

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IBRAHIM ALIM,

Plaintiff,

vs.

THE CLEVELAND CLINIC
FOUNDATION, et al.,

Defendants.

CASE NO. 1:26-CV-1242

JUDGE POLSTER

**ANSWER OF DEFENDANT THE
CLEVELAND CLINIC FOUNDATION
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT**

JURY DEMAND ENDORSED HEREON

NOW COMES the Defendant, denominated by Plaintiff as The Cleveland Clinic Foundation (“CCF”)¹, and for its Answer to Plaintiff’s First Amended Complaint, states as follows:

RESPONSE TO I. PLAINTIFF’S ALLEGED PRELIMINARY STATEMENT

1. With regard to the allegations contained in Paragraph 1 of Plaintiff’s First Amended Complaint, CCF admits that Plaintiff purports to bring this action pursuant to the referenced statutes, the U.S. Constitutional Amendments, and undefined “applicable Ohio law,” but denies that Plaintiff has or can state a claim against CCF. All other allegations or inferences contained in Paragraph 1 of Plaintiff’s First Amended Complaint are denied.

2. With regard to the allegations contained in Paragraph 2 of Plaintiff’s First Amended Complaint, CCF admits that an individual, unknown to CCF or its personnel at the time of the events, transported an unknown individual with a gunshot wound to CCF’s Main Campus

¹ A contemporaneous Motion to Dismiss has been filed on behalf of Defendant Cleveland Clinic Police Department based on well-settled law that it is not *sui juris*.

Emergency Department on May 30, 2025. All other allegations or inferences contained in Paragraph 2 of Plaintiff's First Amended Complaint are denied.

3. CCF denies the allegations contained in Paragraph 3 of Plaintiff's First Amended Complaint.

4. With regard to the allegations contained in Paragraph 4 of Plaintiff's First Amended Complaint, CCF states that it is without information sufficient to form a belief as to the truth thereof and therefore denies the same.

5. Insofar as the allegations contained in Paragraph 5 of Plaintiff's First Amended Complaint reference a report prepared by the Cleveland Division of Police, CCF states that the report speaks for itself. CCF further states that it is without information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 of Plaintiff's First Amended Complaint and therefore denies the same.

6. Insofar as the allegations contained in Paragraph 6 of Plaintiff's First Amended Complaint reference a report prepared by the Cleveland Division of Police, CCF states that the report speaks for itself. CCF further states that it is without information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 6 of Plaintiff's First Amended Complaint and therefore denies the same.

7. CCF denies the allegations contained in Paragraph 7 of Plaintiff's First Amended Complaint.

8. With regard to the allegations contained in Paragraph 8 of Plaintiff's First Amended Complaint, CCF admits that CCPD has a Response to Gunshot Wound ("GSW") Victims at Cleveland Clinic Emergency Department's Procedure ("GSW Procedure"). A copy of the current GSW Procedure is attached as Exhibit A. CCF further states that CCPD has a Field Interview and

Pat-Down Searches Standard Operating Procedure (“Field Interviews SOP”) that provides the circumstances under which individuals may be detained and sets forth the definition for reasonable suspicion. A copy of the current Field Interviews SOP is attached as Exhibit B. CCF further states that CCPD is certified through the Commission on Accreditation for Law Enforcement Agencies (“CALEA”) that includes as part of the stringent certification process a review of standard operating procedures to confirm legal/constitutional compliance. All other allegations or inferences contained in Paragraph 8 of Plaintiff’s First Amended Complaint are denied.

9. CCF denies the allegations contained in Paragraph 9 of Plaintiff’s First Amended Complaint.

10. CCF denies the allegations contained in Paragraph 10 of Plaintiff’s First Amended Complaint.

11. CCF denies the allegations contained in Paragraph 11 of Plaintiff’s First Amended Complaint.

12. CCF denies that Plaintiff is entitled to the alleged damages and other relief set forth in Paragraph 12 of Plaintiff’s First Amended Complaint.

**RESPONSE TO II. PLAINTIFF’S ALLEGATIONS
REGARDING JURISDICTION AND VENUE**

13. With regard to the allegations contained in Paragraph 13 of Plaintiff’s First Amended Complaint, CCF admits that this Court has subject matter jurisdiction but denies that Plaintiff has or can state a claim against CCF under the referenced statute and laws.

