

**RECEIVED
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**FEDEX FREIGHT EAST, INC., formerly
known as AMERICAN FREIGHTWAYS,
INC.**

Defendant.

**CIVIL ACTION NO.
4:03CV01393-CEJ**

JURY TRIAL REQUESTED

ANSWER

Defendant FedEx Freight East, Inc., formerly known as American Freightways, Inc., answers the Complaint as follows:

FIRST DEFENSE

Defendant did not discriminate against DeLeon Piggee, Torris D. Williams, David L. Bell, Sr., Karl A. Smith, Frank Earl, III or Joe Jones or any other African-American employees at its St. Louis Terminal because of their race. Defendant denies all of the wrongdoing alleged in the Complaint.

SECOND DEFENSE

1. Paragraph 1 of the Complaint is admitted.
2. Paragraph 2 of the Complaint is admitted. Defendant, however, denies it committed any unlawful employment practices.
3. Paragraph 3 of the Complaint is admitted.

4. With regard to Paragraph 4, Defendant admits it is doing business in the State of Missouri and the City of St. Louis and has had at least 15 employees.

5. Paragraph 5 of the Complaint is admitted.

6. With regard to Paragraph 6 of the Complaint, Defendant admits only that DeLeon Piggee, Torris Williams, David Bell, Sr., Karl Smith, Frank Earl and Joe Jones filed charges of discrimination with the EEOC alleging Title VII violations.

7. Paragraph 7 of the Complaint, including all of its subparts (a)-(e), are denied.

8. Paragraph 8 of the Complaint is denied.

9. Paragraph 9 of the Complaint is denied.

10. Paragraph 10 of the Complaint is denied.

11. The remainder of the Complaint is simply a Prayer for Relief and does not require admission or denial.

12. All allegations of the Complaint not expressly admitted herein are denied.

THIRD DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

FOURTH DEFENSE

All or part of the Complaint is barred due to the appropriate limitations periods.

FIFTH DEFENSE

The Complaint does not allege Defendant took any specific actionable "adverse employment actions" against any of the persons represented by the EEOC. Any adverse employment actions that were taken by Defendant against the parties represented by the EEOC

were based on legitimate, non-discriminatory and non-retaliatory reasons unrelated to race, color, national origin or participation in protected activities.

SIXTH DEFENSE

The damages and relief sought are subject to statutory maximums and are limited by the Constitution.

SEVENTH DEFENSE

All or some of the Complaint allegations are beyond the scope of the underlying Charges of Discrimination filed by DeLeon Piggee, Torris D. Williams, David L. Bell, Sr., Karl A. Smith, Frank Earl, III and Joe Jones.

EIGHTH DEFENSE

The parties represented by the EEOC failed to exhaust their administrative remedies.

NINTH DEFENSE

Defendant exercised reasonable care to prevent and promptly correct any alleged wrongdoing and the parties represented by the EEOC unreasonably failed to take advantage of any preventive or corrective opportunities provided by Defendant or to avoid harm otherwise.

TENTH DEFENSE

The parties represented by the EEOC failed to mitigate their damages.

ELEVENTH DEFENSE

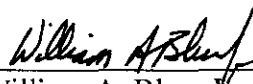
All or part of the Complaint may be barred under the doctrines of laches, unclean hands, estoppel or waiver. These defenses may likewise limit the relief sought.

TWELVETH DEFENSE

The EEOC failed to exhaust all of its administrative requirements before filing this suit.

Date: December 1, 2003.

Respectfully submitted,



William A. Blue, Jr. (TN B.P.R. No. 10378)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Robert G. Johnson, Regional Attorney, Equal Employment Opportunity Commission, St. Louis District Office, Robert A. Young Federal Building, 1222 Spruce St., Room 8.100, St. Louis, MO 63103 by facsimile and by depositing same in the United States Mail, postage prepaid, on December 1, 2003.