

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 TO PLAINTIFFS’
AMENDED COMPLAINT**

Comes the Defendant, Lars Ploug¹ Jorgensen, (hereinafter “the Defendant”), by and through the undersigned counsel, and for his Answer to the Plaintiff’s Amended Complaint, states as follows:

INTRODUCTION

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

FIRST DEFENSE

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

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

SECOND DEFENSE

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

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 Amended 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 Amended Complaint and, therefore, those averments are deemed denied.

7-9. The averments in paragraphs 7, 8 and 9 of the Amended 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 7, 8 and 9 of the Amended Complaint.

FACTUAL ALLEGATIONS

10-13. The Defendant admits the averments contained in paragraphs 10, 11,12, and 13. Of the Amended Complaint.

14-17. The Defendant denies the averments contained in paragraphs 14,15, 16 and 17 of the Amended Complaint.

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

19-20. The Defendant admits the averments contained in paragraphs 19 and 20 of the Amended Complaint.

21-24. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 21, 22, 23 and 24 of the Amended Complaint and, therefore, those averments are deemed denied.

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

26-39. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 of the Amended Complaint and, therefore, those averments are deemed denied.

40-41. The averments in paragraphs 40 and 41 of the Amended 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 40 and 41 of the Amended Complaint.

42-44. In response to paragraphs 42, 43, and 44 the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

45. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 45 of the Amended Complaint and, therefore, those averments are deemed denied.

46. The Defendant admits the averments contained in paragraph 46 of the Amended Complaint.

47-50. The Defendant denies the averments contained in paragraphs 47, 48, 49, and 50 of the Amended Complaint.

51. In response to paragraph 51, the Defendant states that the referenced document speaks for itself.

52-53. The Defendant denies the averments contained in paragraph 52 and 53 of the Amended Complaint.

54. In response to paragraph 54 the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

55-60. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 55, 56, 57, 58, 59 and 60 of the Amended Complaint and, therefore, those averments are deemed denied.

61. The Defendant denies the averments contained in paragraph 61 of the Amended Complaint.

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 Amended Complaint and, therefore, those averments are deemed denied.

63. The Defendant admits the averments contained in paragraph 63 of the Amended Complaint.

64-68. The Defendant denies the averments contained in paragraph 64, 65, 66, 67, and 68 of the Amended Complaint.

69. In response to paragraphs 69 of the Amended Complaint, the Defendant denies any inappropriate behavior with Jane Doe II.

70. In response to paragraph 70 of the Amended Complaint, the Defendant denies groping Jane Doe II's thigh. This Defendant is without knowledge sufficient to for a belief as to the truth of the remaining averments in paragraph 70 of the Amended Complaint.

71-72. The Defendant denies the averments contained in paragraph 71 and 72 of the Amended Complaint.

73. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 73 of the Amended Complaint and, therefore, those averments are deemed denied.

74. In response to paragraph 74 the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

75-77. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 75, 76, and 77 of the Amended Complaint and, therefore, those averments are deemed denied.

78. The Defendant denies the averments contained in paragraph 78 of the Amended Complaint.

79-82. The Defendant admits the averments contained in paragraphs 79, through 82 of the Amended Complaint.

83-86. The Defendant denies the averments contained in paragraphs 83 through 86 of the Amended Complaint.

87. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 87 of the Amended Complaint and, therefore, those averments are deemed denied.

88-96. The Defendant denies the averments contained in paragraphs 88 through 96 of the Amended Complaint.

97. The Defendant admits the averments contained in paragraphs 97 of the Amended Complaint.

98. Defendant denies the averments contained in paragraphs 117 through 124 of the Amended Complaint.

99. The Defendant denies any directives were dangerous. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 99 of the Amended Complaint and, therefore, those averments are deemed denied.

100-110. The Defendant denies the averments contained in paragraphs 100 through 110 of the Amended Complaint.

111. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 111 of the Amended Complaint and, therefore, those averments are deemed denied.

112-123. The Defendant denies the averments contained in paragraphs 112 through 123 of the Amended Complaint.

124-127. The Defendant admits the averments contained in paragraphs 124 through 127 of the Amended Complaint.

128-135. The Defendant denies the averments contained in paragraphs 128 through 135 of the Amended Complaint.

136. The Defendant denies the averments in paragraph 136 as to assaulting Alexander. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 136, and, therefore, those averments are deemed denied.

137. The Defendant admits the averments contained in paragraph 137 of the Amended Complaint.

138. The Defendant denies the averments contained in paragraph 138 of the Amended Complaint.

139. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 139, and, therefore, those averments are deemed denied.