14. With regard to the allegations contained in Paragraph 14 of Plaintiff’s First Amended Complaint, CCF admits that this Court has supplemental jurisdiction over state law claims but denies that Plaintiff has or can state any state law claims against CCF.

15. With regard to the allegations contained in Paragraph 15 of Plaintiff's First Amended Complaint, CCF admits that venue is proper in this Court but denies that Plaintiff has or can state a valid claim against CCF.

16. With regard to the allegations contained in Paragraph 16 of Plaintiff's First Amended Complaint, CCF admits that the law permits declaratory relief if legally appropriate, but CCF denies that Plaintiff is entitled to declaratory relief in this matter.

17. With regard to the allegations contained in Paragraph 17 of Plaintiff's First Amended Complaint, CCF admits that the law permits injunctive relief if legally appropriate, but CCF denies that Plaintiff is entitled to injunctive relief in this matter.

RESPONSE TO III. PLAINTIFF'S ALLEGATIONS REGARDING PARTIES

A. Plaintiff

18. With regard to the allegations contained in Paragraph 18 of Plaintiff's First Amended Complaint, CCF admits that Plaintiff is a person. CCF is without information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 18 of Plaintiff's First Amended Complaint and therefore denies the same.

B. Defendants

19. With regard to the allegations contained in Paragraph 19 of Plaintiff's First Amended Complaint, CCF admits that it is a non-profit academic medical center with its Main Campus located at 9500 Euclid Avenue, in Cleveland, Ohio. CCF further admits that it has a CALEA certified police department. All other allegations or inferences contained in Paragraph 19 of Plaintiff's First Amended Complaint are denied.

20. With regard to the allegations contained in Paragraph 20 of Plaintiff's First Amended Complaint, CCF admits that it has a CALEA certified police department operating

pursuant to Ohio Revised Code 4973.17(D)(1)(a) as well as an agreement and amendments thereto with the City of Cleveland. CCF further states that its police department is comprised of certified and trained police officers who are vested with the authority to act as police officers in accordance with the referenced statute and agreement. CCF denies that Cleveland Clinic's police department can be sued and states affirmatively that CCF's police department is not *sui juris*. All other allegations or inferences contained in Paragraph 20 of Plaintiff's First Amended Complaint are denied.

21. CCF denies the allegations contained in Paragraph 21 of Plaintiff's First Amended Complaint.

22. With regard to the allegations contained in Paragraph 22 of Plaintiff's First Amended Complaint, CCF states that the Cleveland Clinic police officers who were present on May 30, 2025, at CCF's emergency department acted in accordance with all applicable law in the performance of their official duties as police officers. All other allegations or inferences contained in Paragraph 22 of Plaintiff's First Amended Complaint are denied.

23. The allegations contained in Paragraph 23 of Plaintiff's First Amended Complaint are not directed at CCF and, therefore, no response is required. To the extent this Court requires a response, CCF admits that Cleveland is a political subdivision of the State of Ohio, organized and existing under the laws of the state of Ohio, but is without information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 23 and therefore denies same.

23[sic]. The allegations contained in Paragraph 23 [sic]² are not directed at CCF and, therefore, no response is required. To the extent this Court requires a response, CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 [sic] of Plaintiff's First Amended Complaint and therefore denies same.

24. The allegations contained in Paragraph 24 of Plaintiff's First Amended Complaint are not directed at CCF and, therefore, no response is required. To the extent this Court requires a response, CCF is without information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 24 and therefore denies same.

RESPONSE TO IV. PLAINTIFF'S ALLEGED STATEMENT OF FACTS

A. Alleged Background: The Alleged Shooting Incident

25. With regard to the allegations contained in Paragraph 25 of Plaintiff's First Amended Complaint, CCF states that a shooting in the location of 10201 Union Avenue in Cleveland, Ohio on May 30, 2025, was reported to and documented by the Cleveland Division of Police. CCF states that it is without information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 25 of Plaintiff's First Amended Complaint and therefore denies the same.

26. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiff's First Amended Complaint and therefore denies the same.

