

Kristin A. VanOrman #7333
Nathan Gardner #19537
STRONG & HANNI
102 South 200 East, Suite 800
Salt Lake City, Utah 84111
Telephone: (801) 532-7080
Facsimile: (801) 596-1508
kvanorman@strongandhanni.com
ngardner@strongandhanni.com

*Attorneys for Defendants Cedar Mountain Service District;
Suzy Polnisch; Forrest Barnard; and Wade Heaton*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

Corey Turner,

Plaintiffs,

vs.

Cedar Mountain Service District (formerly known as Cedar Mountain Fire Protection District); Suzy Polnisch (in her individual and official capacities); Forrest Barnard (in his individual and official capacities); and Wade Heaton (in his individual and official capacities),

Defendants.

**AMENDED ANSWER TO
COMPLAINT AND
RELIANCE ON THE JURY DEMAND
Tier 3**

Civil No: 4:24-cv-00079

District Judge Ann Marie McIff Allen

Magistrate Judge Paul Kohler

Defendants, by and through counsel of record, hereby responds to the allegations of Plaintiff's Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

In response to the specific allegations of Plaintiff's Complaint, these Defendants admit, deny, or otherwise allege as follows:

I. PARTIES

1. In response to paragraph 1, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

2. Defendants admit the allegations contained in paragraph 2 of Plaintiff's Complaint.

3. Defendants admit the allegations contained in paragraph 3 of Plaintiff's Complaint.

4. Defendants admit the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Defendants admit the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Defendants admit the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. Defendants admit the allegations contained in paragraph 7 of Plaintiff's Complaint.

II. JURISDICTION AND VENUE

8. Defendants admit the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Defendants admit the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Defendants admit the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Defendants admit the allegations contained in paragraph 11 of Plaintiff's Complaint.

12. Defendants admit the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. In response to paragraph 13, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

14. Defendants admit the allegations contained in paragraph 14 of Plaintiff's Complaint.

III. FACTUAL BACKGROUND

15. Defendants admit the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Defendants admit the allegations contained in paragraph 16 of Plaintiff's Complaint.

17. Defendants admit the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Defendants admit the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. Defendants admit the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. Defendants admit the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. Defendants admit the allegations contained in paragraph 21 of Plaintiff's Complaint.

Wade Heaton Background

22. Defendants admit the allegations contained in paragraph 22 of Plaintiff's Complaint.

23. Defendants admit the allegations contained in paragraph 23 of Plaintiff's Complaint.

24. In response to paragraph 24, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

25. Defendants admit that Wade Heaton was a member of the Utah Wildlife Board and that he submitted his resignation to the Utah Wildlife Board. Defendants deny all other allegations contained in paragraph 25 of Plaintiff's Complaint.

26. In response to paragraph 26, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

27. Defendants deny the allegations contained in paragraph 27 of Plaintiff's Complaint.

28. Defendants admit that the State of Utah filed a Criminal Information charging Wade Heaton with eleven separate counts on August 22, 2024. Defendants further aver that the document speaks for itself.

29. Defendants deny that the allegations contained in paragraph 29 are relevant. Defendants further aver that the document speaks for itself.

30. Defendants admit the allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Defendants admit the allegations contained in paragraph 31 of Plaintiff's Complaint.

32. Defendants deny that the allegations contained in paragraph 32 are relevant.

Defendants further aver that the document speaks for itself.

33. Defendants deny the allegations contained in paragraph 33 of Plaintiff's Complaint.

34. In response to paragraph 34, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

35. Defendants deny that the allegations contained in paragraph 35 are relevant.

Defendants admit that "Joshua Michael Jennings" was charged in the Criminal Information.

