

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 01 CV11672 JLT

\_\_\_\_\_  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

NEW ENGLAND SERUM  
COMPANY, INC.

Defendant.  
\_\_\_\_\_

ANSWER TO COMPLAINT

The Defendant, New England Serum Company, Inc. ("New England Serum") submits the following as its Answer to the Complaint filed by the Equal Employment Opportunity Commission (the "Plaintiff").

Nature of Action

This paragraph purports to describe the nature of the claims and the relief requested and accordingly no response is required. To the extent that this paragraph contains allegations of fact to which an answer is required, New England Serum denies those allegations.

Jurisdiction and Venue

1. Admitted.
2. Defendant denies that it committed unlawful employment practices but admits that it is subject to the jurisdiction of the United States District Court of Massachusetts.

3

**PARTIES**

3. Defendant is without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

4. Defendant is without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

5. To the extent that this paragraph states a legal conclusion no response is required and Defendant is further without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

**STATEMENT OF CLAIM**

6. Defendant is without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

7. Defendant denies each and every allegation contained in the first sentence of this paragraph:

- a. Defendant admits that Gil Santiago was a supervisor at the Defendant's distribution center but denies each and every remaining allegation contained in subparagraph (a).
- b. Defendant admits that Paul McDonald was a manager at the distribution center but denies each and every remaining allegation contained in subparagraph (b).
- c. Defendant is without knowledge or information sufficient to admit or deny the allegation relating to Gil Santiago's national origin and denies each and every remaining allegation contained in subparagraph (c).

- d. Defendant denies each and every allegation contained in subparagraph (d).
  - e. Defendant denies each and every allegation contained in subparagraph (e).
  - f. Defendant denies each and every allegation contained in subparagraph (f).
  - g. Defendant denies each and every allegation contained in subparagraph (g).
- 8. Defendant denies each and every allegation contained in this paragraph.
  - 9. Defendant denies each and every allegation contained in this paragraph.
  - 10. Defendant denies each and every allegation contained in this paragraph.

**Affirmative Defenses**

- 1. The Complaint should be dismissed as it fails to state a claim upon which relief may be granted.
- 2. The Complaint should be dismissed as Plaintiff has failed to join a necessary party or parties.
- 3. The Plaintiff's claims should be dismissed in whole, or in part, on the grounds of laches.
- 4. The Plaintiff's claims should be dismissed in whole, or in part, on the grounds of unclean hands.
- 5. The Plaintiff's claims should be dismissed in whole, or in part, on the grounds of statute of limitations.
- 6. The Plaintiff's claims should be dismissed in whole, or in part, due to the Charging Parties failure to lodge any complaint with the Defendant of the alleged discrimination and/or harassment.

WHEREFORE, the Defendant respectfully requests that the Complaint be dismissed.

Respectfully submitted.

New England Serum Company, Inc.,

Defendant,

By its Attorneys,



Christopher P. Litterio (BBO#551098)

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**CERTIFICATE OF SERVICE**

I, Christopher P. Litterio, Esquire, hereby certify that I have on this 27<sup>th</sup> day of November, 2001 caused to be served, via **first class mail** the above Answer to Complaint upon the attorney for the Plaintiff.



Christopher P. Litterio

Dated: November 27, 2001