

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY LUKE, et al.,)	Case No. 1:02 CV 1225
)	
Plaintiffs)	U.S. District Judge Paul R. Matia
)	
- vs. -)	<u>ANSWER OF DEFENDANTS</u>
)	<u>BARRETT & ASSOCIATES, INC. AND</u>
CITY OF CLEVELAND, et al.,)	<u>GERALD BARRETT TO THIRD</u>
)	<u>AMENDED COMPLAINT</u>
Defendants)	
)	Jury Trial Demanded

For their Answer to Plaintiffs' Third Amended Complaint (the "Complaint"), Defendants Barrett & Associates, Inc. ("B&A") and Gerald V. Barrett ("Barrett") state as follows:

1. B&A and Barrett state that the claims in the Complaint speak for themselves. B&A and Barrett deny the remaining allegations in paragraph 1 of the Complaint.
2. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Complaint, and therefore deny the same.
3. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint, and therefore deny the same.

4. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint, and therefore deny the same.

5. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint, and therefore deny the same.

6. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint, and therefore deny the same.

7. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint, and therefore deny the same.

8. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint, and therefore deny the same.

9. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint, and therefore deny the same.

10. B&A and Barrett admit that the City of Cleveland utilized promotional examinations in calendar years 1996 and 2000. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 10 of the Complaint, and therefore deny the same.

11. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint, and therefore deny the same.

12. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 12 of the Complaint, and therefore deny the same.

13. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 13 of the Complaint, and therefore deny the same.

14. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint, and therefore deny the same.

15. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Complaint, and therefore deny the same.

16. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint, and therefore deny the same.

17. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Complaint, and therefore deny the same.

18. B&A and Barrett admit that B&A contracted with the City of Cleveland to prepare and administer promotional examinations for the Cleveland Fire Department in 1996,

2000, and 2002. B&A and Barrett deny the remaining allegations in paragraph 18 of the Complaint.

19. B&A and Barrett deny the allegations in paragraph 19 of the Complaint.

20. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Complaint, and therefore deny the same.

21. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Complaint, and therefore deny the same

22. B&A and Barrett admit that the City of Cleveland utilized Job Knowledge and In-basket examinations in calendar year 2002. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 22 of the Complaint, and therefore deny the same.

23. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint, and therefore deny the same.

24. B&A and Barrett state that that Plaintiff Acey's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 24 of the Complaint, and therefore deny the same.

25. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint, and therefore deny the same.

26. B&A and Barrett admit that Plaintiff Acey took the 2002 promotional examination that was prepared and administered by B&A and Barrett. B&A and Barrett state that Plaintiff Acey score on the 2002 promotional examination speaks for itself, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 26 of the Complaint, and therefore deny the same.

27. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and therefore deny the same.

28. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint, and therefore deny the same

29. B&A and Barrett state that that Plaintiff Buffington's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 29 of the Complaint, and therefore deny the same.

30. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint, and therefore deny the same.

31. B&A and Barrett admit that Plaintiff Buffington took the 2002 promotional examination that was prepared and administered by B&A and Barrett. B&A and Barrett state that Plaintiff Buffington's score on the 2002 promotional examination speaks for itself, and further state that they are without knowledge or information sufficient to form a belief

as to the truth of the remaining allegations in paragraph 31 of the Complaint, and therefore deny the same.

32. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint, and therefore deny the same.

33. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint, and therefore deny the same.

34. B&A and Barrett state that that Plaintiff White's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 34 of the Complaint, and therefore deny the same.

35. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Complaint, and therefore deny the same.

36. B&A and Barrett state that that Plaintiff White's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 36 of the Complaint, and therefore deny the same.

37. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Complaint, and therefore deny the same.

38. B&A and Barrett admit that Plaintiff White took the 2002 promotional examination that was prepared and administered by B&A and Barrett. B&A and Barrett state that Plaintiff White score on the 2002 promotional examination speaks for itself, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 38 of the Complaint, and therefore deny the same.

39. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Complaint, and therefore deny the same.

40. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 of the Complaint, and therefore deny the same.