36. Defendants admit the allegations contained in paragraph 36 of Plaintiff's Complaint.

37. Defendants admit the allegations contained in paragraph 37 of Plaintiff's Complaint.

38. Defendants deny the allegations contained in paragraph 38 of Plaintiff's Complaint.

Suzy Polnisch Background

39. Defendants admit the allegations contained in paragraph 39 of Plaintiff's Complaint.

40. Defendants admit the allegations contained in paragraph 40 of Plaintiff's Complaint.

41. Defendants deny the allegations contained in paragraph 41 of Plaintiff's Complaint.

Patrick Mahler Background

42. Defendants admit the allegations contained in paragraph 42 of Plaintiff's Complaint.

43. Defendants deny the allegations contained in paragraph 43 of Plaintiff's Complaint.

44. In response to paragraph 44, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

45. In response to paragraph 45, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

46. In response to paragraph 46, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

Chris Rieffer Assumes Role as the District's Fire Chief on November 1, 2019

47. In response to paragraph 47, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

48. In response to paragraph 48, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

49. In response to paragraph 49, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

50. In response to paragraph 50, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

51. In response to paragraph 51, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

52. In response to paragraph 52, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

The Positive Discipline System is Implemented

53. Defendants admit the allegations contained in paragraph 53 of Plaintiff's Complaint.

54. Defendants deny the allegations contained in paragraph 54 of Plaintiff's Complaint.

55. In response to paragraph 55, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

56. In response to paragraph 56, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

57. In response to paragraph 57, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

58. In response to paragraph 58, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

59. In response to paragraph 59, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

60. In response to paragraph 60, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

61. In response to paragraph 61, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

62. In response to paragraph 62, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

63. In response to paragraph 63, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

64. In response to paragraph 64, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

65. In response to paragraph 65, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

66. In response to paragraph 66, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

67. In response to paragraph 67, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

**Kane County Board of Commissioners Convert the District's Board
from Elected Positions to Appointed Positions**

68. In response to paragraph 68, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

69. In response to paragraph 69, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

70. In response to paragraph 70, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

71. Defendants deny the allegations contained in paragraph 71 of Plaintiff's Complaint.

Chris Rieffer Promotes Travis Flygare to Deputy Chief

72. In response to paragraph 72, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

The District Hires Corey Turner and He Quickly Rises the Ranks

73. Defendants admit the allegations contained in paragraph 73 of Plaintiff's Complaint.

74. Defendants admit the allegations contained in paragraph 74 of Plaintiff's Complaint.

75. Defendants admit the allegations contained in paragraph 75 of Plaintiff's Complaint.

Patrick Mahler Instigates a Traffic Incident with Mr. Turner

76. Defendants deny the allegations contained in paragraph 76 of Plaintiff's Complaint.

77. In response to paragraph 77, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

78. In response to paragraph 78, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

79. In response to paragraph 79, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

80. In response to paragraph 80, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

81. In response to paragraph 81, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

82. In response to paragraph 82, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

**Patrick Mahler Sends a Video Recording of the Traffic Incident to
Wade Heaton, Who Sent it to Suzy Polnisch**

83. In response to paragraph 83, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

84. In response to paragraph 84, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

85. In response to paragraph 85, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

86. In response to paragraph 86, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

87. In response to paragraph 87, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

88. Defendants admit the allegations contained in paragraph 88 of Plaintiff's Complaint.

89. In response to paragraph 89, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

90. Defendants admit the allegations contained in paragraph 90 of Plaintiff's Complaint.

91. Defendants deny the allegations contained in paragraph 91 of Plaintiff's Complaint.

92. Defendants deny the allegations contained in paragraph 92 of Plaintiff's Complaint.

93. Defendants deny the allegations contained in paragraph 93 of Plaintiff's Complaint.

94. In response to paragraph 94, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

95. In response to paragraph 95, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

96. In response to paragraph 96, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

97. Defendants deny the allegations contained in paragraph 97 of Plaintiff's Complaint.

98. In response to paragraph 98, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

