

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

Electronically Filed

BRIGGS ALEXANDER	:	
And JANE DOE,	:	
	:	
Plaintiffs,	:	CIVIL CASE NO.: 5:24-cv-00107-KKC
	:	
v.	:	
	:	
UNIVERSITY OF KENTUCKY, ET AL.	:	
	:	
Defendants.	:	

ANSWER OF DEFENDANT, LARS PLOUG JORGENSEN

Come now the Defendant, Lars Ploug¹ Jorgensen, (hereinafter “the Defendant,” by and through the undersigned counsel, and for his Answer and Affirmative Defenses to Plaintiff’s Complaint, states as follows:

INTRODUCTION

1. The Defendant denies all the allegations contained in the “Introduction” paragraph of Plaintiff’s Complaint directed at this Defendant.

FIRST DEFENSE

The Plaintiff’s Complaint fails to state a cause of action for which relief may be granted.

SECOND DEFENSE

As to the numbered paragraphs in the Complaint, Defendant states as follows:

¹ Coach Jorgensen’s middle name is improperly listed as Palsberg in the subject Complaint and Amended Complaint.

PARTIES, JURISDICTION AND VENUE

1. This Defendant admits that Plaintiff Briggs Alexander is a former female collegiate swimmer and assistant coach at the University of Kentucky. This Defendant is without knowledge as to the truth of the remaining averments in paragraph 1 of the complaint, and, therefore those averments are deemed denied.

2. The Defendant is without knowledge of information sufficient to form a belief as to the truth of the averments in paragraph 2 of the Complaint and, therefore, those averments are deemed denied.

3-4. The Defendant admits the averments contained in paragraphs 3 and 4 of the Complaint.

5-6. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 5 and 6 of the Complaint and, therefore, those averments are deemed denied.

7. The averments in paragraph 7 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 7 of the Complaint.

8. The averments in paragraph 8 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 8 of the Complaint.

9. The Defendant denies the averments contained in paragraph 9 of the Complaint.

10-11. The averments in paragraphs 10 and 11 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 10 and 11 of the Complaint.

12-15. The Defendant admits the averments contained in paragraphs 12, 13, 14, and 15 of the Complaint.

16-17. The Defendant denies the averments contained in paragraphs 16 and 17 of the Complaint.

18-20. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 18, 19, and 20 of the Complaint and, therefore, those averments are deemed denied.

21-22. The Defendant admits the averments contained in paragraphs 21 and 22 of the Complaint.

23. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 23 of the Complaint and, therefore, those averments are deemed denied.

24. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 24 of the Complaint and, therefore, those averments are deemed denied.

25-32. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 25 through 32 of the Complaint and, therefore, those averments are deemed denied.

33-47. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 33 through 47 of the Complaint and, therefore, those averments are deemed denied.

48-52. The Defendant admits the averments in paragraphs 48 through 52 of the Complaint.

53. The Defendant states that the document referenced in paragraph 53 speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

54. The Defendant denies the averments in paragraph 54 of the Complaint.

55. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 55 of the Complaint and, therefore, those averments are deemed denied.

56. In response to paragraph 56, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

57-60. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 57 through 60 of the Complaint and, therefore, those averments are deemed denied.

61. The Defendant denies any allegations of sexual assault contained in paragraph 61, but is without knowledge sufficient to form a belief as to the remaining averments in paragraph 61.

62. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 62 of the Complaint and, therefore, those averments are deemed denied.

63. The Defendant denies the averments contained in paragraph 63 of the Complaint.

64. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 64 of the Complaint and, therefore, those averments are deemed denied.

65. The Defendant admits the averments contained in paragraph 65 of the Complaint.

66-71. The Defendant denies the averments contained in paragraphs 66 through 71 of the Complaint.

72. The Defendant denies the averments contained in paragraph 72 of the Complaint regarding groping of Jane Doe II. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 72 regarding the claims made by Craig Skinner, and therefore, those averments are deemed denied.

73-74. The Defendant denies the averments contained in paragraphs 73 and 74 of the Complaint.

75-77. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 75 through 77 of the Complaint and, therefore, those averments are deemed denied.

78. The averments in paragraph 78 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 78 of the Complaint.

79. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 79 of the Complaint and, therefore, those averments are deemed denied.

80. The Defendant denies the averments contained in paragraph 80 of the Complaint.

81. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 81 of the Complaint and, therefore, those averments are deemed denied.

82-84. The Defendant admits the averments contained in paragraphs 82 through 84 of the Complaint.

85-87. The Defendant denies the averments contained in paragraphs 85 through 87 of the Complaint.

88. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 88 of the Complaint and, therefore, those averments are deemed denied.

89. The Defendant denies the averments contained in paragraph 89 of the Complaint.

90-97. The Defendant denies the averments contained in paragraphs 90 through 97 of the Complaint

98. The Defendant admits the averments contained in paragraph 98 of the Complaint.

99-111. The Defendant denies the averments contained in paragraphs 99 through 111 of the Complaint.

112. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 112 of the Complaint and, therefore, those averments are deemed denied.

