

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Walter Brian Bilbro,)	Case Number: 3:16-cv-00767-JFA
)	
Plaintiff,)	
)	
v.)	ANSWER
)	(Defendants South Carolina Department
South Carolina Department of Social Services)	of Social Services (directors Susan Alford
(directors Susan Alford and Dorothy Addison);)	and Dorothy Addison); Office of
Office of Governor, Nikki Randhawa Haley;)	Governor, Nikki Randhawa Haley)
Lutheran Services Carolina; World Relief)	
Spartanburg (Jason Lee, director),)	
)	
Defendants.)	
)	

The Defendants South Carolina Department of Social Services (directors Susan Alford and Dorothy Addison), Office of Governor, Nikki Randhawa Haley, (“State Defendants”), answering the Complaint herein, allege the following:

FOR A FIRST DEFENSE

1. The Complaint fails to state a claim on which relief can be granted.

FOR A SECOND DEFENSE

2. The Court lacks subject matter jurisdiction over this action.

FOR A THIRD DEFENSE

3. No justiciable case or controversy exists between Plaintiff and the State Defendants.

FOR A FOURTH DEFENSE

4. Plaintiff lacks standing to assert some or all of the claims in the Complaint.

FOR A FIFTH DEFENSE

5. Plaintiff's claims are governed by federal law, which pre-empts any authority of the State Defendants to afford Plaintiff the relief he seeks.

FOR A SIXTH DEFENSE

6. Any allegation of the Complaint not hereinafter admitted or qualified is denied.

7. The first three sentences of Paragraph 1 are denied for lack of information. The remainder of Paragraph 1 is denied.

8. Paragraphs 2 through 4 set forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of these Defendants, these Defendants would deny same and demand strict proof thereof.

9. Paragraphs 5 and 6 make allegations pertaining to other Defendants, and as such require no response from these Defendants. Insofar as such allegations attempt to establish liability on the part of these Defendants, these Defendants would deny same and demand strict proof thereof.

10. The first part of Paragraph 7, ending with "South Carolina SCDSS," is merely descriptive of this action, and as such requires neither admission nor denial. Insofar as such allegations attempt to establish liability on the part of this Defendant, this Defendant would deny same and demand strict proof thereof. The remainder of Paragraph 7, starting with "Case 2015-DR-07-220" is denied for lack of information.

11. Answering Paragraph 8, these Defendants would show that the vetting of foreign refugees is the duty and responsibility of the federal government. Except as expressly admitted, the allegations of Paragraph 8 are denied.

12. Answering the first sentence of Paragraph 9, these Defendants share Plaintiff's concerns that the vetting of certain refugees by the federal government is a matter of concern, but these Defendants reiterate that the vetting of foreign refugees is the duty and responsibility of the federal government. Except as expressly admitted, the allegations of Paragraph 9 are denied.

13. Paragraphs 10 and 11 are denied.

14. Answering Paragraph 12, these Defendants have no knowledge regarding the expectation of the Plaintiff. Paragraph 12 is otherwise denied.

15. Answering Paragraph 13, these Defendants would refer the Court to the documents setting forth applicable policies regarding nonproselytization. Except as expressly admitted, the allegations of Paragraph 13 are denied.

16. Answering Paragraph 14, these Defendants would refer the Court to the State Plan and other pertinent documents regarding the allegations of that paragraph. Except as expressly admitted, the allegations of Paragraph 14 are denied.

17. The first three sentences of Paragraph 15 are denied. The fourth sentence of Paragraph 15, which refers to terror attacks in general, is admitted, but it is denied that any of these Defendants have taken any action which would increase the likelihood of a terrorist attack. The remaining allegations of Paragraph 15 are denied.

18. Paragraph 16 is denied for lack of information. In addition, it is denied that any of these Defendants have taken any action which would lead to any of the events alleged in that Paragraph.

19. The first sentence of Paragraph 17 is denied. The second sentence of Paragraph 17 is denied for lack of information.

20. Paragraph 18 is denied as stated. Further answering Paragraph 18, these Defendants would show that their actions have been fully in accord with their duties and responsibilities.

21. The first and second sentences of Paragraph 19 set forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of these Defendants, these Defendants would deny same and demand strict proof thereof. Answering the remainder of Paragraph 19, which refers to comments by Governor Haley in the context of the possible closing of the Guantanamo Bay detention camp, these Defendants would refer the Court to the entirety of those comments and to their context for their proper interpretation. Except as expressly admitted, the aforementioned remainder of Paragraph 19 is denied.

22. Paragraph 20 is denied for lack of information.

23. Answering Paragraph 21, it is denied that any of the State Defendants possess any intent whatsoever to “retaliate” against Plaintiff. To the extent that Paragraph 21 describes Plaintiff’s “expectations,” it is denied for lack of information. In addition, Plaintiff only has a right to expect what the law requires. To the extent that Paragraph 21 refers to the State Plan, these Defendants would refer the Court to the State Plan itself. Except as expressly admitted, Paragraph 21 is denied.

24. Paragraph 22 is denied.

25. Answering Paragraph 23, these Defendants would refer the Court to the documents referenced therein for the best evidence of their contents. The State Defendants would

further show that they have complied completely with their duties regarding refugees, and have taken all steps permitted under state and federal law. These Defendants admit on information and belief that one or more Syrian refugees have been placed in South Carolina. Except as expressly admitted, Paragraph 23 is denied.

26. Answering Paragraph 24, these Defendants would refer the Court to the documents referenced therein for the best evidence of their contents. The State Defendants would further show that they have complied completely with their duties regarding refugees, and have taken all steps permitted under state and federal law. These Defendants deny the remaining allegations of Paragraph 24 for lack of information.

27. Paragraph 25 sets forth only a legal assertion, and as such requires neither admission nor denial. These Defendants do not deny that the Federal Rules of Civil Procedure apply to this removed action.

28. Paragraph 26 sets forth legal conclusions which can neither be admitted nor denied. Insofar as such allegations attempt to establish liability on the part of these Defendants, these Defendants would deny same and demand strict proof thereof.

29. Any remaining allegations of the Complaint, including the entirety of the Prayer for Relief, are denied.

WHEREFORE, having fully answered the Complaint, these Defendants pray that the Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: s/ Kenneth P. Woodington

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ATTORNEYS for Defendants South Carolina Department
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Addison), Office of Governor, Nikki Randhawa Haley

March 14, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Walter Brian Bilbro,)	Case Number: 3:16-cv-00767-JFA
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Plaintiff,)	
)	
v.)	CERTIFICATE OF SERVICE
)	
South Carolina Department of Social Services)	
(directors Susan Alford and Dorothy Addison);)	
Office of Governor, Nikki Randhawa Haley;)	
Lutheran Services Carolina; World Relief)	
Spartanburg (Jason Lee, director),)	
)	
Defendants.)	
)	

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Defendants South Carolina Department of Social Services (directors Susan Alford and Dorothy Addison), Office of Governor, Nikki Randhawa Haley, does hereby certify that service of the ANSWER and RESPONSES TO 26.01 INTERROGATORIES in the above-captioned action was made upon all counsel of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 14th day of March, 2016, addressed as follows:

Lauren L. Martel, Esquire
Post Office Box 23101
Hilton Head Island, South Carolina 29925

s/Kenneth P. Woodington