

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ARMANDO PLIEGO GONZALEZ,)
SECOND AMENDMENT FOUNDATION,)
INC., and NEBRASKA FIREARMS OWNERS)
ASSOCIATION,)

Plaintiffs,)

vs.)

CITY OF OMAHA, NEBRASKA, a)
Municipal corporation, JIM SUTTLE,)
individually and in his official capacity as)
Mayor of Omaha, Nebraska, ALEX HAYES,)
individually and in his official capacity as Chief)
of Police of Omaha, Nebraska,)

Defendants.)

CASE NO. 8:11CV335

ANSWER

COME NOW the Defendants City of Omaha, Jim Suttle and Alex Hayes and for their Answer to Plaintiffs' Complaint state and allege as follows:

1. Defendants admit this Court has jurisdiction over the parties, except as set forth below, and claims and that venue is proper in this Court.
2. Defendants admit paragraphs 5, 6, 9, and 17 of Plaintiffs' Complaint.
3. Defendants are without proper or sufficient information to admit or deny the allegations set forth in paragraphs 2, 3, 4, 13, 14, 15, and 16.
4. Defendants deny each and every remaining allegation of Plaintiffs' Complaint and demand strict proof thereof, except for those allegations that constitute admissions against the Plaintiffs' interest.

AFFIRMATIVE DEFENSES

5. Defendants were in the process of amending its ordinances as of April 2011 and this lawsuit did not bring about any changes that were not already contemplated and in the process of being amended voluntarily by the City of Omaha.

6. Plaintiffs are not entitled to attorneys fees under *Buckhannon Board and Care Home v. West Va. Dept. of Health and Human Services*, 532 U.S. 598, 121 S.Ct. 1835, 149 L.Ed.2d 855 (2001) or any other theory of law.

WHEREFORE, having fully answered, the Defendants pray that Plaintiffs' Complaint be dismissed, the Defendants be awarded costs and attorney fees incurred in the defense of this matter and for such other and further relief as the Court deems just.

CITY OF OMAHA, et al.,
Defendant

/s/Michelle Peters

MICHELLE PETERS, No. 20021
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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2011, I electronically filed the foregoing ANSWER with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Bernie Glaser, GLASER LAW, 411 S. 13th Street, Ste. 327, Lincoln, NE 68508 , and David G. Sigale, LAW FIRM OF DAVID SIGALE, 739 Roosevelt Rd., Ste. 304, Glen Ellyn, IL 60137.

/s/Michelle Peters