

FILED

OCT 08 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

* * * * *

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	*	Civil Action No. 97-4160
	*	
Plaintiff,	*	
	*	
v.	*	ANSWER OF DOUBLE-D, INC.
	*	TO AMENDED COMPLAINT OF
TACO BELL CORPORATION, d/b/a	*	EQUAL EMPLOYMENT
TACO BELL EXPRESS and	*	OPPORTUNITY COMMISSION
DOUBLE-D, INC.,	*	
	*	
Defendant.	*	

* * * * *

Comes now the Defendant, Double-D Inc., a South Dakota Corporation, and for its Answer to the Amended Complaint of Plaintiff, Equal Employment Opportunity Commission, states and alleges as follows:

I.

Defendant, Double-D Inc., hereinafter "this Defendant", denies each and every allegation contained in the Complaint of Plaintiff except those matters hereinafter specifically admitted.

II.

This Plaintiff's Complaint fails to state a claim upon which relief may be granted.

III.

This Defendant admits the following paragraphs set forth in this Plaintiff's Amended Complaint, namely: 1, 3, 4, 5, 6, 7 and that portion of Paragraph 11 alleging Defendant Taco Bell Corp. hired Defendant, Double-D, Inc., to oversee or manage the Taco Bell Express units. The relationship between the Defendant was informal

1

and there was no written contract between the Defendants. That portion of Paragraph 12 alleging Willuweit was hired by Taco Bell Express in November of 1993 and that portion of Paragraph 13 alleging that Miles was hired by Taco Bell Express on about November 1993.

IV.

This Defendant is without sufficient knowledge to admit or deny the Paragraph 9 in Plaintiff's Amended Complaint.

V.

This Defendant specifically denies the nature and extent of this Plaintiff's claimed damages and remits it to strict proof thereof.

VI.

As an affirmative defense, this Defendant did not know nor should it have known of any of the alleged conduct of Scott Larson.

VII.

As an affirmative defense, this Defendant had in place a sexual harassment policy which was communicated to Brenda Miles ("Miles") and Karla Willuweit ("Willuweit").

VIII.

As an affirmative defense to Plaintiff's Amended Complaint, this Defendant alleges that the causes of action alleged in the Amended Complaint are barred by the applicable statute of limitations and/or failure to comply with filing deadlines.

IX.

As an affirmative defense to Plaintiff's Amended Complaint,

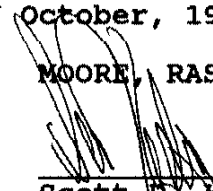
this Defendant alleges that the causes of action alleged in the Amended Complaint are barred by the equitable doctrine of laches.

WHEREFORE, this Defendant prays for the following relief, namely:

1. That this Plaintiff's Amended Complaint be dismissed upon its merits and this Plaintiff take nothing by its Complaint;
2. That this Defendant be awarded costs and disbursements herein;
3. For such other and further relief as the Court deems just and equitable on the premises.

Dated this 3rd day of October, 1997.

MOORE, RASMUSSEN, KADING & KUNSTLE




Scott D. Kading
Attorney for Defendant Double-D Inc.
300 North Dakota Avenue, Suite 400
P.O. Box 1477
Sioux Falls, SD 57101-1477
(605) 336-1730

DEMAND FOR JURY TRIAL

This Defendant hereby demands trial by jury on all issues in this case.

MOORE, RASMUSSEN, KADING & KUNSTLE



Scott D. Kading
Attorney for Defendant Double-D Inc.
300 North Dakota Avenue, Suite 400
P.O. Box 1477
Sioux Falls, South Dakota 57101-1477
(605) 336-1730

W:\DOCS\MLS\SCOTT\NEGLIGENCE\HUDSON.ANS