

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

2014 SEP 19 PM 1:49

RICHARD JONES and ELIZABETH)
JONES, as Administrators of the Estate of)
Sarah Elizabeth Jones, Deceased,)
)
Plaintiffs,)

Brian K. Hart

vs.)

CIVIL ACTION NO. STCV14-00752

FILM ALLMAN, LLC; UNCLAIMED)
FREIGHT PRODUCTIONS, INC.;)
RANDALL M. MILLER; JODY SAVIN;)
GREGORY L. ALLMAN; CHARLES)
BAXTER; JAY SEDRISH; JAY)
SEDRISH, INC.; MICHAEL LEHMAN;)
DON MANDRIK; HILLARY)
SCHWARTZ; MIKE OZIER; WME BI)
HOLDINGS, LLC; OPEN ROAD FILMS,)
LLC; MEDDIN STUDIOS, LLC;)
JEFFREY N. GANT; RAYONIER)
PERFORMANCE FIBERS, LLC; CSX)
TRANSPORATION, INC. and)
UNKNOWN CORPORATIONS A-Z,)
)
Defendants.)

ANSWER OF DEFENDANT CHARLES BAXTER

COMES NOW CHARLES BAXTER, a Defendant in the above-styled action, and hereby answers Plaintiffs' Complaint as follows:

First Defense

Plaintiffs' Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

Plaintiffs' decedent and this Defendant were fellow employees at the time of the incident complained of and Plaintiffs are therefore barred from recovery against this Defendant pursuant to the applicable worker's compensation laws.

Third Defense

Any and all injuries and damages sustained by Plaintiffs were the proximate result of the negligent acts or omissions of a party or parties other than this Defendant.

Fourth Defense

If this Defendant was negligent, which he expressly denies, his negligence was less than or equal to that of decedent Sarah Elizabeth Jones and Plaintiffs' Complaint against this Defendant should therefore be dismissed.

Fifth Defense

This Defendant responds to the numbered allegations of Plaintiffs' Complaint as follows:

1.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of Plaintiffs' Complaint.

2.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of Plaintiffs' Complaint.

3.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of Plaintiffs' Complaint.

4.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of Plaintiffs' Complaint.

5.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of Plaintiffs' Complaint.

6.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of Plaintiffs' Complaint.

7.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of Plaintiffs' Complaint.

8.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of Plaintiffs' Complaint.

9.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of Plaintiffs' Complaint.

10.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of Plaintiffs' Complaint.

11.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of Plaintiffs' Complaint.

12.

Responding to the allegations of Paragraph 12 of Plaintiffs' Complaint, this Defendant denies that he is liable to Plaintiffs in his individual and representative capacities. The remaining allegations of Paragraph 12 are admitted.

13.

Responding to the allegations of Paragraph 13 of Plaintiffs' Complaint, this Defendant admits that Defendant Jay Sedrish served as executive producer and unit production manager for Midnight Rider. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13.

14.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of Plaintiffs' Complaint.

15.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of Plaintiffs' Complaint.

16.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of Plaintiffs' Complaint.

17.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of Plaintiffs' Complaint.

18.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of Plaintiffs' Complaint.

19.

Responding to the allegations of Paragraph 19 of Plaintiffs' Complaint, this Defendant admits that Defendant Hillary Schwartz served as first assistant director for Midnight Rider. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 19.

20.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20 of Plaintiffs' Complaint.

21.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21 of Plaintiffs' Complaint.

22.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22 of Plaintiffs' Complaint.

23.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23 of Plaintiffs' Complaint.

24.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of Plaintiffs' Complaint.

25.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 of Plaintiffs' Complaint.

26.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of Plaintiffs' Complaint.

27.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27 of Plaintiffs' Complaint.

28.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28 of Plaintiffs' Complaint.

29.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 29 of Plaintiffs' Complaint.

30.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30 of Plaintiffs' Complaint.

31.

This Defendant denies the allegations of Paragraph 31 of Plaintiffs' Complaint.

32.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 32 of Plaintiffs' Complaint.

33.

This Defendant denies the allegations of Paragraph 33 of Plaintiffs' Complaint.

34.

This Defendant denies the allegations of Paragraph 34 of Plaintiffs' Complaint.

35.

Responding to the allegations of Paragraph 35 of Plaintiffs' Complaint, this Defendant admits that he resides in Chatham County, Georgia. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 35.

36.

This Defendant hereby restates his responses to the allegations of Paragraphs 1 through 35 of Plaintiffs' Complaint as if set forth fully herein.

37.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 37 of Plaintiffs' Complaint.

38.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 38 of Plaintiffs' Complaint.

39.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 39 of Plaintiffs' Complaint.

40.

