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4 IN THE SUPERIOR COURT OF THE STATE OF MAJOR
5 IN AND FOR THE COUNTY OF JAMNER
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7 RUFUS JONES,

8 Plaintiff,

9 v.

10 BRAHMIN PREPARATORY
11 SCHOOL,

12 Defendant.
13

Cause No. 20XX - 2-99324

ANSWER

14 Defendant Brahmin Preparatory School ("Brahmin"), by and through
15 their attorneys, answer plaintiff's Complaint for Damages ("the Complaint")
16 and assert defenses and affirmative defenses as follows:
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18 **I. PARTIES, JURISDICTION AND VENUE**

19 1.1 Brahmin admits that according to school records, plaintiff's
20 home address is in Jamner County and that he is an African American.
21 Except as so admitted Brahmin is without sufficient information to form a
22 belief as to the truth or falsity of the allegations contained in Paragraph 1 of
23 the Complaint, and Brahmin accordingly denies those allegations.

24 1.2 Brahmin is a 501(c)(3) nonprofit corporation located in Jamner
25 County, Major. Except as specifically admitted, the remaining allegations of
26 Paragraph 2 are denied.
27

1 1.3 Paragraph 3 of the Complaint states a legal conclusion for which
2 no answer is required, and Brahmin accordingly denies the allegations of this
3 paragraph.

4 1.4 Paragraph 4 of the Complaint states a legal conclusion for which
5 no answer is required, and Brahmin accordingly denies the allegations of this
6 paragraph.

7 **II. FACTS REGARDING BRAHMIN SCHOOL AND ITS AGENTS**

8 2.1 Brahmin is an employer. Except as specifically admitted,
9 Paragraph 2.1 of the Complaint states a legal conclusion for which no
10 answer is required.

11 2.2 Francis Winslow is currently the principal of Brahmin. Except as
12 specifically admitted, the remaining allegations of Paragraph 2.2 are denied.

13 2.3 Brahmin admits the allegation of Paragraph 2.3.

14 **III. FACTS REGARDING PLAINTIFF**

15 3.1 Brahmin admits the allegations of Paragraph 3.1.

16 3.2 Brahmin admits that plaintiff and Brahmin entered into an
17 employment contract. Except as specifically admitted, the remaining
18 allegations of Paragraph 3.2 are denied.

19 3.3 Brahmin admits that meetings were held during this time period,
20 including discussion of diversity related issues. Except as specifically
21 admitted, the remaining allegations of Paragraph 3.3 are denied.

22 3.4 Brahmin denies the allegations of Paragraph 3.4.

23 3.5 Brahmin admits that Robin Peterson is a teacher at the school
24 who sent an e-mail on April 15, 20XX-3. Except as specifically admitted, the
25 remaining allegations of Paragraph 3.5 are denied.
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1 3.6 Brahmin admits the allegations in Paragraph 3.6.

2 3.7 Brahmin admits the allegations in Paragraph 3.7.

3 3.8 Brahmin admits that during the September 30, 20XX-2 meeting
4 plaintiff raised his objection to Brahmin's invitation to Walther von Stroheim
5 to campus for an endowed lecture. Brahmin admits that plaintiff told the
6 audience that von Stroheim had offensive views. Except as specifically
7 admitted, the remaining allegations of Paragraph 3.8 are denied.

8 3.9 Brahmin admits that a white male colleague was upset with
9 plaintiff. Except as specifically admitted, the remaining allegations of
10 Paragraph 3.9 are denied.

11 3.10 Brahmin admits that Vice-Principal Lynn Polonius suggested that
12 plaintiff apologize for his comments at the meeting. Except as specifically
13 admitted, the remaining allegations of Paragraph 3.10 are denied.

14 3.11 Brahmin admits that it rescinded the invitation to von Stroheim.
15 Except as specifically admitted, the remaining allegations of Paragraph 3.11
16 are denied.

17 3.12 Brahmin is without sufficient information to form a belief as to
18 the truth or falsity of the allegations of Paragraph 3.12, and accordingly
19 denies those allegations.
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21 **IV. FIRST CAUSE OF ACTION BY PLAINTIFF – RACIAL HOSTILE WORK**
22 **ENVIRONMENT**

23 4.1 Brahmin restates and incorporates by reference paragraphs 1.1
24 through 3.12 above.

