

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FL 11/20
DEC-6 PM L: 17
S. S. 11/20/00
U.S. DISTRICT COURT
N.A.

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. CV-00-AR-2762-S
)
)
PEMCO AEROPLEX, INC,)
)
Defendant.)
)

ANSWER

COMES NOW, Defendant Pemco Aeroplex, Inc., and for its answer to Plaintiff's Complaint states the following:

1. Defendant denies that it has discriminated against a class of Black individuals by subjecting them to a hostile work environment and admits that the Court has jurisdiction over claims brought pursuant to the statutes cited in paragraph 1 of Plaintiff's complaint.
2. Defendant denies that it has engaged in unlawful employment practices.
3. Admitted.
4. Admitted.
5. Admitted.
6. Defendant admits that 36 individuals filed charges of discrimination with Plaintiff more than 30 days prior to the institution of this lawsuit. Otherwise, Defendant denies the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Defendant denies that Plaintiff is entitled to the relief requested in its "prayer for relief."

DEFENSES

1. Some or all of the claims asserted herein are barred by the applicable statute of limitations and or is otherwise untimely.
2. Defendant states that its actions have been based on legitimate non-discriminatory reasons.
3. Defendant states that it has engaged in good faith efforts to comply with Title VII and that it may not be held vicariously liable in the punitive damages context, for any employment decisions or actions of any of its managerial agents where those decisions or actions are contrary to Defendant's policies and good faith efforts to comply with Title VII.
4. Defendant states that it has exercised reasonable care to prevent and correct promptly any harassing behavior and that its employees unreasonably failed to take advantage of the preventive and corrective opportunities provided by Defendant.
5. Defendant denies that it can be held vicariously liable for actions by non-supervisory employees of which Defendant is unaware.



Steve E. Brown (BR0018)



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Attorneys for Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. Mail, properly addressed and postage prepaid to:

Naomi Hilton Archer
Senior Trial Attorney
Equal Employment Opportunity Commission
1900 Third Avenue North
Birmingham, Alabama 35203-2397

On this the 6 day of December, 2000.



OF COUNSEL