

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

2014 SEP 19 AM 9:48

RICHARD JONES and ELIZABETH)
JONES, as the Administrators of the Estate of)
SARAH ELIZABETH JONES, deceased,)
)
Plaintiffs,)

Brian H. Hart

v.)

Civil Action No. STCV1400752

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 TRANSPORTATION, INC.; AND)
UNKNOWN CORPORATIONS A - Z;)
)
Defendants.)

**ANSWER, AFFIRMATIVE DEFENSES, AND DEMAND FOR JURY TRIAL OF
DEFENDANT DON MANDRIK**

Defendant Don Mandrik ("Mr. Mandrik"), by and through the undersigned counsel, hereby denies all liability to plaintiffs and responds to plaintiffs' complaint as follows:

I. INTRODUCTION

To the extent the paragraph following the header "I. INTRODUCTION" requires a response, Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

II. PARTIES

1. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

2. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
3. Mr. Mandrik agrees that Film Allman, LLC is a Georgia limited liability company. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
4. Mr. Mandrik agrees that Film Allman was established to produce *Midnight Rider*. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
5. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
6. Mr. Mandrik agrees that Unclaimed Freight was partially responsible for the production of *Midnight Rider*, but not the finance of *Midnight Rider*. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
7. Mr. Mandrik agrees that Randall Miller served as a producer, writer, and director of *Midnight Rider*. Mr. Mandrik agrees that Mr. Miller a co-owner of Unclaimed Freight. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
8. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
9. Mr. Mandrik agrees that Jody Savin served as a producer and writer of *Midnight Rider*. Mr. Mandrik agrees that Ms. Savin is a co-owner of Unclaimed Freight. Mr. Mandrik is

without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.

10. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
11. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
12. Mr. Mandrik agrees that Mr. Baxter served as the location manager for *Midnight Rider*. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
13. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
14. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
15. To the extent this paragraph requires a response, Mr. Mandrik agrees with the allegations in this paragraph of the complaint.
16. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
17. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
18. Mr. Mandrik denies that he served as Executive Producer for *Midnight Rider*, but agrees that he was credited as an Executive Producer for *Midnight Rider*. Mr. Mandrik denies that he may be served with process at the address listed in paragraph 18 of the complaint. Mr. Mandrik denies the remaining allegations of this paragraph.

19. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
20. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
21. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
22. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
23. Mr. Mandrik agrees that Open Road was to serve as the distributor for *Midnight Rider*. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
24. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
25. Mr. Mandrik agrees that Meddin Studios is a Georgia Limited Liability Company and agrees with the remaining allegations in this paragraph of the complaint.
26. Mr. Mandrik agrees that Meddin Studios provided production and filming equipment to *Midnight Rider*. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
27. Mr. Mandrik agrees that Jeffrey Gant was the co-founder of Meddin Studios. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
28. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

29. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
30. To the extent this paragraph requires a response, Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
31. Mr. Mandrik denies that Sarah Jones was working “alongside” Mr. Mandrik at the time of her death. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
32. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
33. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
34. Mr. Mandrik denies the allegations in this paragraph of the complaint.

III. JURISDICTION AND VENUE

35. Mr. Mandrik denies that venue is proper as to him, and thus denies the allegations in this paragraph of the complaint.

IV. FACTUAL ALLEGATIONS

36. Mr. Mandrik incorporates his affirmative defenses and prior responses in responding to this paragraph of the complaint.
37. Mr. Mandrik agrees with this allegation of the complaint.
38. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

39. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
40. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
41. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
42. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
43. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
44. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
45. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
46. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
47. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
48. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
49. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.

50. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
51. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
52. To the extent this paragraph contains any allegations of wrongdoing, Mr. Mandrik states as follows: with knowledge he now has, Mr. Mandrik agrees with the allegations in this paragraph of the complaint. However, as of February 20, 2014, Mr. Mandrik had no knowledge about the specifics of scenes being filmed, and had no knowledge of the scene described in this paragraph. Thus, Mr. Mandrik denies any allegations in this paragraph cast against him.
53. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
54. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
55. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
56. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
57. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

58. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
59. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
60. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
61. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
62. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
63. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
64. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
65. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
66. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
67. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
68. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

69. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
70. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
71. Mr. Mandrik denies the allegations cast against him in this paragraph of the complaint. Mr. Mandrik is without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph, and thus, those allegations are denied.
72. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
73. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
74. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
75. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
76. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
77. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
78. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

