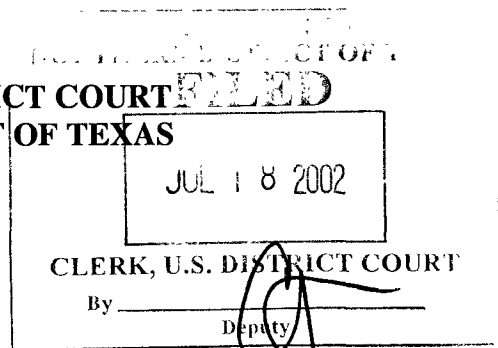


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION §

Plaintiff, §

vs. §

BLEDSON DODGE, LLC, a/k/a §
AUTONATION DODGE §

Defendant. §

Civil Action No. 3-02cv1373-G

**DEFENDANT'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S ORIGINAL COMPLAINT**

COMES NOW, BLEDSON DODGE, a/k/a AUTONATION DODGE, Defendant in the above-entitled and numbered cause, and files this Original Answer and Affirmative Defenses to the Complaint filed by the Equal Employment Opportunity Commission (the "Commission"), and in support thereof, would respectfully show the Court as follows:

I.

DEFENDANT'S ANSWER

Defendant denies that it has been correctly named in this lawsuit. Defendant denies that the Charging Parties, Anthony Barnett and Barron Jackson, were subjected to a hostile work environment, as alleged in the Complaint. Defendant further denies that it failed to promote Mr. Barnett or Mr. Jackson because of their race, African-American.

Defendant's Answer is subtitled and numbered to correspond with Plaintiff's Complaint.

JURISDICTION AND VENUE

1. The allegations in Paragraph 1 require no response.

2. Defendant admits that the claims of the Charging Parties fall under the jurisdiction of this Court. Defendant denies that it committed any illegal employment practices.

PARTIES

3. The allegations in Paragraph 3 require no response.
4. Defendant admits the allegations set forth in Paragraph 4.
5. Defendant admits the allegations set forth in Paragraph 5.

STATEMENT OF CLAIMS

6. Defendant admits that the Charging Parties each filed a charge with the Commission which alleged violations of Title VII by Defendant. Defendant can neither admit nor deny that all conditions precedent to the institution of this lawsuit have been fulfilled because Defendants are without knowledge or information sufficient to form a belief as to the truth of this allegation.

7. Defendant denies the allegations set forth in Paragraph 7.
8. Defendant denies the allegations set forth in Paragraph 8.
9. Defendant denies the allegations set forth in Paragraph 9.
10. Defendant denies the allegations set forth in Paragraph 10.

PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to any of the relief requested in its Prayer for Relief, Paragraphs A-H, because Defendant denies that it engaged in any unlawful activities which would render it liable for or subject it to any of the relief requested by Plaintiff. Defendant further denies that the Charging Parties are entitled to "rightful place reinstatement," even if they could prove they were subjected to any acts by Defendant which were violative of Title VII, because the Charging Parties currently fill the position to which the Commission is seeking to "reinstate" them.

II.

DEFENDANT'S AFFIRMATIVE DEFENSES

Defendant affirmatively asserts the following defenses to Plaintiff's causes of action:

1. The Charging Parties unreasonably failed to take advantage of the preventive or corrective opportunities provided by Defendant, or otherwise avoid harm with regard to the acts of discrimination alleged by Plaintiff.
2. Defendant exercised reasonable care to prevent and/or correct promptly any acts of discrimination alleged by Plaintiff.
3. Defendant requests that any damages awarded to Plaintiff and/or the Charging Parties be limited in accordance with 42 U.S.C. § 1981a(b)(3).
4. The Charging Parties failed to mitigate any damages they may have suffered, if indeed they suffered any such damages.
5. Defendant asserts the right to raise additional defenses that become apparent throughout the development of this cause.

III.

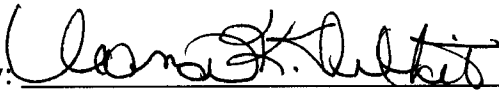
DEFENDANT'S PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests the following relief:

- 1) That the Commission receive a take nothing judgment;
- 2) Alternatively, that any damages awarded to the Commission and/or the Charging Parties be limited in accordance with the defenses asserted by Defendant; and
- 3) Any relief in law or equity to which Defendant is justly entitled.

Respectfully submitted,

GIBSON, MCCLURE & WALLACE, L.L.P.

By: 

Ruth Ann Daniels
Texas Bar No. 15109200
Connie K. Wilhite
State Bar No. 00792916

8080 N. Central Expressway
Suite 1300, L.B. 50
Dallas, Texas 75206-1838
(214) 891-8040
FAX (214) 891-8010

ATTORNEYS FOR DEFENDANT,
BLEDSOE DODGE, LLC, a/k/a
AUTONATION DODGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded via certified mail, return receipt requested to counsel for the Commission, Nicholas Inzeo, Toby W. Costas, Suzanne M. Anderson, Ronetta J. Francis, Equal Employment Opportunity Commission, Dallas District Office, 207 South Houston, 3rd Floor, Dallas, Texas 75202 on this the 18th day of July, 2002.


Connie K. Wilhite