The District Buys Out Reiffer's Contract and Names Adam Scott as Interim Chief

99. Defendants deny the allegations contained in paragraph 99 of Plaintiff's Complaint.

100. Defendants admit the allegations contained in paragraph 100 of Plaintiff's Complaint.

101. Defendants deny the allegations contained in paragraph 101 of Plaintiff's Complaint.

102. Defendants deny the allegations contained in paragraph 102 of Plaintiff's Complaint.

103. Defendants deny the allegations contained in paragraph 103 of Plaintiff's Complaint.

104. Defendants deny the allegations contained in paragraph 104 of Plaintiff's Complaint.

Chad Poulsen named as Fire Chief

105. Defendants admit the allegations contained in paragraph 105 of Plaintiff's Complaint.

106. Defendants admit the allegations contained in paragraph 106 of Plaintiff's Complaint.

107. In response to paragraph 107, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

108. Defendants deny the allegations contained in paragraph 108 of Plaintiff's Complaint.

109. Defendants deny the allegations contained in paragraph 109 of Plaintiff's Complaint.

110. Defendants deny the allegations contained in paragraph 110 of Plaintiff's Complaint.

111. Defendants admit the allegations contained in paragraph 111 of Plaintiff's Complaint.

112. Defendants deny the allegations contained in paragraph 112 of Plaintiff's Complaint.

113. Defendants deny the allegations contained in paragraph 113 of Plaintiff's Complaint.

114. Defendants deny the allegations contained in paragraph 114 of Plaintiff's Complaint.

115. Defendants deny the allegations contained in paragraph 115 of Plaintiff's Complaint.

116. Defendants deny the allegations contained in paragraph 116 of Plaintiff's Complaint.

117. Defendants deny the allegations contained in paragraph 117 of Plaintiff's Complaint.

Early 2023: The District Interviews Candidates for the Position of Fire-Chief

118. In response to paragraph 118, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

119. Defendants deny the allegations contained in paragraph 119 of Plaintiff's Complaint.

120. Defendants admit the allegations contained in paragraph 120 of Plaintiff's Complaint.

121. Defendants admit the allegations contained in paragraph 121 of Plaintiff's Complaint.

122. Defendants deny the allegations contained in paragraph 122 of Plaintiff's Complaint.

123. Defendants deny the allegations contained in paragraph 123 of Plaintiff's Complaint.

124. Defendants deny the allegations contained in paragraph 124 of Plaintiff's Complaint.

125. Defendants deny the allegations contained in paragraph 125 of Plaintiff's Complaint.

126. Defendants deny the allegations contained in paragraph 126 of Plaintiff's Complaint.

127. Defendants deny the allegations contained in paragraph 127 of Plaintiff's Complaint.

128. Defendants admit that Barnard held Idaho certifications. Defendants deny all other allegations contained in paragraph 128 of Plaintiff's Complaint.

February 2023: Member of the Public Voices Displeasure with the Board

129. In response to paragraph 129, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

130. In response to paragraph 130, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

131. In response to paragraph 131, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

132. Defendants admit the allegations contained in paragraph 132 of Plaintiff's Complaint.

February 2023: The District Hires Forrest Barnard as the District's Fire-Chief

133. Defendants admit the allegations contained in paragraph 133 of Plaintiff's Complaint.

134. Defendants admit the allegations contained in paragraph 134 of Plaintiff's Complaint.

Mr. Turner Complained About the Board's Cronyism

135. Defendants deny the allegations contained in paragraph 135 of Plaintiff's Complaint.

136. Defendants admit the allegations contained in paragraph 136 of Plaintiff's Complaint.

137. Defendants admit the allegations contained in paragraph 137 of Plaintiff's Complaint.

138. Defendants admit the allegations contained in paragraph 138 of Plaintiff's Complaint.

139. In response to paragraph 139, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

140. In response to paragraph 140, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

Barnard is Instructed to Terminate Mr. Turner

141. Defendants deny the allegations contained in paragraph 141 of Plaintiff's Complaint.

142. Defendants admit the allegations contained in paragraph 142 of Plaintiff's Complaint.

143. Defendants admit that Flygare sent an email to Barnard on April 23, 2023, and aver that the email speaks for itself. Defendants deny all other allegations contained in paragraph 143 of Plaintiff's Complaint.

At Polnisch's Instruction, Barnard Terminates Mr. Turner

144. Defendants admit the allegations contained in paragraph 144 of Plaintiff's Complaint.

145. Defendants deny the allegations contained in paragraph 145 of Plaintiff's Complaint.

146. Defendants deny the allegations contained in paragraph 146 of Plaintiff's Complaint.

147. Defendants deny the allegations contained in paragraph 147 of Plaintiff's Complaint.

148. Defendants deny the allegations contained in paragraph 148 of Plaintiff's Complaint.

149. In response to paragraph 149, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

150. Defendants deny the allegations contained in paragraph 150 of Plaintiff's Complaint.

151. In response to paragraph 151, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

152. In response to paragraph 152, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

153. In response to paragraph 153, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

Flygare Reports Barnard's Racial Slur to Former Chief Rieffer

154. In response to paragraph 154, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

Barnard Terminates Mr. Turner

155. Defendants admit the allegations contained in paragraph 155 of Plaintiff's Complaint.

156. In response to paragraph 156, Defendants admit that Joshua Jennings was present for a portion of the meeting. Defendants deny that Joshua Jennings was present for the entire meeting.

