

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

Civil Action No. 14-cv-03111-REB-KLM

JULIE REISKIN,
JON JAIME LEWIS,
WILLIAM JOE BEAVER,
DOUGLAS HOWEY,
DIANA MILNE,
TINA MCDONALD,
JOSÉ TORRES-VEGA,
RANDY KILBOURN,
JOHN BABCOCK,
KIMBERLEY JACKSON,
PAULINA BLACK,
RUTHIE MCNAIR,
VRLINA NOZLIÇ,
CHRIS QUINLAN,
CHERYL QUINLAN,
ELAINE CULPEPPER,
BIANCA GAMEL,
KEVIN GRIMSINGER, and
COLORADO CROSS-DISABILITY COALITION, a Colorado non-profit corporation,

Plaintiffs,

v.

REGIONAL TRANSPORTATION DISTRICT, a/k/a RTD, a political subdivision of the State of
Colorado

Defendant.

ANSWER TO THIRD AMENDED CLASS ACTION COMPLAINT AND COUNTERCLAIM

Defendant Regional Transportation District (“RTD”) answers the Third Amended

Complaint as follows:

RTD’S RESPONSE TO THIRD AMENDED COMPLAINT CLASS ACTION COMPLAINT

RTD responds to the Third Amended Class Action Complaint (“Third Amended Complaint”) with the following corresponding numbered paragraphs:

Introduction

1. No response is necessary to the statements in Paragraph 1 of the Third Amended Complaint because the statements are legal conclusions.

2. RTD admits that allegations in Paragraph 2 of the Third Amended Complaint.

3. RTD admits that the Americans with Disabilities Act was passed in 1990. No response is necessary to the last sentence of Paragraph 3 of the Third Amended Complaint because the statements are opinions or legal conclusions. RTD denies the balance of the allegations in Paragraph 3 of the Third Amended Complaint, if any.

4. RTD admits that the purpose of the Americans with Disabilities Act is included within the language of the statute. RTD denies the balance of the allegations in Paragraph 4 of the Third Amended Complaint, if any.

5. No response is necessary to the statements in Paragraph 5 of the Third Amended Complaint because the statements are legal conclusions.

6. RTD admits the statements in Paragraph 6 of the Third Amended Complaint, provided that the statute speaks for itself.

7. RTD admits that pursuant to the ADA, the Department of Transportation (“DOT”) has issued regulations implementing the statute and that those regulations speak for themselves. No response is necessary to the balance of Paragraph 7 of the Third Amended Complaint because the statements are legal conclusions or opinions.

8. RTD admits that certain provisions of 49 C.F.R. Part 38 apply to its light rail trains and that those regulations speak for themselves. No response is necessary to the balance of Paragraph 8 of the Third Amended Complaint because the statements are legal conclusions.

9. RTD admits that currently its website at <http://www.rtd-denver.com/FF-CentralCorridorLRT.shtml> states the following: “RTD light rail began revenue service on October 7, 1994. RTD’s first light rail line, the Central Corridor, runs from 30th Avenue and Downing through the Five Points Business District and downtown Denver, by the Auraria campus and then along railroad right-of-way to I-25 & Broadway.” RTD denies the balance of the allegations in Paragraph 9 of the Third Amended Complaint, if any.

10. RTD denies the allegations in Paragraph 10 of the Third Amended Complaint.

11. RTD denies the allegations in Paragraph 11 of the Third Amended Complaint.

12. RTD denies the allegations in Paragraph 12 of the Third Amended Complaint.

13. RTD denies the allegations in Paragraph 13 of the Third Amended Complaint.

14. RTD denies the allegations in Paragraph 14 of the Third Amended Complaint.

15. No response is necessary to the statements in Paragraph 15 of the Third Amended Complaint, which are a prayer for relief. RTD denies that Plaintiffs are entitled to the relief requested in Paragraph 15 of the Third Amended Complaint and denies any allegations in Paragraph 15, if any.

Jurisdiction and Venue

16. RTD admits the allegations in Paragraph 16 of the Third Amended Complaint.

17. RTD admits the allegations in Paragraph 17 of the Third Amended Complaint.

Parties

18. RTD admits the allegations in Paragraph 18 of the Third Amended Complaint.

19. RTD admits that Plaintiff is the Executive Director and a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

20. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 20 of the Third Amended Complaint and therefore denies the same.

21. RTD admits that Plaintiff works for and is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

22. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 22 of the Third Amended Complaint and therefore denies the same.

23. RTD admits that Plaintiff works for and is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

24. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 24 of the Third Amended Complaint and therefore denies the same.

25. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

26. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 26 of the Third Amended Complaint and therefore denies the same.

27. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

28. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 28 of the Third Amended Complaint and therefore denies the same.

29. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

30. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 30 of the Third Amended Complaint and therefore denies the same.

31. RTD admits that Plaintiff works for and is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

32. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 32 of the Third Amended Complaint and therefore denies the same.

33. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

34. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 34 of the Third Amended Complaint and therefore denies the same.

35. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

36. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 36 of the Third Amended Complaint and therefore denies the same.

37. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

38. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 38 of the Third Amended Complaint and therefore denies the same.

39. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

40. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 40 of the Third Amended Complaint and therefore denies the same.

41. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

42. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 42 of the Third Amended Complaint and therefore denies the same.

43. RTD admits that Plaintiff is a member of the Colorado Cross-Disability Coalition. RTD is without knowledge sufficient to form a belief as to the allegations regarding when Plaintiff became a member of the Colorado Cross-Disability Coalition and therefore denies the same.

44. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 44 of the Third Amended Complaint and therefore denies the same.

45. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 45 of the Third Amended Complaint and therefore denies the same.

46. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 46 of the Third Amended Complaint and therefore denies the same.

47. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 47 of the Third Amended Complaint and therefore denies the same.

48. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 48 of the Third Amended Complaint and therefore denies the same.

49. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 49 of the Third Amended Complaint and therefore denies the same.

50. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 50 of the Third Amended Complaint and therefore denies the same.

51. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 51 of the Third Amended Complaint and therefore denies the same.

52. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 52 of the Third Amended Complaint and therefore denies the same.

53. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 53 of the Third Amended Complaint and therefore denies the same.

54. RTD admits the allegations in Paragraph 54 of the Third Amended Complaint.

55. RTD admits the allegations in Paragraph 55 of the Third Amended Complaint.

56. RTD admits that RTD was created pursuant to Colorado state statute but denies the balance of the allegations in Paragraph 56 of the Third Amended Complaint.

57. RTD admits the allegations in Paragraph 57 of the Third Amended Complaint except for 28 C.F.R. § 35.102(b).

58. RTD admits that it receives federal financial assistance. RTD denies the balance of the allegations in Paragraph 58 of the Third Amended Complaint.

59. RTD admits the allegations in Paragraph 59 of the Third Amended Complaint.

60. RTD admits that it operates a service using “Light Rail,” as that term is defined in 49 C.F.R. § 37.3. RTD denies the balance of the allegations in Paragraph 60 of the Third Amended Complaint.

Facts

61. No response is necessary to the statements in Paragraph 61 of the Third Amended Complaint.

62. RTD admits that it has accepted delivery of light rail vehicles after January 25, 1992 but that some of its vehicles may have been ordered prior to that date. RTD denies the balance of the allegations in Paragraph 62 of the Third Amended Complaint, if any.

63. RTD denies the allegations in Paragraph 63 of the Third Amended Complaint.

64. RTD denies the allegations in Paragraph 64 of the Third Amended Complaint.

65. RTD admits that passengers who use wheelchairs board RTD’s light rail trains using a ramp that leads to the front door of the first car of each light rail train. RTD is without knowledge sufficient to answer the balance of the allegations in Paragraph 65 of the Third Amended Complaint and therefore denies the same.

66. RTD admits that when passengers who use wheelchairs board or exit in RTD light rail train, the train operator must get up from his or her seat, open the operator door and manually flip down a bridge plate that enables the passenger to enter or exit the train. RTD is without knowledge sufficient to answer the balance of the allegations in Paragraph 66 of the Third Amended Complaint and therefore denies the same.

67. RTD admits that it offers space to accommodate wheelchairs and mobility aids within the normal area available for standing passengers and also has two designated specific areas for wheelchairs on each of its light rail vehicles at either end of each vehicle and that such areas are designated with signs. RTD denies the balance of the allegations in Paragraph 67 of the Third Amended Complaint, if any.

68. RTD admits the allegations in Paragraph 68 of the Third Amended Complaint.

69. RTD admits that the areas designated for wheelchairs and mobility aids on RTD light rail vehicles are equipped with a seat that can be flipped up for a wheelchair or mobility aid to fit into that space. RTD denies the balance of the allegations in Paragraph 69 of the Third Amended Complaint, if any.

70. RTD denies the allegations in Paragraph 70 of the Third Amended Complaint.

71. RTD admits that the areas designated for wheelchairs and mobility aids on RTD light rail vehicles likely require a seat to be flipped up for a wheelchair or mobility aid to fit into that space. RTD denies the balance of the allegations in Paragraph 71 of the Third Amended Complaint, if any.

72. RTD denies the allegations in Paragraph 72 of the Third Amended Complaint.

73. RTD denies the allegations in Paragraph 73 of the Third Amended Complaint.

74. RTD admits that passengers may stand in any area of an RTD light rail vehicle other than the stairs or in the operator cab, and that RTD's light rail vehicles offer various handholds for passengers to use. RTD denies the balance of the allegations in Paragraph 74 of the Third Amended Complaint, if any.

75. RTD denies the allegations in Paragraph 75 of the Third Amended Complaint.

76. RTD admits that it posts signs in the first row of seating on either side of each light rail vehicle and at each end of each light rail vehicle designating the space for wheelchairs and mobility aids for the purpose of directing passengers to move to make room for passengers using wheelchairs and mobility aids. RTD further admits that it posts signs designating space for priority seating in the seats immediately behind the space designated for wheelchairs and mobility aids. RTD denies the balance of allegations in Paragraph 76 of the Third Amended Complaint, if any.

77. RTD denies the allegations in Paragraph 77 of the Third Amended Complaint.

78. RTD denies the allegations in Paragraph 78 of the Third Amended Complaint.

79. RTD denies the allegations in Paragraph 79 of the Third Amended Complaint.

80. RTD admits that it does not reserve the areas for wheelchairs and mobility aids but may ask passengers to move out of those areas to make room for a passenger using a wheelchair or mobility aid. RTD denies the balance of the allegations in Paragraph 80 of the Third Amended Complaint.

81. RTD denies the allegations in Paragraph 81 of the Third Amended Complaint.

82. RTD denies the allegations in Paragraph 82 of the Third Amended Complaint.

83. RTD denies the allegations in Paragraph 83 of the Third Amended Complaint.

84. RTD denies the allegations in Paragraph 84 of the Third Amended Complaint.

85. RTD denies the allegations in Paragraph 85 of the Third Amended Complaint.

86. RTD denies the allegations in Paragraph 86 of the Third Amended Complaint.

87. RTD admits the allegations in Paragraph 87 of the Third Amended Complaint.

88. RTD admits that passengers with bicycles are not supposed to ride with their bicycles in the area behind the operator cab but that RTD's light rail operators must follow RTD rules on boarding passengers waiting to board the front of the train from the ramp. RTD denies the balance of the allegations in Paragraph 88 of the Third Amended Complaint.

