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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)	**CASE NO. 1:03CV2023**
Plaintiff,	)	
and	)	**JUDGE KATHLEEN M. O'MALLEY**
MOLLY BARON,	)	
Intervenor-Plaintiff,	)	
v.	)	
S&Z TOOL & DIE CO., INC.,	)	**DEFENDANT'S ANSWER TO INTERVENOR'S COMPLAINT**
Defendant.	)	**(JURY DEMAND ENDORSED HEREON)**

FIRST DEFENSE

Defendant, S&Z Tool & Die Co., Inc. ("S&Z") for its Answer to the Complaint filed by Intervenor-Plaintiff, Molly Barons, first states that the preliminary statements set forth in the Complaint ("the Complaint") are not plead in accordance with the requirements of the Federal Rules of Civil Procedure to make clear and concise statements. Further, said remarks state legal conclusions for which no responses are required.

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

1. S&Z denies the allegations contained in Paragraph 1.1 of Plaintiff's Complaint.

2. S&Z denies the allegations contained in Paragraph 1.2 of Plaintiff's Complaint.

3. S&Z denies the allegations contained in Paragraph 1.3 of Plaintiff's Complaint.

4. S&Z admits that Plaintiff is attempting to invoke the jurisdiction of this Court, but denies the remaining allegations contained in Paragraph 1.4 of Plaintiff's Complaint.

5. S&Z admits that Plaintiff is attempting to invoke the jurisdiction of this Court, but denies the remaining allegations contained in Paragraph 1.5 of Plaintiff's Complaint.

6. S&Z admits that Plaintiff is attempting to invoke the jurisdiction of this Court, but denies the remaining allegations contained in Paragraph 1.6 of Plaintiff's Complaint.

7. S&Z admits the allegations contained in Paragraph 1.7 of Plaintiff's Complaint.

8. S&Z admits the allegations contained in Paragraph 1.8 of Plaintiff's Complaint.

9. S&Z admits the allegations contained in Paragraph 1.9 of Plaintiff's Complaint.

10. S&Z admits the allegations contained in Paragraph 1.10 of Plaintiff's Complaint.

FIRST CAUSE OF ACTION–TITLE VII CLAIMS
A. EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. S&Z hereby incorporates each and every paragraph set forth above as if the same were fully rewritten herein.

12. S&Z admits that Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (the "EEOC") on or about October 7, 1999, EEOC

Charge No. 220A00045, alleging discrimination based on sex. S&Z denies the remaining allegations contained in Paragraph 1.12 of Plaintiff's Complaint.

13. S&Z admits the allegations contained in Paragraph 1.13 of Plaintiff's Complaint.

14. S&Z admits the allegations contained in Paragraph 1.14 of Plaintiff's Complaint.

15. S&Z admits the allegations contained in Paragraph 1.15 of Plaintiff's Complaint.

16. S&Z admits that the EEOC filed suit against S&Z on September 30, 2003. S&Z denies the remaining allegations contained in Paragraph 1.16 of Plaintiff's Complaint for lack of knowledge.

B. UNLAWFUL EMPLOYMENT PRACTICES

17. S&Z hereby incorporates each and every paragraph set forth above as if the same were fully rewritten herein.

18. S&Z denies the allegations contained in Paragraph 1.18 of Plaintiff's Complaint.

19. S&Z denies the allegations contained in Paragraph 1.19 of Plaintiff's Complaint.

20. S&Z denies the allegations contained in Paragraph 1.20 of Plaintiff's Complaint.

21. S&Z denies the allegations contained in Paragraph 1.21 of Plaintiff's Complaint.

22. There is no Paragraph 1.22 in Plaintiff's Complaint.

23. S&Z denies the allegations contained in Paragraph 1.23 of Plaintiff's Complaint.

24. S&Z denies the allegations contained in Paragraph 1.24 of Plaintiff's Complaint for lack of knowledge.

25. S&Z denies the allegations contained in Paragraph 1.25 of Plaintiff's Complaint.

SECOND CAUSE OF ACTION–OHIO SEX/GENDER DISCRIMINATION, O.R.C. § 4112.99

26. S&Z hereby incorporates each and every paragraph set forth above as if the same were fully rewritten herein.

27. Paragraph 2.2 of Plaintiff's Complaint recites a matter of law to which no response is required by S&Z.

28. S&Z denies the allegations contained in Paragraph 2.3 of Plaintiff's Complaint.

29. S&Z denies the allegations contained in Paragraph 2.4 of Plaintiff's Complaint.

30. S&Z denies the allegations contained in Paragraph 2.5 of Plaintiff's Complaint.

31. All allegations contained in the prayer for relief are denied and each and every other allegation in Plaintiff's Complaint not specifically admitted herein is hereby denied.

SECOND DEFENSE

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

THIRD DEFENSE

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

FOURTH DEFENSE

34. Plaintiff has failed to mitigate some or all of her alleged damages.

FIFTH DEFENSE

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

SIXTH DEFENSE

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

SEVENTH DEFENSE

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

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 20th day of February, 2004 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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