157. Defendants deny the allegations contained in paragraph 157 of Plaintiff's Complaint.

158. Defendants admit the allegations contained in paragraph 158 of Plaintiff's Complaint.

159. Defendants admit the allegations contained in paragraph 159 of Plaintiff's Complaint.

160. Defendants admit the allegations contained in paragraph 160 of Plaintiff's Complaint.

161. Defendants admit the allegations contained in paragraph 161 of Plaintiff's Complaint.

162. Defendants admit the allegations contained in paragraph 162 of Plaintiff's Complaint.

163. In response to paragraph 163, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

164. Defendants admit that Plaintiff was not provided an Administrative Hearing. Defendants deny all other allegations contained in paragraph 164 of Plaintiff's Complaint.

Barnard Instructs Flygare and Wright to Write Letters

165. In response to paragraph 165, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

166. Defendants deny the allegations contained in paragraph 166 of Plaintiff's Complaint.

167. Defendants deny the allegations contained in paragraph 167 of Plaintiff's Complaint.

168. Defendants deny the allegations contained in paragraph 168 of Plaintiff's Complaint.

169. Defendants deny the allegations contained in paragraph 169 of Plaintiff's Complaint.

170. In response to paragraph 170, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

171. Defendants deny the allegations contained in paragraph 171 of Plaintiff's Complaint.

172. Defendants deny the allegations contained in paragraph 172 of Plaintiff's Complaint.

Flygare and Wright Correct Their Prior Statements

173. In response to paragraph 173, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

174. In response to paragraph 174, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

175. In response to paragraph 175, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

176. In response to paragraph 176, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

Flygare and Wright are Demoted

177. Defendants deny the allegations contained in paragraph 177 of Plaintiff's Complaint.

Mr. Turner Receives His Right to Sue Letter

178. Defendants admit the allegations contained in paragraph 178 of Plaintiff's Complaint.

IV. CLAIMS FOR RELIEF

FIRST CLAIM

Race/Color Discrimination in Violation of Title VII, 42 U.S.C. § 2000e (as to the District)

179. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

180. Defendants admit the allegations contained in paragraph 180 of Plaintiff's Complaint.

181. In response to paragraph 181, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

182. In response to paragraph 182, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

183. Defendants deny the allegations contained in paragraph 183 of Plaintiff's Complaint.

184. In response to paragraph 184, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

185. Defendants deny the allegations contained in paragraph 185 of Plaintiff's Complaint.

186. Defendants deny the allegations contained in paragraph 186 of Plaintiff's Complaint.

187. Defendants deny the allegations contained in paragraph 187 of Plaintiff's Complaint.

188. Defendants deny the allegations contained in paragraph 188 of Plaintiff's Complaint.

189. Defendants deny the allegations contained in paragraph 189 of Plaintiff's Complaint.

190. Defendants deny the allegations contained in paragraph 190 of Plaintiff's Complaint.

191. Defendants deny the allegations contained in paragraph 191 of Plaintiff's Complaint.

SECOND CLAIM

Discrimination in Violation of 42 U.S.C. § 1981 (as to the District;

Suzy Polnisch; and Forrest Barnard)

192. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

193. In response to paragraph 193, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

194. Defendants deny the allegations contained in paragraph 194 of Plaintiff's Complaint.

195. Defendants deny the allegations contained in paragraph 195 of Plaintiff's Complaint.

196. In response to paragraph 196, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

197. Defendants deny the allegations contained in paragraph 197 of Plaintiff's Complaint.

198. Defendants deny the allegations contained in paragraph 198 of Plaintiff's Complaint.

199. Defendants deny the allegations contained in paragraph 199 of Plaintiff's Complaint.

200. Defendants deny the allegations contained in paragraph 200 of Plaintiff's Complaint.

201. Defendants deny the allegations contained in paragraph 201 of Plaintiff's Complaint.

202. Defendants deny the allegations contained in paragraph 202 of Plaintiff's Complaint.

203. Defendants deny the allegations contained in paragraph 203 of Plaintiff's Complaint.

204. Defendants deny the allegations contained in paragraph 204 of Plaintiff's Complaint.

205. Defendants deny the allegations contained in paragraph 205 of Plaintiff's Complaint.

THIRD CLAIM

Violation of the Fourteenth Amendment, [42 U.S.C § 1983] for Racial/Color Discrimination (as to the District; Suzy Polnisch; and Forrest Barnard)

206. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

207. In response to paragraph 207, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

208. In response to paragraph 208, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

209. In response to paragraph 209, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

210. In response to paragraph 210, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

211. Defendants deny the allegations contained in paragraph 211 of Plaintiff's Complaint.

212. Defendants deny the allegations contained in paragraph 212 of Plaintiff's Complaint.

213. Defendants deny the allegations contained in paragraph 213 of Plaintiff's Complaint.

214. Defendants deny the allegations contained in paragraph 214 of Plaintiff's Complaint.

215. In response to paragraph 215, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

216. Defendants deny the allegations contained in paragraph 216 of Plaintiff's Complaint.

217. In response to paragraph 217, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

218. Defendants deny the allegations contained in paragraph 218 of Plaintiff's Complaint.

219. Defendants deny the allegations contained in paragraph 219 of Plaintiff's Complaint.

220. In response to paragraph 220, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

221. Defendants deny the allegations contained in paragraph 221 of Plaintiff's Complaint.

222. Defendants deny the allegations contained in paragraph 222 of Plaintiff's Complaint.

223. Defendants deny the allegations contained in paragraph 223 of Plaintiff's Complaint.

224. Defendants deny the allegations contained in paragraph 224 of Plaintiff's Complaint.

225. Defendants deny the allegations contained in paragraph 225 of Plaintiff's Complaint.

FOURTH CLAIM

Violation of the First Amendment [42 U.S.C. § 1983] as to the District; Suzy Polnisch; Forrest Barnard; and Wade Heaton) (In the Alternative to Race/Color Based Claims)

226. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

227. Defendants deny the allegations contained in paragraph 227 of Plaintiff's Complaint.

228. Defendants admit the allegations contained in paragraph 228 of Plaintiff's Complaint.

229. In response to paragraph 229, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

230. In response to paragraph 230, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

231. Defendants deny the allegations contained in paragraph 231 of Plaintiff's Complaint.

232. Defendants deny the allegations contained in paragraph 232 of Plaintiff's Complaint.

233. Defendants deny the allegations contained in paragraph 233 of Plaintiff's Complaint.

234. In response to paragraph 234, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

235. In response to paragraph 235, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

236. In response to paragraph 236, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

237. Defendants deny the allegations contained in paragraph 237 of Plaintiff's Complaint.

238. Defendants deny the allegations contained in paragraph 238 of Plaintiff's Complaint.

239. In response to paragraph 239, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

240. In response to paragraph 240, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

241. Defendants deny the allegations contained in paragraph 241 of Plaintiff's Complaint.

242. Defendants deny the allegations contained in paragraph 242 of Plaintiff's Complaint.

243. Defendants deny the allegations contained in paragraph 243 of Plaintiff's Complaint.

244. Defendants deny the allegations contained in paragraph 244 of Plaintiff's Complaint.

245. Defendants deny the allegations contained in paragraph 245 of Plaintiff's Complaint.

246. Defendants deny the allegations contained in paragraph 246 of Plaintiff's Complaint.

FIFTH CLAIM

(Harassment in Violation of the Title VII; Section 1981 and 1983) (As to the District)

247. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

248. In response to paragraph 248, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

249. Defendants deny the allegations contained in paragraph 249 of Plaintiff's Complaint.

250. Defendants deny the allegations contained in paragraph 250 of Plaintiff's Complaint.

251. Defendants deny the allegations contained in paragraph 251 of Plaintiff's Complaint.

252. Defendants deny the allegations contained in paragraph 252 of Plaintiff's Complaint.

253. Defendants deny the allegations contained in paragraph 253 of Plaintiff's Complaint.

254. Defendants deny the allegations contained in paragraph 254 of Plaintiff's Complaint.

255. Defendants deny the allegations contained in paragraph 255 of Plaintiff's Complaint.

256. Defendants deny the allegations contained in paragraph 256 of Plaintiff's Complaint.

SIXTH CLAIM

(Retaliation in Violation of the Title VII) (As to the District)

257. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

258. Defendants deny the allegations contained in paragraph 258 of Plaintiff's Complaint.

259. Defendants deny the allegations contained in paragraph 259 of Plaintiff's Complaint.

260. Defendants deny the allegations contained in paragraph 260 of Plaintiff's Complaint.

261. Defendants deny the allegations contained in paragraph 261 of Plaintiff's Complaint.

262. Defendants deny the allegations contained in paragraph 262 of Plaintiff's Complaint.

263. Defendants deny the allegations contained in paragraph 263 of Plaintiff's Complaint.

264. Defendants deny the allegations contained in paragraph 264 of Plaintiff's Complaint.

265. Defendants deny the allegations contained in paragraph 265 of Plaintiff's Complaint.

266. Defendants deny the allegations contained in paragraph 266 of Plaintiff's Complaint.

SEVENTH CLAIM

**(Retaliation in Violation of 42 U.S.C § 1981) (As to the District;
Suzy Polnisch; and Forrest Barnard)**

267. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

268. Defendants deny the allegations contained in paragraph 268 of Plaintiff's Complaint.

269. Defendants deny the allegations contained in paragraph 269 of Plaintiff's Complaint.

270. Defendants deny the allegations contained in paragraph 270 of Plaintiff's Complaint.

271. Defendants deny the allegations contained in paragraph 271 of Plaintiff's Complaint.

272. Defendants deny the allegations contained in paragraph 272 of Plaintiff's Complaint.

273. Defendants deny the allegations contained in paragraph 273 of Plaintiff's Complaint.

274. Defendants deny the allegations contained in paragraph 274 of Plaintiff's Complaint.

275. Defendants deny the allegations contained in paragraph 275 of Plaintiff's Complaint.

276. Defendants deny the allegations contained in paragraph 276 of Plaintiff's Complaint.

277. Defendants deny the allegations contained in paragraph 277 of Plaintiff's Complaint.

278. Defendants deny the allegations contained in paragraph 278 of Plaintiff's Complaint.

EIGHTH CLAIM

**Retaliation in Violation of the Fourteenth Amendment, [42 U.S.C. § 1983] for
Racial/Color Discrimination (as to the District; Suzy Polnisch; and Forrest Barnard)**

279. Defendant hereby incorporates by reference the answers above to the allegations contained in Plaintiff's Complaint.

280. Defendants deny the allegations contained in paragraph 280 of Plaintiff's Complaint.

281. Defendants deny the allegations contained in paragraph 281 of Plaintiff's Complaint.

282. Defendants deny the allegations contained in paragraph 282 of Plaintiff's Complaint.

283. Defendants deny the allegations contained in paragraph 283 of Plaintiff's Complaint.

284. Defendants deny the allegations contained in paragraph 284 of Plaintiff's Complaint.

285. In response to paragraph 285, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

286. Defendants deny the allegations contained in paragraph 286 of Plaintiff's Complaint.

287. Defendants deny the allegations contained in paragraph 287 of Plaintiff's Complaint.

288. Defendants deny the allegations contained in paragraph 288 of Plaintiff's Complaint.

289. Defendants deny the allegations contained in paragraph 289 of Plaintiff's Complaint.

290. Defendants deny the allegations contained in paragraph 290 of Plaintiff's Complaint.

291. Defendants deny the allegations contained in paragraph 291 of Plaintiff's Complaint.

292. Defendants deny the allegations contained in paragraph 292 of Plaintiff's Complaint.

293. Defendants deny the allegations contained in paragraph 293 of Plaintiff's Complaint.

NINTH CLAIM

Tortious Interference with Economic Relations (As to Polnisch and Heaton)

294. Defendants hereby incorporate by reference the answers above to the allegations contained in Plaintiff's Complaint.

295. In response to paragraph 295, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

296. In response to paragraph 296, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

297. In response to paragraph 297, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

298. In response to paragraph 298, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

299. In response to paragraph 299, Defendants are without sufficient information to form a belief as to the truthfulness of these allegations and, therefore, deny the same.

300. Defendants deny the allegations contained in paragraph 300 of Plaintiff's Complaint.
301. Defendants deny the allegations contained in paragraph 301 of Plaintiff's Complaint.
302. Defendants deny the allegations contained in paragraph 302 of Plaintiff's Complaint.
303. Defendants deny the allegations contained in paragraph 303 of Plaintiff's Complaint.
304. Defendants deny the allegations contained in paragraph 304 of Plaintiff's Complaint.
305. Defendants deny the allegations contained in paragraph 305 of Plaintiff's Complaint.
306. Defendants deny the allegations contained in paragraph 306 of Plaintiff's Complaint.
307. Defendants deny the allegations contained in paragraph 307 of Plaintiff's Complaint.
308. Defendants deny the allegations contained in paragraph 308 of Plaintiff's Complaint.
309. Defendants deny the allegations contained in paragraph 309 of Plaintiff's Complaint.
310. Defendants deny the allegations contained in paragraph 310 of Plaintiff's Complaint.
311. Defendants deny the allegations contained in paragraph 311 of Plaintiff's Complaint.
312. Defendants deny the allegations contained in paragraph 312 of Plaintiff's Complaint.
313. Defendants deny the allegations contained in paragraph 313 of Plaintiff's Complaint.

