

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

FILED  
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U.S. DISTRICT COURT  
N.D. OF ALABAMA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

vs.

R & J Enterprises, d.b.a. International  
House of Pancakes, AJM Inc.,  
d.b.a. International House of  
Pancakes, and Strategic  
Outsourcing, Inc.,

Defendants.

CIVIL ACTION #

CV-02-C-2314-S

**ANSWER**

Comes Now the Defendants R & J Enterprises, Inc. and AJM, Inc. And submits the following answer to this Action:

1. Denied. Defendants deny any unlawful employment practice. Defendants deny any discrimination.
2. Admitted.
3. Denied. Defendants deny any unlawful employment practices. Defendant AJM, Inc. denies that it is a proper party to this lawsuit. AJM, Inc. And R & J Enterprises admit that their businesses are located in the jurisdiction of the Northern District of Alabama.
4. Admitted.
5. Admitted.
6. Denied. Defendant AJM, Inc. Denies that it is properly named as defendant in this civil action as none of the plaintiffs identified in the complaint were ever employed or had any connection with AJM, Inc.

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7. Unknown by these Defendants.
8. Admitted.
9. Denied. AJM, Inc. Denies that any of the employees named ever worked for AJM or were employed at its location. AJM further denies that a sexually hostile work environment existed at its location. Defendants AJM, Inc. and R & J Enterprises, Inc. are not agents for one another or for the other Defendants. Defendant R & J Enterprises denies that a sexually hostile work environment existed.
10. AJM, Inc. and R & J Enterprises, Inc. Deny having knowledge of the facts alleged.
11. AJM, Inc. and R & J Enterprises, Inc. Deny having knowledge of the facts alleged. Defendants deny that a sexually hostile work environment was created or maintained by either or both Defendants.
12. Denied. Defendants have no knowledge of the facts alleged. Defendants deny that either or both created or maintained a sexually hostile work environment.
13. Denied. Defendants have no knowledge of the facts alleged. Defendants deny that either or both created or maintained a sexually hostile work environment.
14. Denied. Neither Defendant knew of, engaged in, approved of, condoned or allowed Ken Horne to engage in unlawful employment practices as alleged.
15. Denied. Defendants deny that either Plaintiff complained to a responsible manager or owner, or to Joseph Matta. Joseph Matta denies having been advised of the offensive conduct which allegedly occurred, When Joseph Matta learned and investigated Horne's conduct appropriate action was taken.
16. Denied.
17. Denied.
18. Denied.
19. Denied.

## **AFFIRMATIVE DEFENSES**

### **First Defense**

The Defendants exercised reasonable care to prevent and correct promptly any discriminatory behavior, and Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by this Defendant or to avoid harm otherwise.

### **Second Defense**

The alleged conduct was not discrimination for any alleged unlawful practices under the EEOC or otherwise, by either Defendant.

### **Third Defense**

Any alleged adverse employment action taken by either Defendants that might constitute a violation of the EEOC was done so without any knowledge, understanding, or appreciation of any risk, that these Defendant's employment actions were in violation of federal law.

### **Fourth Defense**

In all employment decision concerning Plaintiff, each of these Defendants engaged in good faith efforts to comply with applicable federal law.

### **Fifth Defense**

These Defendant's decisions regarding a work place environment were not based upon a sexual harassment motive but rather upon legitimate non-discriminatory criteria.

### **Sixth Defense**

Plaintiff is not entitled to liquidated damages under the allegations of this Complaint.

### **Seventh Defense**

This Defendant pleads the doctrines of estoppel, waiver, and laches.

### **Eighth Defense**

Plaintiff's claims are barred by the principles of settlement and release and accord and satisfaction.

**Ninth Defense**

Plaintiff's claims are barred to the extent that Plaintiffs failed to mitigate damages, the entitlement to which is expressly denied.

**Tenth Defense**

Plaintiff cannot prove any illegal or hostile sexual harassment or unlawful practices or conduct by either Defendant; alternatively, even if Plaintiff could prove illegal practices or conduct by either Defendant, which Plaintiff cannot, either Defendant would have had to make the same decisions and taken the same actions to protect the rights of the other employees.

**Eleventh Defense**

Plaintiff's claims for damages are limited, in whole or in part, by statute.

**Twelfth Defense**

Plaintiff's claims, or some of them, are, or may be, barred by the statute of limitations.

**Thirteenth Defense**


This Defendant acted in good faith and has reasonable grounds for believing that its actions did not violate the EEOC.

Respectfully Submitted,

  
Sid Hughes,  
Attorney for R&J  
Enterprises  
Attorney for AJM, Inc.  
2908 Crescent Avenue  
Birmingham, AL 35209  
(205)-871-7430

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was served upon the parties of record by placing a copy of same in the United States Mail, postage pre-paid, to the following address on this 16~~th~~ day of December, 2002.

  
Sid Hughes

Naomi Hilton Archer  
Ridge Park Place  
1130 22<sup>nd</sup> Street South, Suite 2000  
Birmingham, AL 35205