89. RTD denies the allegations in Paragraph 89 of the Third Amended Complaint.

90. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 90 of the Third Amended Complaint and therefore denies the same.

91. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 91 of the Third Amended Complaint and therefore denies the same.

92. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 92 of the Third Amended Complaint and therefore denies the same.

93. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 93 of the Third Amended Complaint and therefore denies the same.

94. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 94 of the Third Amended Complaint and therefore denies the same.

95. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 95 of the Third Amended Complaint and therefore denies the same.

96. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 96 of the Third Amended Complaint and therefore denies the same.

97. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 97 of the Third Amended Complaint and therefore denies the same.

98. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 98 of the Third Amended Complaint and therefore denies the same.

99. RTD denies the allegations in Paragraph 99 of the Third Amended Complaint.

100. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 100 of the Third Amended Complaint and therefore denies the same.

101. RTD denies the allegations in Paragraph 101 of the Third Amended Complaint.

102. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 102 of the Third Amended Complaint and therefore denies the same.

103. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 103 of the Third Amended Complaint and therefore denies the same.

104. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 104 of the Third Amended Complaint and therefore denies the same.

105. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 105 of the Third Amended Complaint and therefore denies the same.

106. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 106 of the Third Amended Complaint and therefore denies the same.

107. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 107 of the Third Amended Complaint and therefore denies the same.

108. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 108 of the Third Amended Complaint and therefore denies the same.

109. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 109 of the Third Amended Complaint and therefore denies the same.

110. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 110 of the Third Amended Complaint and therefore denies the same.

111. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 111 of the Third Amended Complaint and therefore denies the same.

112. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 112 of the Third Amended Complaint and therefore denies the same.

113. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 113 of the Third Amended Complaint and therefore denies the same.

114. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 114 of the Third Amended Complaint and therefore denies the same.

115. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 115 of the Third Amended Complaint and therefore denies the same.

116. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 116 of the Third Amended Complaint and therefore denies the same.

117. RTD denies the allegations in Paragraph 117 of the Third Amended Complaint.

118. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 118 of the Third Amended Complaint and therefore denies the same.

119. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 119 of the Third Amended Complaint and therefore denies the same.

120. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 120 of the Third Amended Complaint and therefore denies the same.

121. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 121 of the Third Amended Complaint and therefore denies the same.

122. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 122 of the Third Amended Complaint and therefore denies the same.

123. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 123 of the Third Amended Complaint and therefore denies the same.

124. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 124 of the Third Amended Complaint and therefore denies the same.

125. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 125 of the Third Amended Complaint and therefore denies the same.

126. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 126 of the Third Amended Complaint and therefore denies the same.

127. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 127 of the Third Amended Complaint and therefore denies the same.

128. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 128 of the Third Amended Complaint and therefore denies the same.

129. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 129 of the Third Amended Complaint and therefore denies the same.

130. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 130 of the Third Amended Complaint and therefore denies the same.

131. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 131 of the Third Amended Complaint and therefore denies the same.

132. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 132 of the Third Amended Complaint and therefore denies the same.

133. RTD denies the allegations in Paragraph 133 of the Third Amended Complaint.

134. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 134 of the Third Amended Complaint and therefore denies the same.

135. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 135 of the Third Amended Complaint and therefore denies the same.

136. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 136 of the Third Amended Complaint and therefore denies the same.

137. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 137 of the Third Amended Complaint and therefore denies the same.

138. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 138 of the Third Amended Complaint and therefore denies the same.

139. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 139 of the Third Amended Complaint and therefore denies the same.

140. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 140 of the Third Amended Complaint and therefore denies the same.

141. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 141 of the Third Amended Complaint and therefore denies the same.

142. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 142 of the Third Amended Complaint and therefore denies the same.

143. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 143 of the Third Amended Complaint and therefore denies the same.

144. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 144 of the Third Amended Complaint and therefore denies the same.

145. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 145 of the Third Amended Complaint and therefore denies the same.

146. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 146 of the Third Amended Complaint and therefore denies the same.

147. RTD denies the allegations in Paragraph 147 of the Third Amended Complaint.

148. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 148 of the Third Amended Complaint and therefore denies the same.

149. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 149 of the Third Amended Complaint and therefore denies the same.

150. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 150 of the Third Amended Complaint and therefore denies the same.

151. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 151 of the Third Amended Complaint and therefore denies the same.

152. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 152 of the Third Amended Complaint and therefore denies the same.

153. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 153 of the Third Amended Complaint and therefore denies the same.

154. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 154 of the Third Amended Complaint and therefore denies the same.

155. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 155 of the Third Amended Complaint and therefore denies the same.

156. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 156 of the Third Amended Complaint and therefore denies the same.

157. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 157 of the Third Amended Complaint and therefore denies the same.

158. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 158 of the Third Amended Complaint and therefore denies the same.

159. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 159 of the Third Amended Complaint and therefore denies the same.

160. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 160 of the Third Amended Complaint and therefore denies the same.

161. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 161 of the Third Amended Complaint and therefore denies the same.

162. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 162 of the Third Amended Complaint and therefore denies the same.

163. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 163 of the Third Amended Complaint and therefore denies the same.

164. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 164 of the Third Amended Complaint and therefore denies the same.

165. RTD denies the allegations in Paragraph 165 of the Third Amended Complaint.

166. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 166 of the Third Amended Complaint and therefore denies the same.

167. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 167 of the Third Amended Complaint and therefore denies the same.

168. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 168 of the Third Amended Complaint and therefore denies the same.

169. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 169 of the Third Amended Complaint and therefore denies the same.

170. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 170 of the Third Amended Complaint and therefore denies the same.

171. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 171 of the Third Amended Complaint and therefore denies the same.

172. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 172 of the Third Amended Complaint and therefore denies the same.

173. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 173 of the Third Amended Complaint and therefore denies the same.

174. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 174 of the Third Amended Complaint and therefore denies the same.

175. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 175 of the Third Amended Complaint and therefore denies the same.

176. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 176 of the Third Amended Complaint and therefore denies the same.

177. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 177 of the Third Amended Complaint and therefore denies the same.

178. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 178 of the Third Amended Complaint and therefore denies the same.

179. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 179 of the Third Amended Complaint and therefore denies the same.

180. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 180 of the Third Amended Complaint and therefore denies the same.

181. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 181 of the Third Amended Complaint and therefore denies the same.

182. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 182 of the Third Amended Complaint and therefore denies the same.

183. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 183 of the Third Amended Complaint and therefore denies the same.

184. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 184 of the Third Amended Complaint and therefore denies the same.

185. RTD denies the allegations in Paragraph 185 of the Third Amended Complaint.

186. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 186 of the Third Amended Complaint and therefore denies the same.

187. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 187 of the Third Amended Complaint and therefore denies the same.

188. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 188 of the Third Amended Complaint and therefore denies the same.

189. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 189 of the Third Amended Complaint and therefore denies the same.

190. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 190 of the Third Amended Complaint and therefore denies the same.

191. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 191 of the Third Amended Complaint and therefore denies the same.

192. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 192 of the Third Amended Complaint and therefore denies the same.

193. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 193 of the Third Amended Complaint and therefore denies the same.

194. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 194 of the Third Amended Complaint and therefore denies the same.

195. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 195 of the Third Amended Complaint and therefore denies the same.

196. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 196 of the Third Amended Complaint and therefore denies the same.

197. RTD denies the allegations in Paragraph 197 of the Third Amended Complaint.

198. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 198 of the Third Amended Complaint and therefore denies the same.

199. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 199 of the Third Amended Complaint and therefore denies the same.

200. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 200 of the Third Amended Complaint and therefore denies the same.

201. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 201 of the Third Amended Complaint and therefore denies the same.

202. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 202 of the Third Amended Complaint and therefore denies the same.

203. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 203 of the Third Amended Complaint and therefore denies the same.

204. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 204 of the Third Amended Complaint and therefore denies the same.

205. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 205 of the Third Amended Complaint and therefore denies the same.

206. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 206 of the Third Amended Complaint and therefore denies the same.

207. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 207 of the Third Amended Complaint and therefore denies the same.

208. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 208 of the Third Amended Complaint and therefore denies the same.

209. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 209 of the Third Amended Complaint and therefore denies the same.

210. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 210 of the Third Amended Complaint and therefore denies the same.

211. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 211 of the Third Amended Complaint and therefore denies the same.

212. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 212 of the Third Amended Complaint and therefore denies the same.

213. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 213 of the Third Amended Complaint and therefore denies the same.

214. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 214 of the Third Amended Complaint and therefore denies the same.

215. RTD denies the allegations in Paragraph 215 of the Third Amended Complaint.

216. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 216 of the Third Amended Complaint and therefore denies the same.

217. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 217 of the Third Amended Complaint and therefore denies the same.

218. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 218 of the Third Amended Complaint and therefore denies the same.

219. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 219 of the Third Amended Complaint and therefore denies the same.

220. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 220 of the Third Amended Complaint and therefore denies the same.

221. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 221 of the Third Amended Complaint and therefore denies the same.

222. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 222 of the Third Amended Complaint and therefore denies the same.

223. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 223 of the Third Amended Complaint and therefore denies the same.

224. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 224 of the Third Amended Complaint and therefore denies the same.

225. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 225 of the Third Amended Complaint and therefore denies the same.

226. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 226 of the Third Amended Complaint and therefore denies the same.

227. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 227 of the Third Amended Complaint and therefore denies the same.

228. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 228 of the Third Amended Complaint and therefore denies the same.

229. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 229 of the Third Amended Complaint and therefore denies the same.

230. RTD denies the allegations in Paragraph 230 of the Third Amended Complaint.

231. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 231 of the Third Amended Complaint and therefore denies the same.

232. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 232 of the Third Amended Complaint and therefore denies the same.

233. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 233 of the Third Amended Complaint and therefore denies the same.

234. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 234 of the Third Amended Complaint and therefore denies the same.

235. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 235 of the Third Amended Complaint and therefore denies the same.

236. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 236 of the Third Amended Complaint and therefore denies the same.

237. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 237 of the Third Amended Complaint and therefore denies the same.

238. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 238 of the Third Amended Complaint and therefore denies the same.

239. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 239 of the Third Amended Complaint and therefore denies the same.

240. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 240 of the Third Amended Complaint and therefore denies the same.

241. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 241 of the Third Amended Complaint and therefore denies the same.

242. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 242 of the Third Amended Complaint and therefore denies the same.

243. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 243 of the Third Amended Complaint and therefore denies the same.

244. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 244 of the Third Amended Complaint and therefore denies the same.

245. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 245 of the Third Amended Complaint and therefore denies the same.

246. RTD denies the allegations in Paragraph 246 of the Third Amended Complaint.

247. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 247 of the Third Amended Complaint and therefore denies the same.

248. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 248 of the Third Amended Complaint and therefore denies the same.

249. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 249 of the Third Amended Complaint and therefore denies the same.

250. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 250 of the Third Amended Complaint and therefore denies the same.

251. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 251 of the Third Amended Complaint and therefore denies the same.

252. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 252 of the Third Amended Complaint and therefore denies the same.

253. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 253 of the Third Amended Complaint and therefore denies the same.

254. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 254 of the Third Amended Complaint and therefore denies the same.

255. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 255 of the Third Amended Complaint and therefore denies the same.

256. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 256 of the Third Amended Complaint and therefore denies the same.

257. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 257 of the Third Amended Complaint and therefore denies the same.

258. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 258 of the Third Amended Complaint and therefore denies the same.

259. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 259 of the Third Amended Complaint and therefore denies the same.

260. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 260 of the Third Amended Complaint and therefore denies the same.

261. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 261 of the Third Amended Complaint and therefore denies the same.

262. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 262 of the Third Amended Complaint and therefore denies the same.

263. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 263 of the Third Amended Complaint and therefore denies the same.

264. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 264 of the Third Amended Complaint and therefore denies the same.

265. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 265 of the Third Amended Complaint and therefore denies the same.

266. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 266 of the Third Amended Complaint and therefore denies the same.

267. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 267 of the Third Amended Complaint and therefore denies the same.

268. RTD denies the allegations in Paragraph 268 of the Third Amended Complaint.

269. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 269 of the Third Amended Complaint and therefore denies the same.

270. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 270 of the Third Amended Complaint and therefore denies the same.

271. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 271 of the Third Amended Complaint and therefore denies the same.

272. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 272 of the Third Amended Complaint and therefore denies the same.

273. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 273 of the Third Amended Complaint and therefore denies the same.

274. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 274 of the Third Amended Complaint and therefore denies the same.

275. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 275 of the Third Amended Complaint and therefore denies the same.

276. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 276 of the Third Amended Complaint and therefore denies the same.

277. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 277 of the Third Amended Complaint and therefore denies the same.

278. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 278 of the Third Amended Complaint and therefore denies the same.

279. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 279 of the Third Amended Complaint and therefore denies the same.

280. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 280 of the Third Amended Complaint and therefore denies the same.

281. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 281 of the Third Amended Complaint and therefore denies the same.

282. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 282 of the Third Amended Complaint and therefore denies the same.

283. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 283 of the Third Amended Complaint and therefore denies the same.

284. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 284 of the Third Amended Complaint and therefore denies the same.

285. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 285 of the Third Amended Complaint and therefore denies the same.

286. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 286 of the Third Amended Complaint and therefore denies the same.

287. RTD denies the allegations in Paragraph 287 of the Third Amended Complaint.

288. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 288 of the Third Amended Complaint and therefore denies the same.

289. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 289 of the Third Amended Complaint and therefore denies the same.

290. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 290 of the Third Amended Complaint and therefore denies the same.

291. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 291 of the Third Amended Complaint and therefore denies the same.

292. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 292 of the Third Amended Complaint and therefore denies the same.

293. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 293 of the Third Amended Complaint and therefore denies the same.

294. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 294 of the Third Amended Complaint and therefore denies the same.

295. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 295 of the Third Amended Complaint and therefore denies the same.

296. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 296 of the Third Amended Complaint and therefore denies the same.

297. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 297 of the Third Amended Complaint and therefore denies the same.

298. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 298 of the Third Amended Complaint and therefore denies the same.

299. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 299 of the Third Amended Complaint and therefore denies the same.

300. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 300 of the Third Amended Complaint and therefore denies the same.

301. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 301 of the Third Amended Complaint and therefore denies the same.

302. RTD denies that there is not sufficient maneuvering clearance for other passengers. RTD is without knowledge sufficient to form a belief as to the balance of the allegations in Paragraph 302 of the Third Amended Complaint and therefore denies the same.

303. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 303 of the Third Amended Complaint and therefore denies the same.

304. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 304 of the Third Amended Complaint and therefore denies the same.

305. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 305 of the Third Amended Complaint and therefore denies the same.

306. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 306 of the Third Amended Complaint and therefore denies the same.

307. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 307 of the Third Amended Complaint and therefore denies the same.

308. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 308 of the Third Amended Complaint and therefore denies the same.

309. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 309 of the Third Amended Complaint and therefore denies the same.

310. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 310 of the Third Amended Complaint and therefore denies the same.

311. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 311 of the Third Amended Complaint and therefore denies the same.

312. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 312 of the Third Amended Complaint and therefore denies the same.

313. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 313 of the Third Amended Complaint and therefore denies the same.

314. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 314 of the Third Amended Complaint and therefore denies the same.

315. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 315 of the Third Amended Complaint and therefore denies the same.

316. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 316 of the Third Amended Complaint and therefore denies the same.

317. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 317 of the Third Amended Complaint and therefore denies the same.

318. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 318 of the Third Amended Complaint and therefore denies the same.

319. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 319 of the Third Amended Complaint and therefore denies the same.

320. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 320 of the Third Amended Complaint and therefore denies the same.

321. RTD denies the allegations in Paragraph 321 of the Third Amended Complaint.

322. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 322 of the Third Amended Complaint and therefore denies the same.

323. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 323 of the Third Amended Complaint and therefore denies the same.

324. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 324 of the Third Amended Complaint and therefore denies the same.

325. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 325 of the Third Amended Complaint and therefore denies the same.

326. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 326 of the Third Amended Complaint and therefore denies the same.

327. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 327 of the Third Amended Complaint and therefore denies the same.

328. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 328 of the Third Amended Complaint and therefore denies the same.

329. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 329 of the Third Amended Complaint and therefore denies the same.

330. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 330 of the Third Amended Complaint and therefore denies the same.

331. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 331 of the Third Amended Complaint and therefore denies the same.

332. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 332 of the Third Amended Complaint and therefore denies the same.

333. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 333 of the Third Amended Complaint and therefore denies the same.

334. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 334 of the Third Amended Complaint and therefore denies the same.

335. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 335 of the Third Amended Complaint and therefore denies the same.

336. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 336 of the Third Amended Complaint and therefore denies the same.

337. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 337 of the Third Amended Complaint and therefore denies the same.

338. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 338 of the Third Amended Complaint and therefore denies the same.

339. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 339 of the Third Amended Complaint and therefore denies the same.

340. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 340 of the Third Amended Complaint and therefore denies the same.

341. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 341 of the Third Amended Complaint and therefore denies the same.

342. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 342 of the Third Amended Complaint and therefore denies the same.

343. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 343 of the Third Amended Complaint and therefore denies the same.

344. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 344 of the Third Amended Complaint and therefore denies the same.

345. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 345 of the Third Amended Complaint and therefore denies the same.

346. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 346 of the Third Amended Complaint and therefore denies the same.

347. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 347 of the Third Amended Complaint and therefore denies the same.

348. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 348 of the Third Amended Complaint and therefore denies the same.

349. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 349 of the Third Amended Complaint and therefore denies the same.

350. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 350 of the Third Amended Complaint and therefore denies the same.

351. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 351 of the Third Amended Complaint and therefore denies the same.

352. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 352 of the Third Amended Complaint and therefore denies the same.

353. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 353 of the Third Amended Complaint and therefore denies the same.

354. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 354 of the Third Amended Complaint and therefore denies the same.

355. RTD denies the allegations in Paragraph 355 of the Third Amended Complaint.

356. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 356 of the Third Amended Complaint and therefore denies the same.

357. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 357 of the Third Amended Complaint and therefore denies the same.

358. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 358 of the Third Amended Complaint and therefore denies the same.

359. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 359 of the Third Amended Complaint and therefore denies the same.

360. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 360 of the Third Amended Complaint and therefore denies the same.

361. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 361 of the Third Amended Complaint and therefore denies the same.

362. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 362 of the Third Amended Complaint and therefore denies the same.

363. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 363 of the Third Amended Complaint and therefore denies the same.

364. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 364 of the Third Amended Complaint and therefore denies the same.

365. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 365 of the Third Amended Complaint and therefore denies the same.

366. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 366 of the Third Amended Complaint and therefore denies the same.

367. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 367 of the Third Amended Complaint and therefore denies the same.

368. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 368 of the Third Amended Complaint and therefore denies the same.

369. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 369 of the Third Amended Complaint and therefore denies the same.

370. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 370 of the Third Amended Complaint and therefore denies the same.

371. RTD denies the allegations in Paragraph 371 of the Third Amended Complaint.

372. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 372 of the Third Amended Complaint and therefore denies the same.

373. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 373 of the Third Amended Complaint and therefore denies the same.

374. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 374 of the Third Amended Complaint and therefore denies the same.

375. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 375 of the Third Amended Complaint and therefore denies the same.

376. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 376 of the Third Amended Complaint and therefore denies the same.

377. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 377 of the Third Amended Complaint and therefore denies the same.

378. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 378 of the Third Amended Complaint and therefore denies the same.

379. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 379 of the Third Amended Complaint and therefore denies the same.

380. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 380 of the Third Amended Complaint and therefore denies the same.

381. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 381 of the Third Amended Complaint and therefore denies the same.

382. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 382 of the Third Amended Complaint and therefore denies the same.

383. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 383 of the Third Amended Complaint and therefore denies the same.

384. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 384 of the Third Amended Complaint and therefore denies the same.

385. RTD denies the allegations in Paragraph 385 of the Third Amended Complaint.

386. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 386 of the Third Amended Complaint and therefore denies the same.

387. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 387 of the Third Amended Complaint and therefore denies the same.

388. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 388 of the Third Amended Complaint and therefore denies the same.

389. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 389 of the Third Amended Complaint and therefore denies the same.

390. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 390 of the Third Amended Complaint and therefore denies the same.

391. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 391 of the Third Amended Complaint and therefore denies the same.

392. RTD denies the allegations in Paragraph 392 of the Third Amended Complaint.

393. RTD admits the allegations in Paragraph 393 of the Third Amended Complaint.

394. RTD is without knowledge sufficient to form a belief as to the allegations in the first sentence in Paragraph 394 of the Third Amended Complaint and therefore denies the same. RTD denies the allegations in the second sentence in Paragraph 394 of the Third Amended Complaint.

395. RTD denies the allegations in Paragraph 395 of the Third Amended Complaint.

396. RTD denies the allegations in Paragraph 396 of the Third Amended Complaint.

397. RTD denies the allegations in Paragraph 397 of the Third Amended Complaint.

398. RTD denies the allegations in Paragraph 398 of the Third Amended Complaint.

Class Action Allegations

399. RTD denies the allegations in Paragraph 399 of the Third Amended Complaint.

400. RTD denies the allegations in Paragraph 400 of the Third Amended Complaint.

401. RTD denies the allegations in Paragraph 401 of the Third Amended Complaint.

402. RTD denies the allegations in Paragraph 402 of the Third Amended Complaint.

403. RTD denies the allegations in Paragraph 403 of the Third Amended Complaint.

404. RTD denies the allegations in Paragraph 404 of the Third Amended Complaint.

405. RTD disputes that the Individual Plaintiffs are part of a class. RTD further disputes that any Plaintiff should be permitted to maintain this action as a class action, or that a class should be certified pursuant to Fed. R. Civ. P. 23(b)(2). RTD denies the balance of the allegations in Paragraph 406 of the Third Amended Complaint.

406. RTD disputes that the Individual Plaintiffs are part of a class. RTD further disputes that any Plaintiff should be permitted to maintain this action as a class action, or that a class should be certified pursuant to Fed. R. Civ. P. 23(b)(2). RTD denies the balance of the allegations in Paragraph 407 of the Third Amended Complaint.

First Claim for Relief
(ADA)

407. No response is necessary to the statements in Paragraph 407 of the Third Amended Complaint. RTD incorporates its responses to Paragraphs 1 through 407 of the Third Amended Complaint as if fully set forth herein.