25 4.2 Brahmin denies the allegations set forth in Paragraph 4.2 of the
26 Complaint.
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1 4.3 Brahmin denies the allegations set forth in Paragraph 4.3 of the
2 Complaint.

3 4.4 Brahmin denies the allegations set forth in Paragraph 4.4 of the
4 Complaint.

5 **V. SECOND CAUSE OF ACTION – RACE DISCRIMINATION**

6 5.1 Brahmin restates and incorporates by reference paragraphs 1.1
7 through 3.12 above.

8 5.2 Brahmin denies the allegations set forth in Paragraph 5.2 of the
9 Complaint.

10 5.3 Brahmin denies the allegations set forth in Paragraph 5.3 of the
11 Complaint.

12 **VI. THIRD CAUSE OF ACTION BY PLAINTIFF -- RETALIATION**

13 6.1 Brahmin restates and incorporates by reference 1.1 through 3.12
14 above.

15 6.2 Brahmin denies the allegations set forth in Paragraph 6.2 of the
16 Complaint.

17 6.3 Brahmin denies the allegations set forth in Paragraph 6.3 of the
18 Complaint.

19 6.4 Brahmin denies the allegations set forth in Paragraph 6.4 of the
20 Complaint.

21 6.5 Brahmin denies the allegations set forth in Paragraph 6.5 of the
22 Complaint.

23 **VII. DEFENSES AND AFFIRMATIVE DEFENSES**

24 WHEREFORE, having fully answered plaintiff's Complaint, Brahmin
25 states the following defenses and affirmative defenses:
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1 7.1 Certain of Plaintiff's claims are barred for failure to state a claim
2 upon which relief may be granted.

3 7.2 Certain of the Plaintiff's claims may be barred in whole or in part
4 by the relevant statute of limitations and equitable doctrines of laches,
5 waiver, estoppel, and unclean hands.

6 7.3 Plaintiff's claims may be barred, in whole or in part, by workers'
7 compensation.

8 7.4 Plaintiff's damages, if any, were caused by persons not under the
9 control of the defendant.

10 7.5 Plaintiff's damages, if any, were caused by his own conduct, and
11 not any conduct of Brahmin or anyone under Brahmin's control.

12 7.6 Plaintiff has failed to mitigate his alleged damages.

13 7.7 Brahmin has not engaged in unlawful intentional discrimination
14 or retaliation with respect to Plaintiff, and Brahmin cannot be liable for
15 compensatory damages.

16 7.8 The entitlement to any relief which otherwise may be due in this
17 case to Plaintiff's may be limited by the after-acquired evidence doctrine.

18 7.9 Brahmin exercised reasonable care to prevent and correct any
19 unlawful harassment in the workplace, and Plaintiff unreasonably failed to
20 take advantage of any preventative or corrective opportunities provided by or
21 to otherwise avoid harm.

22 7.10 Brahmin's actions regarding Plaintiff's employment were based
23 on legitimate, nondiscriminatory factors.

24 7.11 No act or omission of Brahmin was the proximate cause of the
25 harm of which Plaintiff complains.
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1 7.12 Brahmin designates all denials to the Complaint set forth above
2 as defenses if necessary for their full defense of this matter.

3 Brahmin reserves the right to add those affirmative defenses that it
4 deems necessary to its defense during or upon the conclusion of
5 investigation and discovery.

6 **VIII. PRAYER FOR RELIEF**

7 Brahmin request that judgment be entered as follows:

- 8 a. Dismissing plaintiff's Complaint with prejudice;
- 9 b. Awarding Brahmin its attorney fees and costs incurred in this
10 action; and
- 11 c. Awarding Brahmin any further relief that the Court finds
12 appropriate, equitable or just.

13 DATED this _28th___ day of _January___, 20XX-1.

14 STANDISH PLIMPTON, LLP

15 **Lucinda Beauregard**

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18 Lucinda Beauregard
19 Attorney for Brahmin
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