Responding to the allegations of Paragraph 40 of Plaintiffs' Complaint, this Defendant admits that the filming of Midnight Rider was based in Savannah. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 40.

41.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 41 of Plaintiffs' Complaint.

42.

This Defendant admits the allegations of Paragraph 42 of Plaintiffs' Complaint.

43.

This Defendant admits the allegations of Paragraph 43 of Plaintiffs' Complaint. Responding further, this Defendant denies that he was present on the property at the time of the shooting of the scene.

44.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44 of Plaintiffs' Complaint.

45.

Responding to the allegations of Paragraph 45 of Plaintiffs' Complaint, this Defendant admits that he was unable to obtain permission from CSX to conduct filming on the trestle

bridge. This Defendant denies that he planned to film a scene on active railroad tracks. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 45 as they relate to the other Defendants.

46.

This Defendant denies the allegations of Paragraph 46 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

47.

This Defendant denies the allegations of Paragraph 47 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

48.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 48 of Plaintiffs' Complaint.

49.

This Defendant denies the allegations of Paragraph 49 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

50.

Responding to the allegations of Paragraph 50 of Plaintiffs' Complaint, this Defendant admits that he was unable to secure approval for filming from CSX. This Defendant denies the remaining allegations of Paragraph 50 as they relate to him. This Defendant is without

knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

51.

This Defendant denies the allegations of Paragraph 51 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

52.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 52 of Plaintiffs' Complaint.

53.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 53 of Plaintiffs' Complaint.

54.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 54 of Plaintiffs' Complaint.

55.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 55 of Plaintiffs' Complaint.

56.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 56 of Plaintiffs' Complaint.

57.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57 of Plaintiffs' Complaint.

58.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58 of Plaintiffs' Complaint.

59.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59 of Plaintiffs' Complaint.

60.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60 of Plaintiffs' Complaint.

61.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61 of Plaintiffs' Complaint.

62.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62 of Plaintiffs' Complaint.

63.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 63 of Plaintiffs' Complaint.

64.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 64 of Plaintiffs' Complaint.

65.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 65 of Plaintiffs' Complaint.

66.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 66 of Plaintiffs' Complaint.

67.

Responding to the allegations of Paragraph 67 of Plaintiffs' Complaint, this Defendant denies that he "retained responsibility for selecting shooting locations." This Defendant admits the remaining allegations of Paragraph 67.

68.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 68 of Plaintiffs' Complaint.

69.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 69 of Plaintiffs' Complaint.

70.

This Defendant denies the allegations of Paragraph 70 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

71.

This Defendant denies the allegations of Paragraph 71 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

72.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 72 of Plaintiffs' Complaint.

73.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 73 of Plaintiffs' Complaint.

74.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 74 of Plaintiffs' Complaint.

75.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 75 of Plaintiffs' Complaint.

76.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76 of Plaintiffs' Complaint.

77.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 77 of Plaintiffs' Complaint.

78.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 78 of Plaintiffs' Complaint.

79.

This Defendant hereby restates his responses to the allegations of Paragraphs 1 through 78 of Plaintiffs' Complaint as if set forth fully herein.

80.

This Defendant denies the allegations of Paragraph 80 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

81.

This Defendant denies the allegations of Paragraph 81 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

82.

This Defendant denies the allegations of Paragraph 82 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

83.

This Defendant denies the allegations of Paragraph 83 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

84.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 84 of Plaintiffs' Complaint.

85.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 85 of Plaintiffs' Complaint.

86.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 86 of Plaintiffs' Complaint.

87.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 87 of Plaintiffs' Complaint.

88.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 88 of Plaintiffs' Complaint.

89.

This Defendant denies the allegations of Paragraph 89 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

90.

This Defendant denies the allegations of Paragraph 90 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

91.

This Defendant denies the allegations of Paragraph 91 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

92.

Responding to the allegations of Paragraph 92 of Plaintiffs' Complaint, this Defendant denies that Plaintiffs are entitled to recovery of damages from him.

93.

This Defendant denies the allegations of Paragraph 93 of Plaintiffs' Complaint as they relate to him. This Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations as they relate to the other Defendants.

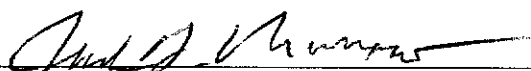
This Defendant hereby denies each and every allegation of Plaintiffs' Complaint not specifically addressed heretofore.

WHEREFORE, having responded to each and every allegation of Plaintiffs' Complaint, Defendant CHARLES BAXTER prays that the prayers of said Complaint be denied and that he be dismissed without cost.

This 19th day of September, 2014.