² Plaintiff's First Amended Complaint contains two paragraphs numbered 23. Accordingly, the second Paragraph 23 is referred to as "23[sic]."

27. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of Plaintiff's First Amended Complaint and therefore denies the same.

28. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of Plaintiff's First Amended Complaint and therefore denies the same.

29. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiff's First Amended Complaint and therefore denies the same.

30. Upon information and belief, CCF admits the allegations contained in Paragraph 30 of Plaintiff's First Amended Complaint.

31. With regard to the allegations contained in Paragraph 31 of Plaintiff's First Amended Complaint, CCF states that the report of the Cleveland Division of Police regarding the shooting speaks for itself. All other allegations or inferences contained in Paragraph 31 of Plaintiff's First Amended Complaint are denied.

32. With regard to the allegations contained in Paragraph 32 of Plaintiff's First Amended Complaint, CCF states that the Cleveland Division of Police investigation of this incident and its report regarding its investigation speaks for itself. CCF is without information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 32 and therefore denies the same.

33. CCF denies the allegations contained in Paragraph 33 of Plaintiff's First Amended Complaint.

B. Allegations Regarding the Cleveland Clinic Foundation's Gun Violence Response Protocol

34. With regard to the allegations contained in Paragraph 34 of Plaintiff's First Amended Complaint, CCF states that the Agreement between CCF and Cleveland and the amendments thereto speak for themselves. CCF denies the remaining allegations and inferences contained in Paragraph 34 of Plaintiff's First Amended Complaint.

35. CCF denies the allegations contained in Paragraph 35 of Plaintiff's First Amended Complaint.

36. CCF denies the allegations contained in Paragraph 36 of Plaintiff's First Amended Complaint.

37. CCF denies the allegations contained in Paragraph 37 of Plaintiff's First Amended Complaint.

38. CCF denies the allegations contained in Paragraph 38 of Plaintiff's First Amended Complaint.

39. CCF denies the allegations contained in Paragraph 39 of Plaintiff's First Amended Complaint.

C. Allegations Regarding the Alleged History of Prior Constitutional Violations Under the GVRP

40. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of Plaintiff's First Amended Complaint and therefore denies the same.

41. CCF denies the allegations contained in Paragraph 41 of Plaintiff's First Amended Complaint.

42. CCF denies the allegations contained in Paragraph 42 of Plaintiff's First Amended Complaint.

43. CCF denies the allegations contained in Paragraph 43 of Plaintiff's First Amended Complaint.

D. Allegations Regarding the Alleged Unlawful Conduct of CCPD Officers on May 30, 2025

44. With regard to the allegations contained in Paragraph 44 of Plaintiff's First Amended Complaint, CCF admits that on May 30, 2025, an unidentified individual transported a gunshot victim to the Cleveland Clinic Main Campus Emergency Department for medical treatment. All other allegations or inferences contained in Paragraph 44 of Plaintiff's First Amended Complaint are denied.

45. CCF denies the allegations contained in Paragraph 45 of Plaintiff's First Amended Complaint.

46. CCF denies the allegations contained in Paragraph 46 of Plaintiff's First Amended Complaint.

47. CCF denies the allegations contained in Paragraph 47 of Plaintiff's First Amended Complaint.

48. CCF denies the allegations contained in Paragraph 48 of Plaintiff's First Amended Complaint.

49. CCF denies the allegations contained in Paragraph 49 of Plaintiff's First Amended Complaint.

50. With regard to the allegations contained in Paragraph 50 of Plaintiff's First Amended Complaint, CCF admits that it did not have a warrant nor did it need a warrant to ask the unidentified driver for his identification based on the particularized circumstances at issue. All

other allegations or inferences contained in Paragraph 50 of Plaintiff's First Amended Complaint are denied.

51. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's First Amended Complaint and therefore denies the same.

52. CCF is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiff's First Amended Complaint and therefore denies the same.

C. Alleged Injuries Suffered by Plaintiff

53. CCF denies the allegations contained in Paragraph 53 of Plaintiff's First Amended Complaint, inclusive of all subparts.