113. The Defendant admits the averments contained in paragraph 113 of the Complaint.

114-115. The Defendant denies the averments contained in paragraphs 114 and 115 of the Complaint.

116. The Defendant denies the averments contained in paragraph 116 of the Complaint as no advances were made.

117-124. The Defendant denies the averments contained in paragraphs 117 through 124 of the Complaint.

125-128. The Defendant admits the averments contained in paragraphs 125 through 128 of the Complaint.

129-142. The Defendant denies the averments contained in paragraphs 129 through 142 of the Complaint.

143. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 143 of the Complaint and, therefore, those averments are deemed denied.

144. The Defendant denies the averments contained in paragraph 144 as to assurances made by Defendant. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 144 as to Alexander's reliance, and, therefore, those averments are deemed denied.

145. The Defendant admits the averments contained in paragraph 145 of the Complaint.

146-151. The Defendant denies the averments contained in paragraphs 146 through 151 of the Complaint.

152-153. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 152 and 153 of the Complaint and, therefore, those averments are deemed denied.

154-162. The Defendant denies the averments contained in paragraphs 154 through 162 of the Complaint.

163-166. The Defendant denies the averments contained in paragraphs 164 through 166 of the Complaint.

167. The Defendant admits the averments contained in paragraph 167 of the Complaint.

168-173. The Defendant denies the averments contained in paragraphs 168 through 173 of the Complaint.

174. The Defendant denies the averments contained in paragraph 174 as to promises. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 174, and, therefore, those averments are deemed denied.

175-176. The Defendant admits the averments contained in paragraphs 175 and 176 of the Complaint.

177-179. The Defendant denies the averments contained in paragraphs 177 through 179 of the Complaint.

180. Defendant admits the averments contained in paragraph 180 of the Complaint.

181-186. The Defendant denies the averments contained in paragraphs 181 through 186 of the Complaint.

187. The Defendant admits the averments contained in paragraph 187 of the Complaint.

188-192. The Defendant denies the averments contained in paragraphs 188 through 192 of the Complaint.

193. The Defendant denies the averments contained in paragraph 193 as to Defendant causing trauma to Plaintiff Alexander. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 193, and, therefore, those averments are deemed denied.

194-199. The Defendant denies the averments contained in paragraphs 194 through 199 of the Complaint.

201-208. The Defendant denies the averments contained in paragraphs 201 through 208 of the Complaint.

209-213. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 209 through 213 of the Complaint and, therefore, those averments are deemed denied.

214-216. The Defendant denies the averments contained in paragraphs 214 through 216 of the Complaint.

217. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 217 of the Complaint and, therefore, those averments are deemed denied.

218-227. The Defendant denies the averments contained in paragraphs 218 through 227 of the Complaint.

228. The Defendant admits the averments contained in paragraph 228 of the Complaint.

229. The Defendant denies the averments contained in paragraph 229 of the Complaint.

230. The Defendant denies the averments contained in paragraph 230 as to meeting Jorgensen's directives. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 230, and, therefore, those averments are deemed denied.

231-239. The Defendant denies the averments contained in paragraphs 231 through 239 of the Complaint.

240-241. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 240 and 241, and, therefore, those averments are deemed denied.

242-245. The Defendant denies the averments contained in paragraphs 242 through 245 of the Complaint.

246. The Defendant is without knowledge sufficient to determine the truth of the averments contained in paragraph 246 of the Plaintiff's Complaint.

247-255. The Defendant denies the averments contained in paragraphs 247 through 255 of the Complaint.

256-259. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 256 through 259 of the Complaint, and, therefore, those averments are deemed denied.

260-261. The Defendant denies the averments in paragraph 260 through 261 of the Complaint.

262. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 262 of the Complaint and, therefore, those averments are deemed denied.

263. The Defendant denies the averments contained in paragraph 263 of the Complaint.

264-265. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 264 and 265 of the Complaint and, therefore, those averments are deemed denied.

266-267. The Defendant denies the averments contained in paragraphs 266 and 267 of the Complaint.

268-279. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 268 through 279 of the Complaint and, therefore, those averments are deemed denied.

280. The Defendant admits the averments contained in paragraphs 280 of the Complaint.

281-307. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 281 through 307 of the Complaint and, therefore, those averments are deemed denied.

308. In response to paragraph 308, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

309-315. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 309 through 315 of the Complaint and, therefore, those averments are deemed denied.

316. In response to paragraph 316, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

317. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 317 of the Complaint and, therefore, those averments are deemed denied.

318. The Defendant admits the averments contained in paragraph 318 of the Complaint.

319. In response to paragraph 319, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

320-321. The Defendant admits the averments contained in paragraphs 320 and 321 of the Complaint.

322. The Defendant denies the averments contained in paragraph 322 of the Complaint.

323. In response to paragraph 323, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

324. In response to paragraph 324, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

325-328. The Defendant denies the averments contained in paragraphs 325 through 328 of the Complaint.

329-331. The Defendant denies the averments contained in paragraphs 329 through 331 of the Complaint.

332. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 332 of the Complaint and, therefore, those averments are deemed denied.

COUNT I

333. With regard to the averments in Count I of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 332 of the Complaint, as if fully restated herein.

