

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

P.G.,

Plaintiff,

v.

Civil Action No.:

5:21-CV-388 (DNH/ML)

JEFFERSON COUNTY, NEW YORK; COLLEEN M.  
O'NEILL, as Sheriff of Jefferson County, New York;  
BRIAN R. McDERMOTT, as the Undersheriff of  
Jefferson County; and MARK WILSON, as the Facility  
Administrator of Jefferson County Correctional Facility,

**ANSWER**

Defendants.

---

Defendants Jefferson County, Colleen M. O'Neill, Brian McDermott and Mark Wilson (collectively, the "Defendants"), by and through their attorneys, Barclay Damon LLP, as and for an Answer to Plaintiff's Complaint, allege as follows:

1. DENY so much of paragraph 1 as alleges that Defendants maintain an "arbitrary and discriminatory" practice of denying "medically necessary treatment for opioid addiction at Jefferson County Correctional Facility," and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 1.

2. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2.

3. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 3.

4. DENY so much of the allegations contained in paragraph 4 as alleges that MOUD is the only effective treatment, and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 4.

5. DENY so much of the allegations contained in paragraph 5 as alleges that MOUD is “critical . . . in treating opioid addiction” and that “MOUD is vital to recovery,” and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 5.

6. DENY the allegations contained in paragraph 6.

7. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 7.

8. DENY the allegations contained in paragraph 8.

9. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9.

10. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 10.

11. ADMIT the allegations contained in paragraph 11.

12. ADMIT so much of the allegations contained in paragraph 12 as alleges that Defendant Colleen M. O’Neill is the Sheriff of Jefferson County, DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of so much of the allegations as alleges the intentions of Plaintiff, and DENY the remaining allegations contained in paragraph 12.

13. ADMIT so much of the allegations contained in paragraph 13 as alleges that Defendant Brian R. McDermott is the Undersheriff of Jefferson County, DENY KNOWLEDGE

AND INFORMATION sufficient to form a belief as to the truth of so much of the allegations as alleges the intentions of Plaintiff, and DENY the remaining allegations contained in paragraph 13.

14. ADMIT so much of the allegations contained in paragraph 14 as alleges that Defendant Mark Wilson is Lieutenant in the Jefferson County Sheriff's Office and Facility Administrator of the jail, DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of so much of the allegations as alleges the intentions of Plaintiff, and DENY the remaining allegations contained in paragraph 14.

15. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 15.

16. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 16.

17. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 17.

18. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 18.

19. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 19.

20. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 20.

21. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 21.

22. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 22.

23. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 23.

24. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 24.

25. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 25.

26. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 26.

27. ADMIT so much of paragraph 27 as alleges that overdose deaths are preventable, and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 27.

28. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 28.

29. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 29.

30. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 30.

31. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 31.

32. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 32.

33. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 33.

34. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 34.

35. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 35.

36. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 36.

37. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 37.

38. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 38.

39. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 39.

40. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 40.

41. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 41.

42. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 42.

43. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 43.

44. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 44.

45. DENY the allegations contained in paragraph 45.

46. DENY so much of the allegations contained in paragraph 46 as alleges that patients cannot be effectively removed from MOUD treatment, and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 46.

47. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 47.

48. DENY so much of the allegations contained in paragraph 48 as alleges that patients cannot be effectively removed from MOUD treatment, and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 48.

49. DENY the allegations contained in paragraph 49.

50. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 50.

51. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 51.

52. DENY the allegations contained in paragraph 52.

53. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 53.

54. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 54.

55. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 55.

56. DENY the allegations contained in paragraph 56.

57. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 57.

58. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 58.

59. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 59.

60. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 60.

61. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 61.

62. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 62.

63. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 63.

64. DENY the allegations contained in paragraph 64.

65. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 65.

66. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 66.

67. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 67.

68. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 68.

69. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 69.

70. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 70.

71. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 71.

72. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 72.

73. DENY the allegations contained in paragraph 73.

74. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 74.

75. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 75.

76. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 76.

77. DENY so much of the allegations contained in paragraph 77 as alleges that providing access to MOUD treatment in the Jefferson County Jail is “strikingly inexpensive,” and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 77.

78. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 78.

79. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 79.



80. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 80.

81. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 81.

82. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 82.

83. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 83.

84. ADMIT so much of the allegations of paragraph 84 as alleges that Defendants have provided methadone treatment to pregnant persons in the past, and DENY the remaining allegations contained in paragraph 84.

85. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 85.

86. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 86.

87. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 87.

88. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 88.

89. DENY so much of the allegations contained in paragraph 89 as alleges that the denial of MOUD access in jails and prisons disproportionately harms people of color, and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 89.

90. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 90.

91. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 91.

92. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 92.

93. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 93.

94. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 94.

95. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 95.

96. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 96.

97. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 97.

98. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 98.

99. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 99.

100. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 100.

101. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 101.

102. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 102.

103. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 103.

104. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 104.

105. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 105.

106. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 106.

107. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 107.

108. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 108.