RESPONSE TO V. ALLEGED CAUSES OF ACTION

**COUNT I: ALLEGED UNLAWFUL SEIZURE AND FALSE ARREST
IN VIOLATION OF THE FOURTH AMENDMENT**

(42 U.S.C. § 1983 — Against All Defendants)

54. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

55. Plaintiff's First Amended Complaint omits a Paragraph 55 and therefore no response is required.

56. With regard to the allegations contained in Paragraph 56 of Plaintiff's First Amended Complaint, insofar as the allegations contain conclusions of law, no response is required. CCF denies the allegations contained in Paragraph 56 of Plaintiff's First Amended Complaint.

57. CCF denies the allegations contained in Paragraph 57 of Plaintiff's First Amended Complaint.

58. CCF denies the allegations contained in Paragraph 58 of Plaintiff's First Amended Complaint.

59. CCF denies the allegations contained in Paragraph 59 of Plaintiff's First Amended Complaint.

60. CCF denies the allegations contained in Paragraph 60 of Plaintiff's First Amended Complaint.

61. CCF denies the allegations contained in Paragraph 61 of Plaintiff's First Amended Complaint.

**RESPONSE TO COUNT II: ALLEGED UNLAWFUL SEARCH — BODY CAVITY
SEARCH IN VIOLATION OF THE FOURTH AMENDMENT**

(42 U.S.C. § 1983 — Against All Defendants)

62. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

63. Insofar as the allegations contained in Paragraph 63 of Plaintiff's First Amended Complaint are a recitation of law, CCF states that the law speaks for itself and no response is required. All other allegations or inferences contained in Paragraph 63 of Plaintiff's First Amended Complaint are denied.

64. CCF denies the allegations contained in Paragraph 64 of Plaintiff's First Amended Complaint. CCF states affirmatively that the body worn camera ("BWC") video recordings of the incident confirm that Plaintiff repeatedly refused to identify himself, became combative and physically and verbally abusive and confirm that Plaintiff's allegation of a "body cavity search"

and “inserting a finger into Plaintiff’s anus” did not occur. Attached as Exhibit C is a portion of the BWC of this incident.³

65. CCF denies the allegations contained in Paragraph 65 of Plaintiff’s First Amended Complaint.

66. With regard to the allegations contained in Paragraph 66 of Plaintiff’s First Amended Complaint, CCF states that there was no alleged “body cavity search” and therefore no search warrant was required. All other allegations or inferences contained in Paragraph 66 of Plaintiff’s Amended Complaint are denied.

67. With regard to the allegations contained in Paragraph 67 of Plaintiff’s First Amended Complaint, CCF states that there was no alleged “body cavity search” and therefore no consent was required. All other allegations or inferences contained in Paragraph 67 of Plaintiff’s Amended Complaint are denied.

68. CCF denies the allegations contained in Paragraph 68 of Plaintiff’s First Amended Complaint.

69. CCF denies the allegations contained in Paragraph 69 of Plaintiff’s First Amended Complaint.

70. CCF denies the allegations contained in Paragraph 70 of Plaintiff’s First Amended Complaint.

RESPONSE TO COUNT III: ALLEGED EXCESSIVE FORCE
IN VIOLATION OF THE FOURTH AMENDMENT

(42 U.S.C. § 1983 — Against All Defendants)

71. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

³ The BWC will be mailed to the Court for manual filing.

72. Insofar as Paragraph 72 of Plaintiff's First Amended Complaint states legal conclusions, CCF states that the law speaks for itself. CCF denies the remaining allegations and inferences contained in Paragraph 72 of Plaintiff's First Amended Complaint.

72[sic]. CCF denies the allegations contained in Paragraph 72[sic]⁴ of Plaintiff's First Amended Complaint.

73. Plaintiff's First Amended Complaint omits Paragraph 73 and therefore no response is required.

74. CCF denies the allegations contained in Paragraph 74 of Plaintiff's First Amended Complaint.

75. CCF is without information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 75 of Plaintiff's First Amended Complaint and therefore denies the same.

76. CCF denies the allegations contained in Paragraph 76 of Plaintiff's First Amended Complaint.

77. CCF denies the allegations contained in Paragraph 77 of Plaintiff's First Amended Complaint.

78. Plaintiff's First Amended Complaint omits a Paragraph 78 and therefore no response is required.

79. CCF denies the allegations contained in Paragraph 79 of Plaintiff's First Amended Complaint.

⁴ Plaintiff's First Amended Complaint contains two paragraphs numbered 72. Accordingly, the second Paragraph 72 is referred to as "72[sic]."