408. No response is necessary to the statements in Paragraph 408 of the Third Amended Complaint because the statements are legal conclusions.

409. No response is necessary to the statements in Paragraph 409 of the Third Amended Complaint because the statements are legal conclusions.

410. RTD is without knowledge sufficient to form a belief as to the allegations in Paragraph 410 of the Third Amended Complaint and therefore denies the same.

411. No response is necessary to the statements in Paragraph 411 of the Third Amended Complaint because the statements are legal conclusions.

412. No response is necessary to the statements in Paragraph 412 of the Third Amended Complaint because the statements are legal conclusions.

413. No response is necessary to the statements in Paragraph 413 of the Third Amended Complaint because the statements are legal conclusions.

414. No response is necessary to the statements in Paragraph 414 of the Third Amended Complaint because the statements are legal conclusions.

415. RTD admits that RTD offers space to accommodate wheelchairs and mobility aids within the normal area available for standing passengers and also has two designated specific spaces for wheelchairs on each of its light rail vehicles at either end of each vehicle. RTD further admits that the designated specific spaces for wheelchairs and mobility aids likely require a seat to be flipped up for a wheelchair to fit into that space. RTD denies the balance of the allegations in Paragraph 415 of the Third Amended Complaint.

416. RTD denies the allegations in Paragraph 416 of the Third Amended Complaint.

417. RTD denies the allegations in Paragraph 417 of the Third Amended Complaint.

418. No response is necessary to the statements in Paragraph 418 of the Third Amended Complaint because the statements are legal conclusions.

419. No response is necessary to the statements in Paragraph 419 of the Third Amended Complaint because the statements are legal conclusions.

420. RTD admits that RTD light rail vehicles have two types of signs for purposes of complying with the ADA regulations – one designating priority seating and one designating an area for wheelchairs and mobility aids, and these signs are horizontally adjacent to each other above the first and second rows of seats. RTD admits that previously, RTD light rail vehicles had two types of signs for purposes of complying with the ADA regulations – one designating priority seating and one designating an area for wheelchairs and mobility aids – but those signs were

vertically adjacent to each other above the first row of seats. RTD denies the allegations in Paragraph 420 of the Third Amended Complaint.

421. RTD denies the allegations in Paragraph 421 of the Third Amended Complaint.

422. RTD admits the allegations in Paragraph 422 of the Third Amended Complaint except that RTD does not reserve the areas for wheelchairs and mobility aids but may ask passengers to move out of those areas to make room for a passenger using a wheelchair or mobility aid. RTD denies the balance of the allegations in Paragraph 422 of the Third Amended Complaint, if any.

423. RTD admits that passengers using strollers may board light rail trains using the high block or ramp at the front of the train but may have to move out of the wheelchair locations and priority seating if needed by an individual with a disability. RTD denies the balance of the allegations in Paragraph 423 of the Third Amended Complaint, if any.

424. RTD denies the allegations in Paragraph 424 of the Third Amended Complaint.

425. RTD denies the allegations in Paragraph 425 of the Third Amended Complaint.

426. RTD denies the allegations in Paragraph 426 of the Third Amended Complaint.

427. RTD denies the allegations in Paragraph 427 of the Third Amended Complaint.

428. RTD denies the allegations in Paragraph 428 of the Third Amended Complaint.

429. RTD denies the allegations in Paragraph 429 of the Third Amended Complaint.

430. RTD denies the allegations in Paragraph 430 of the Third Amended Complaint.

431. RTD denies the allegations in Paragraph 431 of the Third Amended Complaint.

432. RTD denies the allegations in Paragraph 432 of the Third Amended Complaint.

Second Claim for Relief
(Section 504)

433. No response is necessary to the statements in Paragraph 433 of the Third Amended Complaint. RTD incorporates its responses to Paragraphs 1 through 433 of the Third Amended Complaint as if fully set forth herein.

434. No response is necessary to the statements in Paragraph 434 of the Complaint because the statements are legal conclusions.

435. RTD admits the allegations in Paragraph 435 of the Third Amended Complaint.

436. No response is necessary to the statements in Paragraph 436 of the Third Amended Complaint because the statements are legal conclusions.

437. RTD admits that it receives federal financial assistance from the Department of Transportation. RTD denies the balance of the allegations in Paragraph 437 of the Third Amended Complaint, if any.

438. No response is necessary to the statements in Paragraph 438 of the Third Amended Complaint because the statements are legal conclusions.

439. RTD denies the allegations in Paragraph 439 of the Third Amended Complaint.

440. No response is necessary to the statements in Paragraph 440 of the Third Amended Complaint because the statements are legal conclusions.

441. RTD denies the allegations in Paragraph 441 of the Third Amended Complaint.

442. RTD denies the allegations in Paragraph 442 of the Third Amended Complaint.

443. RTD denies the allegations in Paragraph 443 of the Third Amended Complaint.

444. RTD denies the allegations in Paragraph 444 of the Third Amended Complaint.

Prayer for Relief

RTD denies that Plaintiffs are entitled to any relief whatsoever. RTD further requests that the Court deny Plaintiffs' request to certify a class or to issue an injunction.

To the extent that a response is necessary as to any allegation in the Third Amended Complaint, RTD therefore specifically denies such allegation.

ADDITIONAL DEFENSES

RTD asserts the following additional defenses, and in so asserting the following defenses, RTD does not necessarily admit that it has the burden of proof concerning those defenses:

1. There is no case or controversy and this court lacks subject matter jurisdiction because one or more of the plaintiffs lack standing to assert one or more claims or to seek one or more types of relief. No plaintiff has suffered an injury that can be remedied by an injunction against RTD.

2. Plaintiffs have failed to state a claim or cause of action.

3. RTD acted at all times in good faith, and RTD's decisions and actions were based on legitimate, non-discriminatory business reasons.

