy Lightsey; Dep. Michael Adams;
Investigator Jack Priddy; Dep. Kerry Quinn;
Dep. Christi Griffin; Dep. Bryce Whitener;
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IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

**KENNETH JOHNSON and JACQUELYN
JOHNSON,**

Plaintiffs,

v.

**BRANDEN R. BELL; BRIAN E. BELL; RICHARD
E. BELL, JR.,** in his individual capacity and as
parent of Brandon Bell and Brian Bell; **et al.,**

Defendants.

CIVIL ACTION NO: 15CV1313-6

JURY TRIAL DEMANDED

**DEFENDANTS BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E. BELL, JR.'S
MOTION TO TRANSFER BY SPECIAL APPEARANCE**

COME NOW BRANDEN R. BELL, BRIAN R. BELL, AND RICHARD E. BELL, JR.
(hereinafter "Rick Bell"), in his individual capacity and as parent of Brian Bell (hereinafter
referred to collectively as "the Bells"), appearing specially and without submitting themselves
to the jurisdiction of this Court, and pursuant to O.C.G.A. §9-11-12(b)(3) and the Uniform
Transfer Rules, or in the alternative, pursuant to O.C.G.A. §9-10-31.1, file the following
Motion to Transfer. In support of this Motion, the Bells rely upon all pleadings of record and
their contemporaneously filed supporting brief.

Respectfully submitted this 4th day of March, 2015.

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the foregoing DEFENDANTS BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E. BELL, JR.'S MOTION TO TRANSFER BY SPECIAL APPEARANCE pursuant to the State Court of DeKalb County E-Filing Rules, EFSP Rule 2-107(2), upon the following:

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Attorney for Defendant Wes Taylor

This 4th day of March, 2015.

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Sgt. Aaron Pritchett; Maj. Logan Henderson;
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Investigator Jack Priddy; Dep. Kerry Quinn;
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IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

KENNETH JOHNSON and JACQUELYN
JOHNSON,

Plaintiffs,

v.

BRANDEN R. BELL; BRIAN E. BELL; RICHARD
E. BELL, JR., in his individual capacity and as
parent of Brandon Bell and Brian Bell; et al.,

Defendants.

CIVIL ACTION NO: 15CV1313-6

JURY TRIAL DEMANDED

**BRIEF IN SUPPORT OF DEFENDANTS BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E.
BELL, JR.'S MOTION TO TRANSFER BY SPECIAL APPEARANCE**

COME NOW BRANDEN R. BELL, BRIAN R. BELL, AND RICHARD E. BELL (hereinafter "Rick Bell"), in his individual capacity and as parent of Brian Bell (hereinafter referred to collectively as "the Bells") appearing specially and without submitting themselves to the jurisdiction of this Court, and pursuant to O.C.G.A. §9-11-12(b) (3) and the Uniform Transfer Rules, or in the alternative, pursuant to O.C.G.A. §9-10-31.1, file the following Brief in Support of their Motion to Transfer:

I. INTRODUCTION AND RELEVANT FACTS

Plaintiffs' Complaint arises out of the death of their son, Kendrick Johnson ("KJ"). (Compl., ¶1). Plaintiffs' Complaint alleges that KJ was found deceased on the premises of Lowndes County High School on January 11, 2013 by Lowndes High students and teachers. (Id., ¶¶47-49). Plaintiffs' Complaint further alleges that an investigation into KJ's death was conducted by the Lowndes County Sheriff's Office, the City of Valdosta Police Department, and the Georgia Bureau of Investigation. (Id., ¶¶50-51). Of the thirty-eight (38) defendants, upon information and belief, twenty-four (24) live and work in Lowndes County. Of the remaining fourteen (14), it is believed that ten (10) reside in counties contiguous to or close to Lowndes County (Berrien, Brooks, Colquitt, Cook, Lanier, Lee and Thomas). Upon information and

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belief, no defendants reside in DeKalb County.¹