41. B&A and Barrett state that that Plaintiff Luke's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 41 of the Complaint, and therefore deny the same.

42. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Complaint, and therefore deny the same.

43. B&A and Barrett state that that Plaintiff Luke's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 43 of the Complaint, and therefore deny the same.

44. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint, and therefore deny the same.

45. B&A and Barrett state that that Plaintiff Luke's score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 45 of the Complaint, and therefore deny the same.

46. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint, and therefore deny the same.

47. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Complaint, and therefore deny the same.

48. B&A and Barrett state that that Plaintiff Echols' score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 48 of the Complaint, and therefore deny the same.

49. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Complaint, and therefore deny the same.

50. B&A and Barrett state that that Plaintiff Echols' score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in paragraph 50 of the Complaint, and therefore deny the same.

51. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 of the Complaint, and therefore deny the same.

52. B&A and Barrett state that the rules of the Cleveland Civil Service Commission speak for themselves. B&A and Barrett deny the remaining allegations in paragraph 52 of the Complaint.

53. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 of the Complaint, and therefore deny the same.

54. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Complaint, and therefore deny the same.

55. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56 of the Complaint, and therefore deny the same.

56. B&A and Barrett state that that Plaintiff B. Williams' score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 56 of the Complaint, and therefore deny the same.

57. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Complaint, and therefore deny the same.

58. B&A and Barrett state that that Plaintiff B. Williams' score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 58 of the Complaint, and therefore deny the same.

59. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 of the Complaint, and therefore deny the same.

60. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60 of the Complaint, and therefore deny the same.

61. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Complaint, and therefore deny the same.

62. B&A and Barrett state that that Plaintiff Odum's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 62 of the Complaint, and therefore deny the same.

63. B&A and Barrett admit that Plaintiff Odum took the 2000 promotional examination that was prepared and administered by B&A and Barrett. B&A and Barrett are

without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 64 of the Complaint, and therefore deny the same.

64. B&A and Barrett admit that the City of Cleveland utilized Job Knowledge and In-basket examinations in calendar year 2000. B&A and Barrett deny the remaining allegations in paragraph 64 of the Complaint.

65. B&A and Barrett deny the allegations in paragraph 43 of the Complaint.

66. B&A and Barrett state that that Plaintiff Odum's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 66 of the Complaint, and therefore deny the same.

67. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67 of the Complaint, and therefore deny the same.

68. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 68 of the Complaint, and therefore deny the same.

69. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69 of the Complaint, and therefore deny the same.

70. B&A and Barrett state that that Plaintiff Guyton's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 70 of the Complaint, and therefore deny the same.

71. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the Complaint, and therefore deny the same.

72. B&A and Barrett state that that Plaintiff Guyton's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 72 of the Complaint, and therefore deny the same.

73. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 of the Complaint, and therefore deny the same.

74. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 74 of the Complaint, and therefore deny the same.

75. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 75 of the Complaint, and therefore deny the same.

76. B&A and Barrett state that that Plaintiff Rahman's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 76 of the Complaint, and therefore deny the same.

77. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 of the Complaint, and therefore deny the same.

78. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 78 of the Complaint, and therefore deny the same.

79. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 of the Complaint, and therefore deny the same.

80. B&A and Barrett state that that Plaintiff McGinnis' score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 80 of the Complaint, and therefore deny the same.

81. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 of the Complaint, and therefore deny the same.

82. B&A and Barrett state that that Plaintiff McGinnis' score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 82 of the Complaint, and therefore deny the same.

83. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 of the Complaint, and therefore deny the same.

84. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Complaint, and therefore deny the same.

85. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 of the Complaint, and therefore deny the same.

86. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 86 of the Complaint, and therefore deny the same.

87. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 87 of the Complaint, and therefore deny the same.

88. B&A and Barrett state that that Plaintiff McMinkle's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 88 of the Complaint, and therefore deny the same.

89. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 of the Complaint, and therefore deny the same.

90. B&A and Barrett state that that Plaintiff McMinkle's score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 90 of the Complaint, and therefore deny the same.

91. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 of the Complaint, and therefore deny the same.

92. B&A and Barrett state that that Plaintiff Askew's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 92 of the Complaint, and therefore deny the same.

93. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 of the Complaint, and therefore deny the same.

94. B&A and Barrett state that that Plaintiff Askew's score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 94 of the Complaint, and therefore deny the same.

95. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Complaint, and therefore deny the same.

96. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Complaint, and therefore deny the same.

97. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the Complaint, and therefore deny the same.

98. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the Complaint, and therefore deny the same.

99. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 99 of the Complaint, and therefore deny the same.

100. B&A and Barrett state that that Plaintiff Russell's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 100 of the Complaint, and therefore deny the same.

101. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 101 of the Complaint, and therefore deny the same.

102. B&A and Barrett state that that Plaintiff Russell's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 102 of the Complaint, and therefore deny the same.

103. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 103 of the Complaint, and therefore deny the same.

104. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 104 of the Complaint, and therefore deny the same.

105. B&A and Barrett state that that Plaintiff Tyus' score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in paragraph 105 of the Complaint, and therefore deny the same.

106. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106 of the Complaint, and therefore deny the same.

107. B&A and Barrett state that that Plaintiff Tyus' score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 107 of the Complaint, and therefore deny the same.

108. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108 of the Complaint, and therefore deny the same.

109. B&A and Barrett state that that Plaintiff Butler's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 109 of the Complaint, and therefore deny the same.

110. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 110 of the Complaint, and therefore deny the same.

111. B&A and Barrett state that that Plaintiff Butler's score on the 2002 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 111 of the Complaint, and therefore deny the same.

112. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112 of the Complaint, and therefore deny the same.

113. B&A and Barrett state that that Plaintiff Hasan's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 113 of the Complaint, and therefore deny the same.

114. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 114 of the Complaint, and therefore deny the same.

115. B&A and Barrett state that that Plaintiff Hasan's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 115 of the Complaint, and therefore deny the same.

116. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 116 of the Complaint, and therefore deny the same.

117. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 117 of the Complaint, and therefore deny the same.

118. B&A and Barrett state that that Plaintiff E. Williams' score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in paragraph 118 of the Complaint, and therefore deny the same.

119. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 119 of the Complaint, and therefore deny the same.

120. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 120 of the Complaint, and therefore deny the same.

121. B&A and Barrett state that that Plaintiff Hodges' score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 121 of the Complaint, and therefore deny the same.

122. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 122 of the Complaint, and therefore deny the same.

123. B&A and Barrett state that that Plaintiff Hodges' score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 123 of the Complaint, and therefore deny the same.

124. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 124 of the Complaint, and therefore deny the same.

125. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 125 of the Complaint, and therefore deny the same.

126. B&A and Barrett state that that Plaintiff Austin's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 126 of the Complaint, and therefore deny the same.

127. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127 of the Complaint, and therefore deny the same.

128. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 128 of the Complaint, and therefore deny the same.

129. B&A and Barrett state that that Plaintiff Cartwright's score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 129 of the Complaint, and therefore deny the same.

130. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 130 of the Complaint, and therefore deny the same.

131. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 131 of the Complaint, and therefore deny the same.

132. B&A and Barrett state that that Plaintiff Watson's score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 132 of the Complaint, and therefore deny the same.

133. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 133 of the Complaint, and therefore deny the same.

134. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 134 of the Complaint, and therefore deny the same.

135. B&A and Barrett state that that Plaintiff R. Nickerson score on the 2000 promotional examination speaks for itself. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 135 of the Complaint, and therefore deny the same.

136. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 136 of the Complaint, and therefore deny the same.

137. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 137 of the Complaint, and therefore deny the same.

138. B&A and Barrett state that that Plaintiff A. Nickerson score on the 1996 promotional examination speaks for itself. B&A and Barrett are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in paragraph 138 of the Complaint, and therefore deny the same.

139. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 139 of the Complaint, and therefore deny the same.

140. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 140 of the Complaint, and therefore deny the same.