BRANNEN, SEARCY & SMITH, LLP


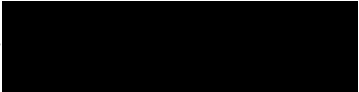
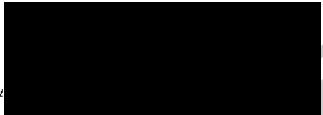
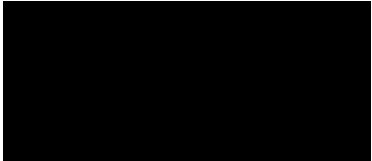
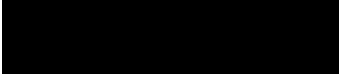

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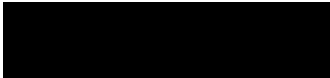


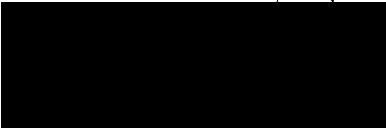

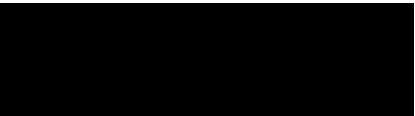
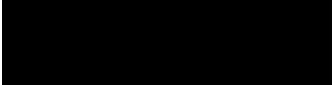


JORDON D. MORROW
Georgia State Bar No. 525490
ATTORNEY FOR DEFENDANT
CHARLES BAXTER

Post Office Box 8002
Savannah, GA 31412
(912) 234-8875

CERTIFICATE OF SERVICE

I hereby certify that I have this day served counsel for all parties in the foregoing matter with a copy of the **Answer of Defendant Charles Baxter** by addressing same to:

<p>Jeffrey R. Harris, Esq. Yvonne Godfrey, Esq. Harris Penn Lowry, LLP </p> <p style="text-align: center;">and</p> <p>Stephen G. Lowry, Esq. Harris Penn Lowry, LLP 405 East Perry Street Savannah, GA 31401</p> <p style="text-align: center;"><i>Attorneys for Plaintiffs</i></p>	<p>S. Jahue Moore, Esq. Moore Taylor Law Firm, P.A. </p> <p style="text-align: center;"><i>Attorney for Plaintiffs</i></p>
<p>Matthew R. Stone, Esq. Freeman, Mathis & Gary, LLP </p> <p style="text-align: center;"><i>Attorney for Defendants Film Allman, LLC, Unclaimed Freight Productions, Inc., Randall M. Miller, Jody Savin, Hillary Schwartz and Mike Ozier</i></p>	<p>David W. Long-Daniels, Esq. Thomas J. Mazziotti, Esq. C. Whitfield Caughman, Esq. Greenberg Traurig, LLP </p> <p style="text-align: center;"><i>Attorneys for Defendants Gregory L. Allman and Michael Lehman</i></p>
<p>William J. Hunter, Esq. Douglas E. Herman, Esq. George T. Major, Jr., Esq. T. Lawrence Evans, Esq. Oliver Maner, LLP </p> <p style="text-align: center;"><i>Attorneys for Defendants Jay Sedrish and Jay Sedrish, Inc.</i></p>	<p>Robert P. Monyak, Esq. </p> <p style="text-align: center;"><i>Attorney for Defendant Don Mandrik</i></p>


<p>James B. Durham, Esq. </p> <p><i>Attorney for Defendant Rayonier Performance Fibers, LLC</i></p>	<p>Matthew G. McLaughlin, Esq. </p> <p><i>Attorney for Defendant WME BI Holdings, LLC</i></p>
<p>Dana F. Braun, Esq. Thomas E. Branch, III, Esq. </p> <p>and</p> <p>Laura Robinson, Esq. Marvin S. Putnam, Esq. </p> <p><i>Attorneys for Defendant Open Road Films, LLC</i></p>	<p>Michael P. Milton, Esq. Milton, Leach, Whitman, D'Andrea & Eslinger, P.A. </p> <p>AND</p> <p>Randall A. Jordan, Esq. Christopher R. Jordan, Esq. Karen Jenkins Young, Esq. Grant C. Buckley, Esq. R. Stan Baker, Esq. The Jordan Firm </p> <p><i>Attorneys for Defendant CSX Transportation, Inc.</i></p>
<p>Meddin Studios, LLC c/o Jeffrey N. Gant, Reg. Agent </p> <p><i>Defendant</i></p>	<p>Jeffrey N. Gant </p> <p><i>Defendant</i></p>

and depositing it in the United States Mail with adequate postage affixed thereon to assure delivery.

This 19th day of September, 2014.

BRANNEN, SEARCY & SMITH, LLP

By:


JORDON D. MORROW
Georgia State Bar No. 525490
ATTORNEY FOR DEFENDANT
CHARLES BAXTER



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