RESPONSE TO COUNT IV: ALLEGED FALSE IMPRISONMENT
IN VIOLATION OF THE FOURTH DEFENDANT
(42 U.S.C. § 1983 — Against All Defendants)

80. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

81. Insofar as Paragraph 81 of Plaintiff's First Amended Complaint states legal conclusions, CCF states that the law speaks for itself. CCF denies the remaining allegations and inferences contained in Paragraph 81 of Plaintiff's First Amended Complaint.

82. CCF denies the allegations contained in Paragraph 82 of Plaintiff's First Amended Complaint.

83. CCF denies the allegations contained in Paragraph 83 of Plaintiff's First Amended Complaint.

84. CCF denies the allegations contained in Paragraph 84 of Plaintiff's First Amended Complaint.

85. CCF denies the allegations contained in Paragraph 85 of Plaintiff's First Amended Complaint.

RESPONSE TO COUNT V: ALLEGED VIOLATION OF SUBSTANTIVE
DUE PROCESS — FOURTEENTH AMENDMENT
(42 U.S.C. § 1983 — Against All Defendants)

86. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

87. Insofar as Paragraph 87 of Plaintiff's First Amended Complaint states legal conclusions, CCF states that the law speaks for itself. CCF denies the remaining allegations and inferences contained in Paragraph 87 of Plaintiff's First Amended Complaint.

88. CCF denies the allegations contained in Paragraph 88 of Plaintiff's First Amended Complaint.

89. CCF denies the allegations contained in Paragraph 89 of Plaintiff's First Amended Complaint.

90. CCF denies the allegations contained in Paragraph 90 of Plaintiff's First Amended Complaint.

RESPONSE TO COUNT VI: ALLEGED MUNICIPAL/MONELL LIABILITY

(42 U.S.C. § 1983 — Against The City of Cleveland, The Cleveland Clinic Foundation and Cleveland Clinic Police Department)

91. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

92. Insofar as Paragraph 92 of Plaintiff's First Amended Complaint states legal conclusions, CCF states that the law speaks for itself. CCF denies the remaining allegations and inferences contained in Paragraph 92 of Plaintiff's First Amended Complaint.

93. Insofar as the allegations contained in Paragraph 93 of Plaintiff's First Amended Complaint are a recitation of law, CCF states that the law speaks for itself. All other allegations or inferences contained in Paragraph 93 of Plaintiff's First Amended Complaint are denied.

94. With regard to the allegations contained in Paragraph 94 of Plaintiff's First Amended Complaint, CCF states that to the extent the allegations are a recitation of law, that the law speaks for itself. CCF admits that it has a police department formed pursuant to Ohio Revised Code § 4973.17 and an Agreement with amendments between itself and the City of Cleveland. All other allegations or inferences contained in Paragraph 94 of Plaintiff's First Amended Complaint are denied.

95. CCF denies the allegations contained in Paragraph 95 of Plaintiff's First Amended Complaint.

96. CCF denies the allegations contained in Paragraph 96 of Plaintiff's First Amended Complaint, including all subparts.

97. CCF denies the allegations contained in Paragraph 97 of Plaintiff's First Amended Complaint.

98. CCF denies the allegations contained in Paragraph 98 of Plaintiff's First Amended Complaint.

RESPONSE TO COUNT VII: ALLEGED FAILURE TO INTERVENE

(42 U.S.C. § 1983 — Against All Individual John Doe and
Jane Doe Officer Defendants)

(42 U.S.C. § 1983 — Against All Individual John Doe and Jane Doe Officer Defendants)

99. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

100. Insofar as the allegations contained in Paragraph 100 of Plaintiff's First Amended Complaint are a recitation of law, CCF states that the law speaks for itself. All other allegations or inferences contained in Paragraph 100 of Plaintiff's First Amended Complaint are denied.