141. B&A and Barrett admit the allegations in paragraph 141 of the Complaint.

142. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 142 of the Complaint, and therefore deny the same.

143. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 143 of the Complaint, and therefore deny the same.

144. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 144 of the Complaint, and therefore deny the same.

145. B&A and Barrett admit that the City of Cleveland has utilized promotional examinations. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 145 of the Complaint, and therefore deny the same.

146. B&A admits that it is a company doing business in Ohio; that it has created and administered examinations for many private and public entities; and that it contracted with the City of Cleveland to prepare promotional examinations for calendar years 1996, 2000, and 2002. B&A and Barrett deny the remaining allegations in paragraph 146 of the Complaint.

147. B&A and Barrett admit the allegations in paragraph 147 of the Complaint.

148. B&A and Barrett state that any ordinances passed by the City of Cleveland speak for themselves. B&A and Barrett deny the allegations in paragraph 148 of the Complaint.

149. B&A and Barrett state that the contract documents attached to the Complaint as Exhibits 1, 2 and 3 describe the City of Cleveland's interest with respect to the promotional examinations prepared by B&A, and those documents speak for themselves. B&A and Barrett deny the allegations in paragraph 149 of the Complaint.

150. B&A and Barrett deny the allegations in paragraph 150 of the Complaint.

151. B&A and Barrett state that the contract documents attached to the Complaint as Exhibits 1, 2 and 3 describe the City of Cleveland's interest with respect to the promotional examinations prepared by B&A, and those documents speak for themselves. B&A and Barrett deny the allegations in paragraph 151 of the Complaint.

152. B&A and Barrett state that the 2002 contract between B&A and the City of Cleveland speaks for itself. B&A and Barrett deny the allegations in paragraph 152 of the Complaint.

153. B&A and Barrett deny the allegations in paragraph 153 of the Complaint.

154. B&A and Barrett deny the allegations in paragraph 154 of the Complaint.

155. B&A and Barrett admit that Plaintiff Michael Odum initiated a lawsuit in this Court on June 9, 2000, styled *Odum v. City of Cleveland*, Case No. 1:00 CV 1444; and that this lawsuit was dismissed without prejudice on February 22, 2001. B&A and Barrett deny the remaining allegations in paragraph 155 of the Complaint.

156. B&A and Barrett admit the allegations in paragraph 156 of the Complaint.

157. B&A and Barrett state that the contracts between B&A and the City of Cleveland speak for themselves. B&A and Barrett deny the allegations in paragraph 157 of the Complaint.

158. B&A and Barrett admit that certain non-public documents that were generated internally by B&A and Barrett without any oversight or supervision by the City of Cleveland and that related to the 1996 and 2000 promotional examinations have been destroyed consistent with B&A's document retention policy. B&A and Barrett deny the remaining allegations in paragraph 78 of the Complaint.

159. B&A and Barrett deny the allegations in paragraph 159 of the Complaint.

160. B&A and Barrett deny the allegations in paragraph 160 of the Complaint.

161. B&A and Barrett deny the allegations in paragraph 161 of the Complaint.

162. B&A and Barrett deny the allegations in paragraph 162 of the Complaint.

163. B&A and Barrett admit that the City of Cleveland has utilized a promotional examination process in 1996, 2000, and 2000, and that B&A has created and administered examinations pursuant to its contract with the City of Cleveland. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 163 of the Complaint, and therefore deny the same.

164. B&A and Barrett admit that the Job Knowledge test and its answer key are highly confidential documents and trade secrets, that the Job Knowledge test is not distributed or otherwise disseminated at any time outside the offices of B&A other than as necessary during the administration of the examination, and that the answer key to the Job Knowledge test is not distributed or otherwise disseminated at any time outside the office of B&A except during the appeals process which does not commence until after the examination has been administered. B&A and Barrett deny the remaining allegations in paragraph 164 of the Complaint.

165. B&A and Barrett admit that successive examinations created by B&A may occasionally contain similar constructs given the similarity of the subject matter with respect to the examinations. B&A and Barrett deny the remaining allegations in paragraph 165 of the Complaint.

