

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

OCT 06 1997


CLERK

Equal Employment Opportunity
Commission,

File No. 97-4160

Plaintiff,

v.

Taco Bell Corp. d/b/a Taco Bell
Express and Double-D, Inc.,

**ANSWER OF DEFENDANT TACO
BELL CORP. TO AMENDED
COMPLAINT**

Defendant.

Taco Bell Corp., makes the following answer to Plaintiff's Amended Complaint. Except as hereinafter expressly admitted or qualified, Defendant denies each and every allegation of the Amended Complaint. As to the statement appearing in the Amended Complaint under "Nature of the Action," no response is called for and Defendant does not admit to any of the assertions therein.

1. As to the allegations of paragraph 2 of the Amended Complaint, Defendant states that the noted statutes speak for themselves.

2. As to the allegations of paragraph 2 of the Amended Complaint, Defendant denies that any of its practices are unlawful. Defendant further denies that it engaged in any "employment practices" with regard to Carla Willuweit ("Willuweit") or Brenda Miles ("Miles") at any relevant time.

3. As to the allegations of paragraph 3 of the Amended Complaint, Defendant states that the noted statutes speak for themselves.

4. As to the allegations of paragraph 4 of the Amended Complaint, Defendant is without sufficient knowledge to form a belief as to what times Plaintiff alleges are "relevant." Defendant admits only that it is a California Corporation that has, at times, done business in the State of South Dakota.

5. As to the allegations of paragraph 5 of the Amended Complaint, Defendant is without sufficient knowledge to form a belief as to what times Plaintiff alleges are "relevant." Defendant admits only that it has engaged in interstate commerce. Defendant denies that it employed either Willuweit or Miles at any relevant time.

6. Defendant is without sufficient knowledge to form a belief as to the truth of the matters asserted in paragraph 6 of the Amended Complaint.

7. Defendant is without sufficient knowledge to form a belief as to the truth of the matters asserted in paragraph 7 of the Amended Complaint.

8. No paragraph 8 appears in the Amended Complaint.

9. As to the allegations of paragraph 9 of the Amended Complaint, Defendant admits only that Willuweit and Miles filed charges with the Commission more than 30 days prior to the institution of this lawsuit. Defendant is without sufficient knowledge to form a belief as to the further allegations of paragraph 9.

10. Defendant denies the allegations of paragraph 10 of the Amended Complaint.

11. Defendant denies the allegations of paragraph 11 of the Amended Complaint.

12. As to the allegations of paragraph 12 of the Amended Complaint, Defendant denies Taco Bell Express hired Willuweit in November of 1993. Defendant is without sufficient knowledge to form a belief about the interactions of Willuweit and Scott Larson or the timing of charge filing by Willuweit.

13. As to the allegations of paragraph 13 of the Amended Complaint, Defendant denies Taco Bell Express hired Miles in November of 1993. Defendant is without sufficient knowledge to form a belief about the interactions of Miles and Larson or the timing of charge filing by Miles.

14. Defendant denies the allegations of paragraph 14 of the Amended Complaint.

15. Defendant denies the allegation of paragraph 15 of the Amended Complaint.

16. Defendant denies the allegations of paragraph 16 of the Amended Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

17. The Amended Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

18. Plaintiff's claims are barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred or limited by a failure to mitigate damages.

FOURTH AFFIRMATIVE DEFENSE

20. The complaint fails to join indispensable parties.

FIFTH AFFIRMATIVE DEFENSE

21. Any actions of Defendant were undertaken for legitimate business reasons.

SIXTH AFFIRMATIVE DEFENSE

22. Plaintiff's claims are barred by res judicata and estoppel.

SEVENTH AFFIRMATIVE DEFENSE

23. Neither Taco Bell Corp. nor Taco Bell Express has employed any of the persons allegedly injured by the conduct alleged in the Amended Complaint at any relevant time.

EIGHTH AFFIRMATIVE DEFENSE

24. The claims of the Complaint are barred by the failure of Miles and Willuweit to make any internal complaint.

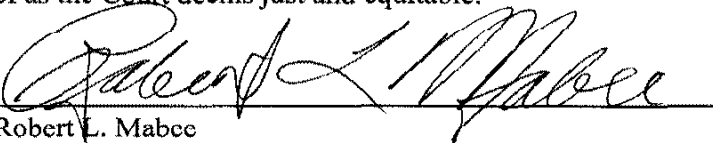
NINTH AFFIRMATIVE DEFENSE

25. Any treatment actually received by Miles and Willuweit was based upon legitimate factors other than sex.

WHEREFORE, Defendant prays for the following relief:

1. That plaintiff take nothing by its pretended causes of action and that they be dismissed with prejudice;
2. That defendant be awarded its costs for defending this action; and
3. Such other and further relief as the Court deems just and equitable.

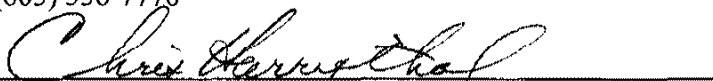
Dated: 10/6/97



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Dated:

10/3/97



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