4. One or more of the Plaintiffs failed to mitigate damages, if any.

5. Plaintiffs' claims are barred in whole or in part by Plaintiffs' failure to give notice. Plaintiffs have not submitted a complaint to RTD that notified RTD that any of the Plaintiffs were denied access to RTD's light rail service.

6. Plaintiffs' claims are barred in whole or in part by the doctrines of waiver, estoppel, laches, or res judicata.

7. The claims brought by Plaintiffs CCDC, Reiskin, Howey, and Lewis are barred by a release of claims.

8. Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations.

9. RTD has an effective policy and trains its employees to proficiency, all in compliance with applicable federal regulations.

10. RTD is overseen by the Federal Transit Administration, an agency of the U.S. Department of Transportation, which has reviewed and audited RTD for compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

11. One or more of the claims is not ripe or is, or will become, moot.

12. RTD offers space to accommodate wheelchairs and mobility aids within the area available for use by standing passengers. In addition, RTD has designated spaces for wheelchairs and mobility aids on each of its light rail vehicles. The spaces available for wheelchairs and mobility aids do not unduly restrict passenger flow.

13. One or more third parties may be liable for the Plaintiffs' claims.

14. RTD was not aware that its light rail vehicles allegedly failed to provide adequate space to accommodate wheelchairs and mobility aids.

15. This Court should not certify a class in accordance with Fed. R. Civ. P. 23(b)(2).

16. Plaintiffs do not satisfy the requirements for a class action pursuant to Fed. R. Civ. P. 23(a).

17. Plaintiffs have not specified what injunctive relief would be necessary to bring RTD into compliance with the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

18. A claim for attorneys' fees under Colo. Rev. Stat. § 13-17-101 cannot be brought as a substantive claim.

19. The injunctive relief that Plaintiffs are demanding may result in an undue financial and administrative burden for RTD.

WHEREFORE, having answered the Complaint, RTD respectfully requests this Court to enter judgment in RTD's favor against Plaintiffs; dismiss Plaintiffs' Complaint with prejudice; and award RTD's costs, attorneys' fees, and all other relief to which RTD may be entitled.

COUNTERCLAIM OF RTD AGAINST COLORADO CROSS-DISABILITY COALITION, JULIE REISKIN, DOUGLAS HOWEY AND JON JAIME LEWIS

Defendant RTD, pursuant to Fed. R. Civ. P. 13, asserts the following counterclaim against Plaintiffs Colorado Cross-Disability Coalition (“CCDC”), Julie Reiskin, Douglas Howey and Jon Jaime Lewis:

Jurisdiction and Venue

1. At all times relevant to this action, CCDC was and is a nonprofit corporation with its principal offices in Denver, Colorado.
2. At all times relevant to this action, Plaintiffs Julie Reiskin, Douglas Howey and Jon Jaime Lewis are individuals with their permanent places of residence in the State of Colorado.
3. RTD is a statutory political subdivision of the State of Colorado with its main administrative offices in Denver, Colorado.
4. The Court has jurisdiction over this matter pursuant to Fed. R. Civ. P. 13 and 28 U.S.C. § 1367(a).
5. The Court has venue over this matter pursuant to 28 U.S.C. § 1391.

General Allegations

6. On or about February 20, 2014, RTD, CCDC, Julie Reiskin, Douglas Howey and Jon Jaime Lewis entered into a settlement agreement or contract in which CCDC, Reiskin, Howey and Lewis released certain legal claims and made other promises including without limitation a covenant not to sue or encourage litigation in exchange for RTD’s payment of \$75,000 and agreement to make certain changes to its bus service.
7. The settlement agreement executed by RTD, CCDC, Reiskin, Howey and Lewis is attached hereto as Exhibit A.

8. RTD has fully performed its obligations under the settlement agreement.

9. On or about November 18, 2014, CCDC, Reiskin, Howey and Lewis filed a lawsuit in which they asserted legal claims against RTD, which legal claims they had released in the settlement agreement on behalf of themselves and “their successors, officers, affiliates, subrogees, principals, agents, partners, employees, associates, attorneys, representatives and assigns.”.

**Claim for Relief
(Breach of Contract)**

10. RTD hereby incorporates by reference all other paragraphs in this counterclaim.

11. By asserting legal claims against RTD that the parties had intended to be released in the settlement agreement, CCDC, Reiskin, Howey and Lewis have breached the settlement agreement or contract with RTD.

12. As a direct and proximate result of their breach of the settlement agreement, RTD has suffered damages and losses.

Prayer for Relief

For all of these reasons, RTD respectfully requests that this Court enter judgment for RTD and against CCDC, Reiskin, Howey and Lewis as follows:

- a. Award actual damages in an amount to be proved at trial;
- b. Award pre-judgment interest on such award of damages from the date of breach;
- c. Award post-judgment interest;
- d. Award costs including without limitation attorneys’ fees; and
- e. Order such other and further relief as this Court deems just and proper.

JURY DEMAND

DEFENDANT DEMANDS A JURY TRIAL OF THE ISSUES SO TRIABLE.

Respectfully submitted: June 30, 2015.

REGIONAL TRANSPORTATION DISTRICT

By: /s/ Jenifer M. Ross-Amato

Jenifer Ross-Amato, No. 34665

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This document was filed electronically. The original document and signature are on file in the undersigned attorney's office.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO THIRD AMENDED COMPLAINT AND COUNTERCLAIM was served via email on June 30, 2015 addressed to:

Kevin W. Williams kwilliams@ccdconline.org

Andrew C. Montoya amontoya@ccdconline.org

Colorado Cross-Disability Coalition

/s/ Jenifer Ross-Amato _____

Jenifer Ross-Amato

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