101. CCF denies the allegations contained in Paragraph 101 of Plaintiff's First Amended Complaint.

102. CCF denies the allegations contained in Paragraph 102 of Plaintiff's First Amended Complaint.

103. CCF denies the allegations contained in Paragraph 103 of Plaintiff's First Amended Complaint.

104. CCF denies the allegations contained in Paragraph 104 of Plaintiff's First Amended Complaint.

RESPONSE TO COUNT VIII: ALLEGED BATTERY — OHIO COMMON LAW
(Against All Individual John Doe and Jane Doe Officer Defendants)

105. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

106. CCF denies the allegations contained in Paragraph 106 of Plaintiff's First Amended Complaint.

107. CCF denies the allegations contained in Paragraph 107 of Plaintiff's First Amended Complaint.

108. CCF denies the allegations contained in Paragraph 108 of Plaintiff's First Amended Complaint.

109. CCF denies the allegations contained in Paragraph 109 of Plaintiff's First Amended Complaint.

RESPONSE TO COUNT IX: ALLEGED SEXUAL ASSAULT AND BATTERY —
OHIO REVISED C ODE § 2907.02 / OHIO COMMON LAW
(Against All Individual John Doe and Jane Doe Officer Defendants)

110. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

111. CCF denies the allegations contained in Paragraph 111 of Plaintiff's First Amended Complaint.

112. CCF denies the allegations contained in Paragraph 112 of Plaintiff's First Amended Complaint.

113. CCF denies the allegations contained in Paragraph 113 of Plaintiff's First Amended Complaint.

114. CCF denies the allegations contained in Paragraph 114 of Plaintiff's First Amended Complaint.

115. CCF denies the allegations contained in Paragraph 115 of Plaintiff's First Amended Complaint.

**RESPONSE TO COUNT X: ALLEGED INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS — OHIO COMMON LAW**
(Against All Defendants)

116. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

117. Insofar as the allegations contained in Paragraph 117 of Plaintiff's First Amended Complaint are a recitation of law, CCF states that the law speaks for itself. All other allegations or inferences contained in Paragraph 117 of Plaintiff's First Amended Complaint are denied.

118. CCF denies the allegations contained in Paragraph 118 of Plaintiff's First Amended Complaint.

119. CCF denies the allegations contained in Paragraph 119 of Plaintiff's First Amended Complaint.

120. CCF denies the allegations contained in Paragraph 120 of Plaintiff's First Amended Complaint.

121. CCF denies the allegations contained in Paragraph 121 of Plaintiff's First Amended Complaint.

RESPONSE TO SECTION VI. FOR ALLEGED DECLARATORY RELIEF

122. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

123. CCF denies the allegations contained in Paragraph 123 of Plaintiff's First Amended Complaint.

123[sic]. CCF denies the allegations and declaratory judgment relief requested in Paragraph 123[sic]⁵ of Plaintiff's First Amended Complaint, including all subparts.

RESPONSE TO SECTION VII. FOR ALLEGED INJUNCTIVE RELIEF

124. CCF restates as though fully rewritten herein each of the foregoing admissions, denials and affirmative statements.

125. CCF denies the allegations contained in Paragraph 125 of Plaintiff's First Amended Complaint. CCF affirmatively states that Plaintiff is not entitled to injunctive relief and cannot meet his burden by clear and convincing evidence to establish entitlement to such equitable relief.

126. With regard to the allegations contained in Paragraph 126 of Plaintiff's First Amended Complaint, CCF states affirmatively that Plaintiff is neither entitled to monetary damages nor injunctive relief in this matter. All other allegations or inferences contained in Paragraph 126 of Plaintiff's First Amended Complaint are denied.

127. CCF denies the allegations contained in Paragraph 127 of Plaintiff's First Amended Complaint.

128. CCF denies the allegations contained in Paragraph 128 of Plaintiff's First Amended Complaint.

129. CCF denies that Plaintiff is entitled to a preliminary or permanent injunction or the relief requested in Paragraph 129 of Plaintiff's First Amended Complaint, including all subparts.

⁵ Plaintiff's First Amended Complaint contains two paragraphs numbered 123. Accordingly, the second Paragraph 123 is referred to as "123[sic]."

RESPONSE TO SECTION VIII. ALLEGED DAMAGES

130. CCF denies that Plaintiff is entitled to the relief requested in Paragraph 130 of Plaintiff's First Amended Complaint, including all subparts.