109. DENY the allegations contained in paragraph 109.

110. DENY the allegations contained in paragraph 110.

111. DENY the allegations contained in paragraph 111.

112. DENY the allegations contained in paragraph 112.

113. DENY the allegations contained in paragraph 113.

114. DENY the allegations contained in paragraph 114.

115. DENY the allegations contained in paragraph 115.

116. ADMIT so much of the allegations contained in paragraph 116 as alleges that the Jefferson County Jail does not have its own federally licensed Opioid Treatment Program, which would be required for the jail to provide methadone itself, and that, in the past, methadone has been administered by a third-party licensed methadone provider, Credo Community Center, and DENY the remaining allegations contained in paragraph 116.

117. DENY so much of the allegations contained in paragraph 117 as alleges that Defendants can “drive to the Credo office to pick up methadone doses, which they administer to patients at the jail, and ADMIT the remaining allegations contained in paragraph 117.

118. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 118.

119. DENY the allegations contained in paragraph 119.

120. DENY the allegations contained in paragraph 120.

121. DENY the allegations contained in paragraph 121.

122. DENY the allegations contained in paragraph 122.

123. DENY the allegations contained in paragraph 123.

124. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 124.

125. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 125.

126. DENY the allegations contained in paragraph 126.

127. DENY the allegations contained in paragraph 127.

128. ADMIT so much of paragraph 128 as alleges the receipt of a request from Plaintiff's counsel, and refer the reader to the request for its contents, and therefore DENY the remaining allegations contained in paragraph 128.

129. ADMIT so much of paragraph 129 as alleges the receipt of a letter from Credo, and refer the reader to the request for its contents, and therefore DENY the remaining allegations contained in paragraph 129.

130. ADMIT so much of paragraph 130 as alleges the receipt of a request from Plaintiff's counsel, and refer the reader to the request for its contents, and therefore DENY the remaining allegations contained in paragraph 130.

131. ADMIT so much of paragraph 131 as alleges the receipt of a request from Plaintiff's counsel, and refer the reader to the request for its contents, and therefore DENY the remaining allegations contained in paragraph 131.

132. ADMIT so much of paragraph 132 as alleges the receipt of a request from Plaintiff's counsel, and refer the reader to the request for its contents, and therefore DENY the remaining allegations contained in paragraph 132, and further DENY that Defendants have failed and refused to confirm that they will grant Plaintiff's request.

133. DENY so much of the allegations contained in paragraph 133 as alleges that Defendants maintain a "blanket ban on methadone treatment," and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 133.

134. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 134.

135. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 135.

136. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 136.

137. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 137.

138. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 138.

139. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 139.

140. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 140.

141. DENY so much of the allegations contained in paragraph 141 as alleges that Defendants maintain a “methadone ban,” and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 141.

142. DENY so much of the allegations contained in paragraph 142 as alleges that Defendants maintain a “blanket methadone ban,” and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 142.

143. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 143.

144. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 144.

145. DENY so much of paragraph 145 as alleges that Defendants maintain a “methadone ban,” and DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 145.

146. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 146.

147. DENY the allegations contained in paragraph 147, as they call for a legal conclusion.

148. DENY the allegations contained in paragraph 148, as they call for a legal conclusion.

149. DENY the allegations contained in paragraph 149, as they call for a legal conclusion.

150. DENY the allegations contained in paragraph 150.

151. DENY the allegations contained in paragraph 151.

152. DENY the allegations contained in paragraph 152.

153. DENY the allegations contained in paragraph 153.

154. DENY KNOWLEDGE AND INFORMATION sufficient to form a belief as to the truth of the allegations contained in paragraph 154.

155. DENY the allegations contained in paragraph 155.

156. DENY all other allegations contained in the Complaint, except to the extent admitted herein.

**FIRST AFFIRMATIVE DEFENSE**

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

**SECOND AFFIRMATIVE DEFENSE**

158. The Plaintiff's Complaint is not ripe for adjudication, as it rests upon contingent future events that may never occur.

**THIRD AFFIRMATIVE DEFENSE**

159. The injuries and/or damages, if any, alleged to have been suffered by the Plaintiff were caused, in whole or in part, or were contributed to, by the culpable conduct of the Plaintiff, or of other third parties who have not been named in this action, and without any negligence, fault or want of care on the part of the Defendants.

160. Any judgment entered against Defendants must be diminished by the proportion of fault attributed to Plaintiff and/or other third parties.

**FOURTH AFFIRMATIVE DEFENSE**

161. To the extent Plaintiff has suffered any injuries and/or damages as a result of the allegations set forth in Plaintiff's Complaint, all of which are denied, Plaintiff has failed to mitigate his injuries and/or damages.

**FIFTH AFFIRMATIVE DEFENSE**

162. Plaintiff has failed to satisfy conditions precedent to this suit.

**SIXTH AFFIRMATIVE DEFENSE**

163. The Defendant, and the employees and officers acting thereunder, are entitled to qualified immunity, as their actions did not violate clearly established constitutional or statutory rights of which a reasonable person would have known at the time of the incident(s) in question.



**WHEREFORE**, Defendants demand that Plaintiff's Complaint be dismissed with costs and disbursements, and such other and further relief as to the Court may seem just and proper.

Dated: May 17, 2021

**BARCLAY DAMON LLP**  
*Attorneys for Defendants*

By: /s/Teresa M. Bennett  
Teresa M. Bennett, Esq.  
*tbennett@barclaydamon.com*  
125 E Jefferson St,  
Syracuse, New York 13202  
Telephone: (315) 413-7111