140-141. The Defendant denies the averments contained in paragraphs 140 through 141 of the Amended Complaint.

142. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 142, and, therefore, those averments are deemed denied.

143. The Defendant denies the averments contained in paragraphs 143 of the Amended Complaint.

144. The Defendant admits the averments contained in paragraph 144 of the Amended Complaint.

145-150. The Defendant denies the averments contained in paragraphs 145 through 150 of the Amended Complaint.

151-152. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 151 and 152, and, therefore, those averments are deemed denied.

153-165. The Defendant denies the averments contained in paragraphs 153 through 165 of the Amended Complaint.

166. The Defendant admits the averments in paragraph 166 of the Amended Complaint.

167-172. The Defendant denies the averments contained in paragraphs 167 through 172 of the Amended Complaint.

173. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 173, therefore, those averments are deemed denied.

174-175. The Defendant admits the averments contained in paragraphs 174 through 175 of the Amended Complaint.

176-180. The Defendant denies the averments contained in paragraphs 176 through 180 of the Amended Complaint.

181. The Defendant denies the averments contained in paragraph 181 as to inappropriate behavior. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 181, and, therefore, those averments are deemed denied.

182-185. The Defendant denies the averments contained in paragraphs 182 through 185 of the Amended Complaint.

186. The Defendant admits the averments contained in paragraphs 186 of the Amended Complaint.

187-208. The Defendant denies the averments contained in paragraphs 187 through 208 of the Amended Complaint.

209-212. The Defendant is without knowledge sufficient to form a belief as to the truth of the averments in paragraphs 209 through 212 of the Amended Complaint and, therefore, those averments are deemed denied

213-226. The Defendant denies the averments contained in paragraphs 213 through 226 of the Amended Complaint.

227. The Defendant admits the averments contained in paragraph 227 of the Amended Complaint.

228. The Defendant denies the averments contained in paragraph 228 of the Amended Complaint.

229-230. The Defendant denies he gave dietary directives. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 229 and 230 of the Amended Complaint and, therefore, those averments are deemed denied.

231-238. The Defendant denies the averments contained in paragraph 231 through 238 of the Amended Complaint.

239-240. The defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 239 and 240 of the Amended Complaint and, therefore, those averments are deemed denied

241-244. The Defendant denies the averments contained in paragraphs 241 and 244 of the Amended Complaint.

245. The defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 245 of the Amended Complaint and, therefore, those averments are deemed denied.

246-262. The Defendant denies the averments in paragraphs 245 through 262 of the Amended Complaint.

263-264. The Defendant admits the averments contained in paragraphs 263 and 264 of the Amended Complaint.

265-266. The Defendant denies the averments contained in paragraphs 265 and 266 of the Amended Complaint.

267-278. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 267 through 278 of the Amended Complaint and, therefore, those averments are deemed denied.

279. The Defendant admits the averments contained in paragraph 279 of the Amended Complaint.

280-299. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraphs 280 through 299, and, therefore, those averments are deemed denied.

300. The Defendant admits the averments contained in paragraph 300 of the Amended Complaint.

301-305. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraphs 301 and 305 of the Amended Complaint and, therefore, those averments are deemed denied.

306. In response to paragraph 306, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

307-313. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraphs 307 through 313, and, therefore, those averments are deemed denied.

314. In response to paragraph 314, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

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

316. The Defendant admits the averments contained in paragraph 316 of the Amended Complaint.

317. In response to paragraph 317, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

318-319. The Defendant admits the averments contained in paragraphs 318 and 319 of the Amended Complaint.

320. The Defendant denies the averments contained in paragraph 320 of the Amended Complaint.

321-322. In response to paragraphs 321 through 322, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

323-325. The Defendant denies the averments contained in paragraphs 323 through 325 of the Amended Complaint.

326. The averments in paragraph 326 of the Amended 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 326 of the Amended Complaint.

327-328. In response to paragraphs 327 and 328, the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

329-330. The Defendant admits the averments contained in paragraphs 329 and 330 of the Amended Complaint.

331. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 331 of the Amended Complaint and, therefore, those averments are deemed denied

ACTIONS TAKEN UNDER COLOR STATE LAW

332. In response to paragraph 332, the Defendant denies all averments directed at this Defendant.

333. The Defendant denies the averments contained in paragraph 333 of the Amended Complaint.

334-335. The averments in paragraphs 334 through 335 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 334 through 335 of the Amended Complaint.

CLEARLY ESTABLISHED LAW

336. The averments in paragraph 336 of the Amended 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 336 of the Amended Complaint.