THIRD DEFENSE

These Defendants allege that evidence may be discovered to indicate that the Plaintiff has failed to mitigate his damages and to the extent that they have failed to mitigate their damages, such claims are barred.

FOURTH DEFENSE

These Defendants have, or may have, other affirmative defenses which are not now known, but which will become known through future discovery. These Defendants reserve their right to assert any additional affirmative defenses that may be ascertained through future discovery.

FIFTH DEFENSE

As a separate and affirmative defense, these Defendants assert that Plaintiff's claims for punitive damages are barred by the United States Constitution and by the Constitution of the State of Utah, specifically, the due process, equal protection, and excessive fines and punishment provisions thereof.

SIXTH DEFENSE

As a separate and affirmative defense, these Defendants assert that Plaintiff's claims for punitive damages must be proved by "clear and convincing evidence" as set forth by Utah Code Ann. §78-18-1, *et seq.*

SEVENTH DEFENSE

As a separate and affirmative defense, these Defendants assert that Plaintiff has failed to plead with particularity such allegations as would entitle him to claim a damage award for punitive damages as required by law.

EIGHTH DEFENSE

Plaintiff's claims are barred by the doctrines of estoppel, waiver, and unclean hands.

NINTH DEFENSE

Plaintiff's claims are barred in that the Plaintiff has failed to assert a legally protected interest.

TENTH DEFENSE

Plaintiff's claim for damages were caused by his own voluntary conduct, misconduct, and/or failures to act, and therefore, such claims are barred.

ELEVENTH DEFENSE

Other persons or entities may have caused or contributed to Plaintiff's injuries or damages, if any, and to that extent, recovery is barred against Defendants.

TWELFTH DEFENSE

Plaintiff has failed to comply with the applicable requirements of the Governmental Immunity Act of Utah.

THIRTEENTH DEFENSE

Plaintiff failed to submit a timely and legally sufficient Notice of Claim required by the Utah Governmental Immunity Act and, therefore, his claims are barred.

FOURTEENTH DEFENSE

Plaintiff's claims are barred to the extent that they were not adequately or timely set forth in Plaintiff's Notice of Claim.

FIFTEENTH DEFENSE

Plaintiff failed to file an undertaking as required by Utah Code Annotated §63G-7-601.

SIXTEENTH DEFENSE

Defendants have not waived immunity, and Plaintiff cannot establish that Defendants waived their immunity or that an exception applies under the Governmental Immunity Act, Utah Code Ann. §63G-7-101 – 904.

SEVENTEENTH DEFENSE

Claims against Defendants are barred by The Governmental Immunity Act of Utah.

EIGHTEENTH DEFENSE

Plaintiff's claims are barred by the doctrine of qualified immunity.

NINETEENTH DEFENSE

Some or all of Plaintiff's claims violate the applicable statute of limitations, and therefore such claims are barred.

TWENTIETH DEFENSE

All actions or omissions of Defendants were justified and reasonable under the circumstances and were not intended to interfere with Plaintiff's existing or potential economic relations.

TWENTY-FIRST DEFENSE

Plaintiff cannot show that he was harmed by Defendants' alleged actions.

TWENTY-SECOND DEFENSE

Plaintiff has not suffered a material adverse employment action or that he engaged in protected activity.

TWENTY-THIRD DEFENSE

Plaintiff cannot show that his race or color was a motivating factor in, the cause of, or the "but-for" reason of any alleged adverse employment action.

TWENTY-FOURTH DEFENSE

Plaintiff cannot show that he was treated less favorably than others not in Plaintiff's protected class.

TWENTY-FIFTH DEFENSE

Plaintiff cannot show that Defendants denied Plaintiff rights or benefits connected with the ownership of property, or that Defendants would not have denied these rights and benefits in the absence of racial discrimination.

TWENTY-SIXTH DEFENSE

Plaintiff cannot show that he was treated differently from others who were similarly situated based on race or color, or that any such disparate treatment by Defendants was intentional.

TWENTY-SEVENTH DEFENSE

Plaintiff cannot show that any alleged discrimination against him or deprivation of his rights by Defendants was committed by a person acting under color of state law.

TWENTY-EIGHTH DEFENSE

Plaintiff cannot show that he suffered an injury as the result of engaging in a constitutionally protected activity, or that Defendants caused Plaintiff's injury in response to Plaintiff's exercise of constitutionally protected conduct.

TWENTY-NINTH DEFENSE

Plaintiff cannot show that Defendants, individually or as a group, had a substantial motive to retaliate against Plaintiff for his protected speech, or that Defendants acted against him with a retaliatory motive.