V. **ALLEGATIONS OF NEGLIGENCE**

79. Mr. Mandrik incorporates his affirmative defenses and prior responses in responding to this paragraph of the complaint.
80. Mr. Mandrik denies the allegations in this paragraph of the complaint.
81. Mr. Mandrik denies that he had any responsibility for the duties described in this paragraph of the complaint, and thus, denies all allegations cast against him in this paragraph of the complaint.
82. Mr. Mandrik denies that he had any responsibility for the duty described in this paragraph of the complaint, and thus, denies all allegations cast against him in this paragraph of the complaint.
83. Mr. Mandrik denies that he had any responsibility for the duty described in this paragraph of the complaint, and thus, denies all allegations cast against him in this paragraph of the complaint.
84. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
85. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
86. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
87. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.
88. Mr. Mandrik is without sufficient information or knowledge to admit or deny the allegations in this paragraph, and thus, those allegations are denied.

89. Mr. Mandrik denies that he had any responsibility for the duty described in this paragraph of the complaint, and thus, denies all allegations cast against him in this paragraph of the complaint.
90. Mr. Mandrik denies the allegations in this paragraph of the complaint.
91. Mr. Mandrik denies the allegations in this paragraph of the complaint.

VI. DAMAGES

92. Mr. Mandrik denies that plaintiffs are entitled to damages and denies the allegations found in this paragraph of the complaint.
93. Mr. Mandrik denies that plaintiffs are entitled to damages and denies the allegations found in this paragraph of the complaint.
94. Mr. Mandrik denies the paragraph following paragraph 94 of the complaint beginning with "WHEREFORE," including subparts 1-10, except that Mr. Mandrik also demands a jury trial.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs' Complaint fails to state a claim against Mr. Mandrik upon which relief may be granted.

SECOND DEFENSE

Venue is not proper as to Mr. Mandrik.

THIRD DEFENSE

Mr. Mandrik did not engage in any of the activities described in the Complaint in relation to the production of *Midnight Rider* which allegedly give rise to the causes of action alleged in the Complaint.

FOURTH DEFENSE

Plaintiffs' Complaint must be dismissed because Mr. Mandrik has no relationship, contractual or otherwise, to any other party to this case which would render it liable for the alleged acts or omissions of any other party to this case or any other person or entity that could be liable to Plaintiffs.

FIFTH DEFENSE

No act or omission of any person or entity involved in the production of *Midnight Rider* can be imputed to Mr. Mandrik and, therefore, Plaintiffs' Complaint must be dismissed.

SIXTH DEFENSE

No Plaintiff suffered any damages as a result of any act or omission by Mr. Mandrik or any of his agents, employees or representatives.

SEVENTH DEFENSE

Plaintiffs' claim for attorneys' fees is barred by the existence of bona fide controversies.

EIGHTH DEFENSE

Any injury allegedly suffered by Sarah Jones and/or Miss Jones' death were proximately caused by the actions or omissions of persons or entities other than Mr. Mandrik and fault must be apportioned among only at-fault persons or entities, including non-parties.

NINTH DEFENSE

Plaintiffs and/or Miss Jones caused or contributed to cause any and all damages allegedly sustained and any claims are barred under the doctrine of contributory and/or comparative negligence.

TENTH DEFENSE

Mr. Mandrik has not engaged in bad faith or been stubbornly litigious and an award of attorneys' fees is unwarranted.

ELEVENTH DEFENSE

Miss Jones did not exercise ordinary care for her own safety and assumed the risk of injury and, therefore, any and all claims against Mr. Mandrik are barred.

TWELFTH DEFENSE

The negligence of Miss Jones exceeded negligence of any other party who may have caused or contributed to cause the accident. Therefore, any claims are barred.

THIRTEENTH DEFENSE

Mr. Mandrik has not caused any Plaintiff unnecessary trouble and expense to warrant an award of attorney's fees.

FOURTEENTH DEFENSE

Plaintiffs' claim for punitive damages is barred and/or limited under Georgia law because Mr. Mandrik never acted intentionally, willfully, wantonly, recklessly or with conscious indifference to the consequences of its actions or the rights of others.

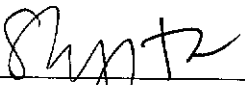
FIFTEENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of mistake, consent, waiver, release, estoppel, ratification, and/or acquiescence.