COUNT I

337. With regard to the averments in Count I of the Amended Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 336 of the Amended Complaint, as if fully restated herein.

339-364. The averments in paragraphs 339 through 364 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 339 through 364 of the Amended Complaint.

COUNT II

365. With regard to the averments in Count II of the Amended Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 364 of the Amended Complaint, as if fully restated herein.

366-383. The averments in paragraphs 366 through 383 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 366 through 383 of the Amended Complaint.

COUNT III

384. With regard to the averments in Count III of the Amended Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 383 of the Amended Complaint, as if fully restated herein.

385-387. Defendant states that the averments in paragraphs 385 through 387 of the Amended 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 385 through 387 of the Amended Complaint.

388. The Defendant denies the averments contained in paragraph 388 of the Amended Complaint.

389-390. The averments in paragraphs 389 through 390 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 389 through 390 of the Amended Complaint.

391. Defendant states that the averments in paragraphs 391 of the Amended 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 391 of the Amended Complaint.

392. In response to paragraph 392 the Defendant states that the referenced document speaks for itself. Any averments inconsistent with the plain text of the document are hereby denied.

393. The averments in paragraph 393 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 393 of the Amended Complaint.

394-395. The Defendant denies the averments contained in paragraph 394 and 395 of the Complaint.

396-397. The averments in paragraphs 396 and 397 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 396 and 397 of the Amended Complaint.

398-402. The Defendant denies the averments contained in paragraphs 398 through 402 of the Complaint.

COUNT IV

403. With regard to the averments in Count IV of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 402 of the Complaint, as if fully restated herein.

404-406. Defendant states that the averments in paragraphs 404 through 406 of the Amended 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 405 through 406 of the Amended Complaint and, therefore, those averments are deemed denied.

407-408. The Defendant denies the averments contained in paragraph 407 through 408 of the Complaint.

409-410. The averments in paragraphs 409 through 410 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraph 409 through 410 of the Amended Complaint.

411-413. The Defendant denies the averments contained in paragraphs 411 through 413 of the Complaint.

COUNT V

414. With regard to the averments in Count V of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 413 of the Complaint, as if fully restated herein.

415-423. The averments in paragraphs 415 through 423 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 415 through 423 of the Amended Complaint.

COUNT VI

424. With regard to the averments in Count VI of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 423 of the Complaint, as if fully restated herein.

425-429. The averments in paragraphs 425 through 429 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 425 through 429 of the Amended Complaint.

430-433. The Defendant denies the averments contained in paragraphs 430 through 433 of the Complaint.

COUNT VII

434. With regard to the averments in Count VII of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 433 of the Complaint, as if fully restated herein.

435-445. The averments in paragraphs 435 through 445 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response

is deemed to be required, Defendant denies the averments in paragraphs 435 through 445 of the Amended Complaint and, therefore, those averments are deemed denied.

COUNT VIII

446. With regard to the averments in Count VIII of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 446 of the Complaint, as if fully restated herein.

447-453. The averments in paragraphs 4447 through 453 of the Amended Complaint are not directed at Defendant and, therefore, no responsive pleading is required. To the extent a response is deemed to be required, Defendant denies the averments in paragraphs 447 through 453 of the Amended Complaint.

COUNT IX

454. With regard to the averments in Count IX of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 453 of the Complaint, as if fully restated herein.

455-458. The Defendant denies the averments contained in paragraphs 455 through 458 of the Complaint.

COUNT X

459. With regard to the averments in Count X of the Complaint, the Defendant reiterates each of his responses in paragraphs 1 through 458 of the Complaint, as if fully restated herein.

460-464. The Defendant denies the averments contained in paragraphs 460 through 464 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

The conduct of this Defendant was not the proximate cause or a substantial factor in causing any of the injuries or damage, if any occurred, alleged by the Plaintiff.

FIFTH DEFENSE

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

SIXTH DEFENSE

Pending discovery, Plaintiff's Amended Complaint is barred, in whole or in part by the applicable statutes 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

Plaintiffs' claims are barred by one or more or all of the affirmative defenses of lack of jurisdiction, statutes of limitation and repose, failure to exhaust administrative remedies, failure to name indispensable parties, failure to mitigate damages, assumption of risk, release, waiver, estoppel and any other matter constituting avoidance or affirmative defense, as discovery may reveal, pursuant to Federal Civil Rule 8(c).

NINTH DEFENSE

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

TENTH 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 Amended Complaint against him, in its entirety with prejudice;
2. Recovery of their 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.

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Lars Ploug Jorgensen*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via CM/ECF, on this 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