THIRTIETH DEFENSE

Plaintiff cannot show that he was deprived of a legally protected right and that his deprivation occurred because of his race, color, or other protected characteristic.

THIRTY-FIRST DEFENSE

Plaintiff cannot show that any injury caused by Defendants was motivated by unconstitutional animus, or that the injury would not have occurred but for this animus.

THIRTY-SECOND DEFENSE

Plaintiff cannot show that any alleged injury resulted from the official organization policies, procedures or customs of Defendants.

THIRTY-THIRD DEFENSE

Plaintiff cannot show that any harassment by Defendants was sufficiently severe or pervasive to alter the conditions of Plaintiff's employment and create an abusive working environment.

THIRTY-FOURTH DEFENSE

Plaintiff cannot show that any alleged adverse action was motivated by or caused by his alleged protected activity, or that his alleged protected activity “but-for” reason of any alleged adverse action.

THIRTY-FIFTH DEFENSE

Plaintiff’s claims fail in that Plaintiff has failed to establish any requisite culpability, government misconduct, or deliberately wrongful governmental decisions or actions.

THIRTY-SIXTH DEFENSE

Plaintiff was an “at will” employee subject to termination with or without cause.

THIRTY-SEVENTH DEFENSE

The conduct about which Plaintiff complains does not support an award of general, special, compensatory, or punitive damages.

THIRTY-EIGHTH DEFENSE

Plaintiff’s claim for punitive damages is barred by Utah Code Ann. §63G-7-603.

THIRTY-NINTH DEFENSE

All acts or omissions of Defendants were undertaken in good faith, without malice or recklessness, without intent to discriminate based on a protected class, and were fully justified and reasonable under the circumstances.

FORTIETH DEFENSE

Defendants did not violate the constitutional, statutory, or common law rights, privileges, or immunities of Plaintiff.

FORTY-FIRST DEFENSE

Defendants' acts or omissions did not (and could not as a matter of law) constitute severe and pervasive harassment or a hostile environment, rendering Plaintiff's claims and cause of action deficient as a matter of law.

FORTY-SECOND DEFENSE

Evidence may reveal that Plaintiff's claims, in whole or in part, are without merit and not asserted in good faith, and, pursuant to Utah Code Ann. § 78B-5-825, Defendants are entitled to an award of reasonable costs and attorney fees incurred herein.

FORTY-THIRD DEFENSE

Defendants may have other defenses which will be determined through discovery during the course of this case; and they reserve the right and hereby include all such additional defenses and will amend their answer or request leave to amend their answer to include such additional defenses.

WHEREFORE, these Defendants Cedar Mountain Service District (formerly known as Cedar Mountain Fire Protection District); Suzy Polnisch (in her individual and official capacities); Forrest Barnard (in his individual and official capacities); and Wade Heaton (in his individual and official capacities), having fully answered the allegations of Plaintiff's Complaint, hereby demands that Plaintiff's Complaint be dismissed with prejudice and on the merits, that Plaintiff take nothing thereby, and that these Defendants be awarded the costs of Court incurred herein and for such other and further relief as the Court deems just and equitable.

EXPERT DISCOVERY ELECTION

Pursuant to Rule 26(a)(4)(C)(i), these Defendants elect to receive "a written report pursuant to paragraph (a)(4)(B)" for any expert testimony offered by any other party, unless Defendants give

written notice of its election to take a deposition pursuant to Rule 26(a)(4)(B) and Rule 30 “within fourteen days after the close of fact discovery.”

RELIANCE UPON THE JURY DEMAND

COMES NOW the Defendants and give notice to the Court and to all counsel that they do now and will rely upon the demand for trial by jury previously filed in this matter.

DATED this 4th day of December 2024.

STRONG & HANNI

/s/ Kristin A. VanOrman

Kristin A. VanOrman

Nathan Gardner

Attorneys for Defendants Cedar Mountain Service District; Suzy Polnisch; Forrest Barnard; and Wade Heaton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December 2024, I did cause a true and correct copy of the foregoing **AMENDED ANSWER TO COMPLAINT AND RELIANCE ON THE JURY DEMAND** to be served via GreenFiling Electronic System upon the following:

Nicolas C. Wilde (15768)
Law Office of Nicolas C. Wilde LLC
32 W. 200 S. PMB # 123
Salt Lake City, UT 84101
801-949-3088
nick@newildelaw.com
Attorney for Plaintiff

/s/ Angie Jones _____