RESPONSE TO SECTION IX. PRAYER FOR RELIEF

131. CCF denies that Plaintiff is entitled to the relief requested in Plaintiff's Prayer for Relief, including all subparts.

132. CCF denies any and all allegations set forth in Plaintiff's First Amended Complaint not herein admitted.

AFFIRMATIVE DEFENSES

1. Insofar as Plaintiff's First Amended Complaint fails to state a claim upon which relief can be granted, Plaintiff's First Amended Complaint must be dismissed.

2. Insofar as Defendant is entitled to all absolute, qualified, statutory, or common law immunities or privilege granted by Ohio Revised Code Chapter 2744 and Ohio common law, including immunity granted pursuant to Ohio Revised Code 2744.02(A)(1), Plaintiff's First Amended Complaint must be dismissed.

3. Defendant is entitled to all other absolute and qualified immunities available under federal law and/or state law or both.

4. Insofar as Plaintiff's claims and damages may be limited or barred by the common law defenses of contributory negligence, comparative negligence, assumption of risk and lack of direct and proximate cause, Plaintiff's claims must be dismissed.

5. Insofar as Plaintiff's claims and damages may be barred by any statutory or common law defenses on compensatory damages, including set-off, collateral source, contribution, and indemnity, Plaintiff's claims must be dismissed or limited accordingly.

6. Insofar as Defendant's actions were in good faith, privileged and in accordance with law, Plaintiff's claims must be dismissed.

7. Defendant is entitled to rely upon all enforcement rights, privilege, defenses and authority granted to police officers, including the authority and right to use force to effectuate arrests, for self-defense, to protect the safety of other police officers, and to protect the public safety.

8. Insofar as no excessive force was used in this matter, Plaintiff's claims must be dismissed.

9. Insofar as there was reasonable suspicion to detain Plaintiff, Plaintiff's First Amended Complaint must be dismissed.

10. Insofar as there was probable cause at all relevant times, Plaintiff's First Amended Complaint must be dismissed.

11. Plaintiff's claims and damages may be limited or barred, in whole or in part, on account of his own criminal, illegal, and reckless conduct, including the statutory bar to recovery and the statutory limitations imposed by Ohio Revised Code 2307.60.

12. Insofar as any of Plaintiff's claims are time-barred by the applicable statute of limitations, Plaintiff's claims must be dismissed.

13. Insofar as Plaintiff's claims and damages may be limited or barred by any statutory or common law defenses or limitations governing joint and several liability, including the statutory

defenses set forth in Ohio Revised Code §§ 2307.22 and 2307.23, Plaintiff's claims must be dismissed.

14. Plaintiff's claims and damages may be limited or barred, in whole or in part, by the failure to mitigate damages.

15. Insofar as Plaintiff's request for attorneys' fees and costs may be limited or barred by the limitations on attorney fee awards under 42 U.S.C. § 1988, Rule 54 of the Federal Rules of Civil Procedure, and Ohio law, Plaintiff's request for damages must be limited accordingly.

16. Insofar as Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, unclean hands and laches, Plaintiff's claims must be dismissed.

17. Insofar as Plaintiff's alleged losses, damages, or injuries were proximately caused by Plaintiff, Plaintiff's claims should be dismissed.

18. Insofar as Plaintiff is not entitled to punitive damages, Plaintiff's claim for such damages should be dismissed.

Defendant reserves the right to amend this Answer to add additional affirmative defenses deemed applicable upon further discovery herein.

WHEREFORE, having fully answered, Defendant Cleveland Clinic Foundation prays that Plaintiff's First Amended Complaint be judged according to the law and evidence, and that the same be dismissed with prejudice. Defendant further seeks its attorneys' fees and costs incurred in having to defend this matter to the fullest extent permitted by law.

Respectfully submitted,

/s/ Aretta K. Bernard

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JURY DEMAND

Should there be a trial in this matter, Defendant requests a trial by jury on all claims that are permitted to be tried to a jury.

/s/ Aretta K. Bernard

*One of the Attorneys for Defendant The Cleveland
Clinic Foundation*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically on August 20, 2026. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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