

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	<b>CASE NO. 1:03CV2023</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE KATHLEEN M. O'MALLEY</b>
	)	
<b>v.</b>	)	
	)	
<b>S&amp;Z TOOL &amp; DIE CO., INC.,</b>	)	<b>DEFENDANT'S ANSWER TO <u>PLAINTIFF'S COMPLAINT</u></b>
	)	
<b>Defendant.</b>	)	<b>(JURY DEMAND ENDORSED HEREON)</b>
	)	

**FIRST DEFENSE**

Defendant, S&Z Tool & Die Co., Inc. ("S&Z") for its Answer to the Complaint filed by Plaintiff, the Equal Employment Opportunity Commission, first states as follows with respect to the prefatory remarks set forth in the Complaint ("the Complaint"): Plaintiff's attempt to link several non-related, separate and discrete acts to an unlawful discriminatory pattern and practice dating back to 1991, without demonstrating a common nexus as the basis for said pattern and practice, is without merit. Further, Plaintiff's prefatory remarks are not plead in accordance with the requirements of the Federal Rules of Civil Procedure to make clear and concise statements. Finally, said remarks state a legal conclusion for which no response is required.

As to the specifically numbered paragraphs in the Complaint, S&Z states as follows:

1. S&Z admits that Plaintiff is attempting to invoke the jurisdiction of this Court, but denies the remaining allegations contained in Paragraph 1 of Plaintiff's Complaint.

2. S&Z admits that Plaintiff is attempting to invoke the jurisdiction of this Court, but denies the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. S&Z admits that Plaintiff is an agency of the United States of America, but denies the remaining allegations for lack of knowledge or information sufficient to form a belief as to the truth contained in Paragraph 3 of Plaintiff's Complaint.

4. S&Z admits the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. S&Z admits the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. S&Z admits that more than thirty days prior to the institution of this lawsuit, Molly Baron-Prodan (formerly "Baron-Hriscu") filed a charge of discrimination with the Commission alleging violations of Title VII by S&Z. S&Z denies the remaining allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. S&Z denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. S&Z denies the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. S&Z denies the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. S&Z denies the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. S&Z denies the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. S&Z denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. S&Z denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. S&Z denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. S&Z denies the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. S&Z denies the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. S&Z denies the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. S&Z denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. S&Z denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. S&Z denies the allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. S&Z denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

### **SECOND DEFENSE**

22. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

### **THIRD DEFENSE**

23. Some or all of Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, unclean hands and laches.

### **FOURTH DEFENSE**

24. Plaintiff has failed to mitigate some or all of its alleged damages.

### **FIFTH DEFENSE**

25. S&Z has at all times acted in good faith and in a legitimate, non-discriminatory manner.

### **SIXTH DEFENSE**

26. Some or all of the individuals named in Plaintiff's Complaint failed to mitigate some or all of their alleged damages.

### **SEVENTH DEFENSE**

27. Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

### **EIGHTH DEFENSE**

28. Plaintiff has not met the necessary jurisdictional prerequisites which are required to invoke the jurisdiction of this Court.

### **NINTH DEFENSE**

29. Plaintiff has failed to join all necessary and indispensable parties for a just adjudication of this matter.

### **DEMAND FOR JUDGMENT**

WHEREFORE, having fully answered, S&Z requests that the Complaint be dismissed at Plaintiff's cost, and that it be awarded reasonable attorneys' fees and other such relief as this Court deems just and proper.

Respectfully submitted,

/s/ Mary G. Balazs

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### **JURY DEMAND**

Defendant S&Z demands a trial by jury.

/s/ Mary G. Balazs

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Answer of Defendant to Plaintiff's Complaint has been filed this 10<sup>th</sup> day of November, 2003 through the Court's electronic filing system. All parties may access the foregoing via the Court's electronic filing system.

/s/ Mary G. Balazs

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