SIXTEENTH DEFENSE

Mr. Mandrik incorporates by reference, as if fully set forth herein, any affirmative defenses raised by any co-defendant that are applicable to him.

Respectfully submitted, this 18th day of September, 2014.



Robert Monyak, Esq.
Georgia Bar No. 517675
Suneel Gupta, Esq.
Georgia Bar No. 452203

PETERS & MONYAK, LLP
One Atlanta Plaza, Suite 2275



rmonyak@petersmonyak.com
sgupta@petersmonyak.com

Attorneys for Defendant Don Mandrik

**IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

RICHARD JONES and ELIZABETH)
JONES, as the Administrators of the Estate of)
SARAH ELIZABETH JONES, deceased,)
)
Plaintiffs,)

v.)

Civil Action No. STCV1400752

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 TRANSPORTATION, INC.; AND)
UNKNOWN CORPORATIONS A - Z;)
)
Defendants.)

CERTIFICATE OF SERVICE

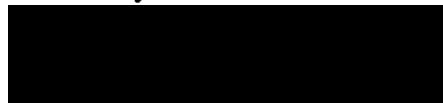
I HEREBY CERTIFY that I have this 18th day of September, 2014, served the Answer and Affirmative Defenses of Don Mandrik, via U.S. Mail, with sufficient postage affixed thereto and addressed as follows:

Jeffrey R. Harris, Esq.
Stephen G. Lowry, Esq.
Yvonne Godfrey, Esq.
Harris Penn Lowry LLP



Attorneys for Plaintiffs

S. Jahue Moore, Esq.
Moore Taylor Law Firm, P.A.
Attorney for Plaintiffs



Attorneys for Plaintiffs

Jones v. Film Allman, LLC, et al., Civil Action No. STCV1400752
Answer of Don Mandrik

Marvin S. Putnam, Esq.
Laura E. Robinson, Esq.
O'Melveny & Myers, LLP

Attorneys for Open Road Films

William J. Hunter, Esq.
Oliver Maner LLP

Attorneys for Jay Sedrish and Jay Sedrish, Inc.

Matthew G. McLaughlin, Esq.
McLaughlin & Loring

Attorneys for WME BI Holdings, LLC

Tracy O'Connell, Esq.
Ellis, Painter, Ratterree & Adams, LLP

Attorneys for Film Allman, LLC, Randall Miller, Unclaimed Freight Productions, Inc., Jody Savin, Hillary Schwartz and Mike Ozier

David Long Daniels, Esq.
Thomas J. Mazziotti, Esq.
Greenberg Traurig, LLP

Attorneys for Michael Lehman

Robert L. Joyce, Esq.
Littleton, Joyce, Ughetta, Park & Kelly LLP

Attorneys for Rayonier Performance Fibers, LLC

C. James McCallar, Jr., Esq.
McCallar Law Firm

Attorneys for Meddin Studios, LLC and Jeffrey N. Gant

Michael P. Milton, Esq.
Milton Leach Whitman D'Andrea

Attorneys for CSX Transportation, Inc.

David Long Daniels, Esq.
Thomas J. Mazziotti, Esq.
Greenberg Traurig, LLP

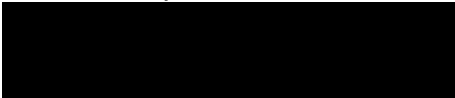
Attorneys for Gregory L. Allman

James B. Durham, Esq.
Durham & Rizzi, P.C.

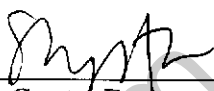
Attorneys for Rayonier Performance Fibers

Jones v. Film Allman, LLC, et al., Civil Action No. STCV1400752
Answer of Don Mandrik

Dana Braun, Esq.
Thomas E. Branch, III, Esq.
Callaway, Braun, Riddle & Hughes, PC

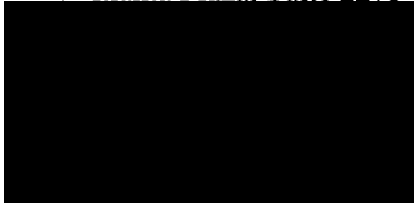


Attorneys for Open Road Films



Suneel Gupta, Esq.
Georgia Bar No. 452203

PETERS & MONYAK, LLP
One Atlanta Plaza, Suite 2275



Attorney for Defendant Don Mandrik

Deadline.com