II. ARGUMENT AND CITATION OF AUTHORITY

A. Venue is improper in DeKalb County.

Plaintiffs' Complaint fails to establish that venue is proper in DeKalb County. Pursuant to Ga. Const. Art. VI, § II, Para. IV, "[s]uits against joint obligors, joint tort-feasors, joint promisors, copartners, or joint trespassers residing in different counties may be tried in either county." While Plaintiffs allege that "[v]enue is properly invoked insofar as one (1) or more of the defendants are residents of DeKalb County and, as such, provide a statutory basis for asserting that venue lies in this Court" (Compl., ¶2), Plaintiffs do not identify which defendant purports to be a resident of DeKalb County. Instead, Plaintiffs have knowingly filed their suit in a county which lacks venue and merely state that nine of the defendants "may be served with service of process at the headquarters of the G.B.I., located at 3121 Panthersville, Road, Decatur, Georgia." (Id., ¶¶ 9, 16,18,19, 20, 21, 22, 23 and 41).

Contrary to Plaintiffs' assertions, the physical location of the purported employer of nine defendants does not constitute a basis for proper venue under Ga. Const. Art. VI, § II, Para. IV. As such, venue is improper in DeKalb County and Plaintiffs' Complaint is subject to dismissal under O.C.G.A. §9-11-12(b)(3).

B. Venue is proper in Lowndes County.

O.C.G.A. § 9-10-31.1(a) authorizes a trial court to dismiss or transfer a case on forum non conveniens grounds upon finding that in the interests of justice and for the convenience of the parties and witnesses, the suit would be more properly heard in a another forum. In determining whether to grant a motion to dismiss an action or to transfer venue under the doctrine of forum non conveniens, the court shall give consideration to the following factors:

¹ Indeed, the Complaint does not allege any named defendant to be a resident of DeKalb County. The only DeKalb County address referred to in the Complaint is the address of the "headquarters of the G.B.I., located at 3121 Panthersville Road, Decatur, Georgia" at which address Plaintiffs allege the defendants employed by the G.B.I. may be served.

(1) relative ease of access to sources of proof; (2) availability and cost of compulsory process for attendance of unwilling witnesses; (3) possibility of viewing of the premises, if viewing would be appropriate to the action; (4) unnecessary expense or trouble to the defendant not necessary to the plaintiff's own right to pursue his or her remedy; (5) administrative difficulties for the forum courts; (6) existence of local interests in deciding the case locally; and (7) the traditional deference given to a plaintiff's choice of forum. O.C.G.A. § 9-10-31.1(a). A review of the relevant factors demonstrates that this case should be transferred to Lowndes County.

While no single party in this lawsuit lives in DeKalb County, twenty-four (24) of the thirty-eight (38) defendants reside in Lowndes County. Of the remaining fourteen (14) defendants, it is believed that ten (10) reside in counties contiguous to or close to Lowndes County (Berrien, Brooks, Colquitt, Cook, Lanier, Lee, and Thomas). The vast majority of witnesses, evidence and other matters relevant to this case are located in Lowndes County. To the extent that any such witnesses are uncooperative, subpoenas issued by a Lowndes County court would only require nominal costs as compared to subpoenas which require witnesses to travel across the state. Should the Court deem it appropriate for the jury to view the location where KJ's body was found, Plaintiffs' Complaint alleges that the body was discovered in Lowndes County. Moreover, Lowndes County has an interest in deciding the case locally as the relevant events occurred in Lowndes County and have been highly publicized in Lowndes County. Finally, while the Bells acknowledge that deference is typically given to the plaintiff's choice of forum, venue is constitutionally improper in DeKalb County as no defendant resides here. In contrast, because the vast majority of defendants and witnesses to this civil action live in Lowndes County, venue is proper in Lowndes County.

III. CONCLUSION

Plaintiffs' Complaint fails to establish that venue is proper in DeKalb County under the Georgia Constitution. Moreover, while this case has no factual connection to DeKalb County,

the vast majority of defendants and witnesses in this case live in Lowndes County. As such, the Bells respectfully request that venue be transferred to the Superior Court of Lowndes County.

Respectfully submitted this 4th day of March, 2015.

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BRANDEN R. BELL, AND RICK E. BELL

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the foregoing BRIEF IN SUPPORT OF DEFENDANTS BRANDEN R. BELL, BRIAN E. BELL AND RICHARD E. BELL, JR.'S MOTION TO TRANSFER BY SPECIAL APPEARANCE pursuant to the State Court of DeKalb County E-Filing Rules, EFSP Rule 2-107(2), upon the following:

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This 4th day of March, 2015.

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