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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MIDDLE DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

TINA LAWLER,)	
)	
Plaintiff,)	
v.)	
)	CASE NO.: 99-65-CIV-OC-10C
)	
SUMTER ELECTRIC COOPERATIVE, INC.,)	
)	
Defendant.)	
_____)	

ANSWER

Defendant Sumter Electric Cooperative, Inc. ("Defendant" or "Sumter") answers the Complaint in the captioned case as follows:

FIRST DEFENSE

Some or all of the Complaint fails to state a claim for which relief can be granted.

SECOND DEFENSE

To the extent that Plaintiff's claims are based on events alleged to have occurred more than 300 days before the filing of her charge of discrimination, such claims are time-barred.

THIRD DEFENSE

Some or all of Plaintiff's claims may be barred by her failure to comply with the procedural prerequisites to suit.

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FOURTH DEFENSE

Plaintiff has failed to mitigate her alleged damages, the entitlement to which is expressly denied.

FIFTH DEFENSE

Some or all of Plaintiff's claims are barred by the applicable statute(s) of limitations.

SIXTH DEFENSE

Defendant has a policy that prohibits harassment, which it uniformly enforces. Defendant exercised reasonable care to prevent and promptly correct any harassing behavior, and Plaintiff unreasonably failed to avail herself of preventative and corrective opportunities provided by Defendant or to otherwise avoid harm.

SEVENTH DEFENSE

In response to the separately numbered paragraphs of the Complaint, Defendant answers further as follows:

1.

Defendant admits only that the Court has jurisdiction over this action, but denies that it has committed any violation of law.

2.

Based on information and belief, Defendant admits the allegations in Paragraph 2 of the Complaint.

3.

Defendant avers that Plaintiff is currently an employee of Sumter, and works in the Cooperative's facility in Inverness, Florida; Defendant otherwise admits the allegations in Paragraph 3 of the Complaint.

4.

Defendant admits only that Defendant has a facility in Sumter County, Florida. Defendant denies that it committed any unlawful act at that or any other location, and further denies the remaining allegations in Paragraph 4 of the Complaint.

5.

Defendant denies that it employed in excess of 250 employees during all relevant times. Defendant admits the remaining allegations in Paragraph 5 of the Complaint.

6.

Defendant admits only that Plaintiff has attached what purports to be a Notice of Right to Sue from the Equal Employment Opportunity Commission as Exhibit A to her Complaint. Defendant denies the remaining allegations in Paragraph 6 of the Complaint.

7.

Defendant admits the allegations in Paragraph 7 of the Complaint.

COUNT I – CHAPTER 760

8.

Defendant restates its previous answers to Paragraphs 1 through 7 of the Complaint.

9.

Defendant admits only that Plaintiff purports to bring this action pursuant to the Florida Civil Rights Act, § 760.10, Fla. Stat. ("FCRA"). Defendant denies that this action is proper under the FCRA, and further denies the remaining allegations in Paragraph 9 of the Complaint.

10.

Defendant admits only that Plaintiff currently earns \$13.15 per hour at Sumter. Defendant denies the remaining allegations in Paragraph 10 of the Complaint.

11.

Defendant admits only that it discharged Jon Perry in August 1993 following an internal investigation that uncovered evidence that Mr. Perry may have engaged in unprofessional conduct toward Plaintiff. Defendant denies the remaining allegations in Paragraph 11 of the Complaint, including the allegations set forth in subparts (a) through (d).

12.

Defendant denies the allegations in Paragraph 12 of the Complaint.

13.

Defendant denies the allegations, express or implied, in Paragraph 13 of the Complaint.

14.

Defendant denies the allegations in Paragraph 14 of the Complaint.

15.

Defendant denies the allegations in Paragraph 15 of the Complaint.

16.

Defendant denies the allegations in Paragraph 16 of the Complaint.

17.

Defendant denies the allegations in Paragraph 17 of the Complaint, including the allegations set forth in subparts (a) through (c).

Defendant admits only that Plaintiff seeks the relief requested in subparts (a) through (d), but denies that any judgment or relief should be granted to Plaintiff.

COUNT II – TITLE VII

18.

Defendant restates its previous answers to Paragraphs 1 through 7 and 10 through 17 of the Complaint.

19.

Defendant admits only that Plaintiff purports to bring this action under Title VII of the Civil Rights Act of 1964. Defendant denies that it has committed any violation of law, and further denies the remaining allegations in Paragraph 19 of the Complaint.

20.

Defendant denies the allegations in Paragraph 20 of the Complaint.

21.

Defendant denies the allegations in Paragraph 21 of the Complaint.

Defendant admits only that Plaintiff seeks the relief requested in subparts (a) through (d), but denies that any judgment or relief should be granted to Plaintiff.

22.

Defendant denies each and every allegation contained in Plaintiff's Complaint, express or implied, that is not expressly and unequivocally admitted in this Answer.

Wherefore, Defendant respectfully requests that:

1. Plaintiff takes nothing by her Complaint, and that the Complaint be dismissed in its entirety;
2. Judgment be entered in favor of Defendant;
3. The Court award Defendant its costs of litigation including reasonable attorneys' fees;
4. The Court grant such other relief as is just and proper.

Respectfully submitted,



John F. Wymér, III
Georgia Bar No. 779418
Trial Attorney
**Powell, Goldstein, Frazer &
Murphy LLP**
Sixteenth Floor
191 Peachtree Street, NE
Atlanta, GA 30303
(404) 572-6600
Jona J. Miller
Florida Bar No. 0990507

**Powell, Goldstein, Frazer &
Murphy LLP**

225 Heron's Run Dr.

#627

Sarasota, Florida 34232

(941) 379-9140

Attorneys for Defendant

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Plaintiff,)	
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SUMTER ELECTRIC COOPERATIVE, INC.,)	
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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record in the foregoing matter with a copy of **DEFENDANT'S ANSWER** by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon as follows:

James P. Tarquin, Esq.
44 S.E. 1st Avenue, Suite 306
Ocala, Florida
34471

This 23rd day of April, 1999.



Jona J. Miller

Attorney for Defendant