

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

FILED
MAR 19 PM 12:35
U.S. DISTRICT COURT
N.D. OF ALABAMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

R&J ENTERPRISES, d/b/a International
House of Pancakes, et al.,

Defendants.

Civil Action Number CV-02-C-2314-S

ANSWER OF STRATEGIC OUTSOURCING, INC. TO COMPLAINT IN INTERVENTION

Defendant Strategic Outsourcing, Inc. ("SOI") answers the Complaint in Intervention as follows.

JURISDICTION

1. SOI admits the Court has jurisdiction over the Plaintiff's claims, but denies the substantive allegations of the Plaintiff's claims.
2. SOI denies the allegations of Paragraph 2.

PARTIES

3. SOI denies the allegations of Paragraph 3 and specifically denies the Plaintiff-Intervenors were its "employees" under Title VII.
4. SOI denies the allegations of Paragraph 4.
5. SOI denies the allegations of Paragraph 5.

18

CAUSES OF ACTION

6. SOI adopts and incorporates by reference its responses to Paragraphs 1 through 5 above as if fully set forth verbatim herein.

7. SOI denies the allegations of Paragraph 7.

8. SOI denies the allegations of Paragraph 8.

9. SOI denies the allegations of Paragraph 9.

10. SOI denies the allegations of Paragraph 10.

11. SOI denies the allegations of Paragraph 11.

12. SOI adopts and incorporates by reference its responses to Paragraphs 1 through 11 above as if fully set forth verbatim herein.

13. SOI is without knowledge or information sufficient to form a belief as to the truth of this averment. Therefore, it is denied.

14. SOI denies the allegations of Paragraph 14.

15. SOI denies the allegations of Paragraph 15.

16. SOI denies the allegations of Paragraph 16.

17. SOI adopts and incorporates by reference its responses to Paragraphs 1 through 16 above as if fully set forth verbatim herein.

18. SOI denies the allegations of Paragraph 18.

19. SOI denies the allegations of Paragraph 19.

20. SOI denies the allegations of Paragraph 20.

21. SOI denies the allegations of Paragraph 21.

22. SOI denies the allegations of Paragraph 22.

23. SOI adopts and incorporates by reference its responses to Paragraphs 1 through 22 above as if fully set forth verbatim herein.

24. SOI denies the allegations of Paragraph 24.

25. SOI denies the allegations of Paragraph 25.

26. SOI denies the allegations of Paragraph 26.

27. SOI denies the allegations of Paragraph 27.

FIRST DEFENSE

SOI pleads failure to exhaust administrative remedies.

SECOND DEFENSE

SOI pleads the EEOC failed to comply with 42 U.S.C. § 2000e-5(b) in that it failed to give SOI timely notice of the charge, failed to investigate (at least with respect to SOI), and failed to engage in good faith efforts at conciliation. See Equal Employment Opportunity Commission v. American Nat'l Bank, 652 F.2d 1766 (4th Cir. 1981), rehearing denied 680 F.2d 965, cert. denied 459 U.S. 923.

THIRD DEFENSE

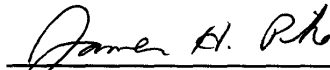
SOI pleads the charging parties and the EEOC failed to comply with the statutory prerequisites of Title VII before suit was filed.

FOURTH DEFENSE

SOI pleads it promptly took such measures as were within its control when it learned of the complaints against the restaurant.

FIFTH DEFENSE

SOI pleads it exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and the employees at issue failed to take advantage of any preventive or corrective opportunities provided by SOI or to avoid harm otherwise. See Faragher v. City of Boca Raton, 524 U.S. 775 (1998).



Steadman S. Shealy, Jr.

James H. Pike

Attorneys for Defendant Strategic Outsourcing,
Inc.

OF COUNSEL:

COBB, SHEALY & CRUM, P.A.
Post Office Box 6346
Dothan, Alabama 36302-6346
Telephone 334-677-3000
Facsimile 334-677-0030
E-mail jpike@cobb-shealy.com

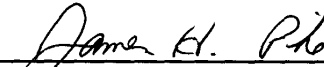
CERTIFICATE OF SERVICE

I, James H. Pike, certify that on March 18, 2003, I mailed a copy of this document to the following person(s) with postage prepaid:

Charles E. Guerrier
Mildred Byrd
Naomi Hilton Archer
Equal Employment Opportunity Commission
1130 22nd Street South, Suite 2000
Birmingham, AL 35205

Sid Hughes
2908 Crescent Avenue
Birmingham, AL 35209

Jerry Roberson
Roberson & Roberson
8 Office Park Circle, Suite 150
Birmingham, AL 35223



Of Counsel