334-360. The averments in paragraphs 334 through 360 of the Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 334 through 360 of the Complaint and, therefore, those averments are deemed denied.

COUNT II

361. With regard to the averments in Count II of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 360 of the Complaint, as if fully restated herein.

362-379. The averments in paragraphs 362 through 379 of the Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 362 through 379 of the Complaint and, therefore, those averments are deemed denied.

COUNT III

380. With regard to the averments in Count III of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 379 of the Complaint, as if fully restated herein.

381-384. Defendant states that the averments in paragraphs 381 through 384 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is required, Defendant denies the averments in paragraphs 381 through 384 of the Complaint.

385. The Defendant denies the averments contained in paragraph 385 of the Complaint.

386-387. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 386 and 387 of the Complaint and, therefore, those averments are deemed denied.

388. Defendant states that the averments in paragraph 388 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is required, Defendant denies the averments in paragraph 388 of the Complaint.

389. In response to paragraph 389, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

390-399. The Defendant denies the averments contained in paragraphs 390 through 399 of the Complaint.

COUNT IV

400. With regard to the averments in Count IV of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 399 of the Complaint, as if fully restated herein.

401-409. The averments in paragraphs 401 through 409 of the Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 401 through 409 of the Complaint and, therefore, those averments are deemed denied.

COUNT V

410. With regard to the averments in Count V of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 409 of the Complaint, as if fully restated herein.

411-415. The averments in paragraphs 411 through 415 of the Complaint call for legal conclusions to which no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 411 through 415 of the Complaint.

416-419. The Defendant denies the averments contained in paragraphs 416 through 419 of the Complaint.

COUNT VI

420. With regard to the averments in Count VI of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 419 of the Complaint, as if fully restated herein.

421-431. The averments in paragraphs 421 through 431 of the Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 421 through 431 of the Complaint and, therefore, those averments are deemed denied.

COUNT VII

432. With regard to the averments in Count VII of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 431 of the Complaint, as if fully restated herein.

433-439. The averments in paragraphs 433 through 439 of the Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant is without knowledge or information sufficient to form a belief as to the

truth of the averments in paragraphs 433 through 439 of the Complaint and, therefore, those averments are deemed denied.

COUNT VIII

440. With regard to the averments in Count VIII of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 439 of the Complaint, as if fully restated herein.

441-444. The Defendant denies the averments contained in paragraphs 441 through 444 of the Complaint.

COUNT IX

445. With regard to the averments in Count IX of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 444 of the Complaint, as if fully restated herein.

446-450. The Defendant denies the averments contained in paragraphs 446 through 450 of the Complaint.

THIRD DEFENSE

Subject to what discovery may reveal, the injuries and damages alleged in Plaintiff's Complaint, if any, were caused by the acts, omissions and/or active primary negligence and/or intentional conduct and/or the intervening and superseding negligence and/or intentional conduct of persons or entities other than this Defendant and such negligence or intentional acts by these persons or entities preclude any liability of this Defendant or require apportionment of fault attributable to persons other than this Defendant.

FOURTH DEFENSE

Subject to what discovery may reveal, the injuries and damages alleged in Plaintiff's Complaint, if any occurred, were caused in whole or in part by the primary, active, superseding,

intervening negligence and/or intentional acts of Plaintiff and/or persons or entities other than this Defendant for which this Defendant has no liability or responsibility and which were the proximate cause and/or a substantial factor in causing said injuries and damages, if any, and the Plaintiff's claims against this Defendant are, therefore, barred or should be reduced in proportion to the fault attributable to persons other than this Defendant.

FIFTH DEFENSE

This Defendant reserves all defenses related to insufficiency of process or service of process.

SIXTH DEFENSE

Pending discovery, Plaintiff's Complaint is barred, in whole or in part by the applicable statute of limitations.

SEVENTH DEFENSE

This Defendant affirmatively asserts the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, and improper venue.

EIGHTH DEFENSE

Subject to what discovery may reveal, these Defendants assert all affirmative defenses available to them under the Federal Rules of Civil Procedure.

NINTH DEFENSE

This Defendant reserves the right to supplement this Answer and plead any and all additional defenses, affirmative defenses, and cross-claims that arise during the course of the litigation.

WHEREFORE, the Defendant, Lars Ploug Jorgensen, respectfully demands:

1. Dismissal of the Complaint against him, in its entirety with prejudice;

2. Recovery of his costs and attorneys' fees incurred in the defense of this action, if applicable;
3. A trial by jury on all issues so triable; and
4. Any and all other relief to which he may appear entitled.

Respectfully submitted,

REMINGER CO., L.P.A.

/s/ Anthony M. Pernice
Anthony M. Pernice, Esq.
333 West Main Street, Suite 1670
Lexington, Kentucky 40507
T: (859) 233-1311
F: (859) 233-1312
E: apernice@reminger.com
Counsel for Defendant
Lars Ploug Jorgensen

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via CM/ECF, on this 23rd day of August, 2023, which will send a copy to all counsel of record.

/s/ Anthony M. Pernice
Anthony M. Pernice, Esq.
Counsel for Defendant,
Lars Ploug Jorgensen