166. B&A and Barrett admit that the answer sheets for the Job Knowledge test administered in 2002 requested that applicants disclose their social security number. B&A and Barrett deny the remaining allegations in paragraph 166 of the Complaint.

167. B&A and Barrett deny the allegations in paragraph 167 of the Complaint.

168. B&A and Barrett state that the questions in In-Basket examinations prepared by B&A require test-takers to choose among several alternatives to determine the one best answer. B&A and Barrett deny the remaining allegations in paragraph 168 of the Complaint.

169. B&A and Barrett admit that the answer sheets for the In-Basket test administered in 2002 requested that applicants disclose their social security number. B&A and Barrett deny the remaining allegations in paragraph 169 of the Complaint.

170. B&A and Barrett deny the allegations in paragraph 170 of the Complaint.

171. B&A and Barrett admit that the Oral Exercises are tape-recorded, and further state that it has never permitted any candidate from the City of Cleveland, regardless of his or her race, to review his or her own tape-recorded Oral Exercise. B&A and Barrett deny the remaining allegations in paragraph 171 of the Complaint.

172. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 172 of the Complaint, and therefore deny the same.

173. B&A and Barrett state that the rules of the Cleveland Civil Service Commission speak for themselves. B&A and Barrett deny the remaining allegations in paragraph 173 of the Complaint.

174. B&A and Barrett state that the Ohio Revised Code speaks for itself. B&A and Barrett deny the remaining allegations in paragraph 174 of the Complaint.

175. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 175 of the Complaint, and therefore deny the same.

176. B&A and Barrett admit the allegations in paragraph 176 of the Complaint.

177. B&A and Barrett admit that 248 persons took the 1996 promotional examination relating to the rank of “Lieutenant” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 177 of the Complaint, and therefore deny the same.

178. B&A and Barrett state that the test takers' scores on the 1996 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 178 of the Complaint.

179. B&A and Barrett state that the test takers' scores on the 1996 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 178 of the Complaint.

180. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 180 of the Complaint, and therefore deny the same.

181. B&A and Barrett admit that 89 persons took the 1996 promotional examination relating to the rank of "Captain" that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers' scores on that examination speak for themselves, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 181 of the Complaint, and therefore deny the same.

182. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 182 of the Complaint, and therefore deny the same.

183. B&A and Barrett admit that 39 persons took the 1996 promotional examination relating to the rank of "Battalion Chief" that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers' scores on that examination speak for themselves, and further state that they are without

knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 183 of the Complaint, and therefore deny the same.

184. B&A and Barrett admit that 13 persons took the 1996 promotional examination relating to the rank of “Assistant Chief” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 184 of the Complaint, and therefore deny the same.

185. B&A and Barrett state that the test takers’ scores on the 1996 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 178 of the Complaint.

186. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 186 of the Complaint, and therefore deny the same.

187. B&A and Barrett admit that 5 persons took the 2000 promotional examination relating to the rank of “Assistant Chief” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers’ scores on that examination speak for themselves, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 187 of the Complaint, and therefore deny the same.

188. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 188 of the Complaint, and therefore deny the same.

189. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 189 of the Complaint, and therefore deny the same.

190. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 190 of the Complaint, and therefore deny the same.

191. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 191 of the Complaint, and therefore deny the same.

192. B&A and Barrett admit that 41 persons took the 2000 promotional examination relating to the rank of “Battalion Chief” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers’ scores on that examination speak for themselves, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 192 of the Complaint, and therefore deny the same.

193. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 193 of the Complaint, and therefore deny the same.

194. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 194 of the Complaint, and therefore deny the same.

195. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 195 of the Complaint, and therefore deny the same.

196. B&A and Barrett admit that 89 persons took the 2000 promotional examination relating to the rank of “Captain” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers’ scores on that examination speak for themselves, and further state that they are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 196 of the Complaint, and therefore deny the same.

197. B&A and Barrett state that the test takers’ scores on the 2000 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 197 of the Complaint.

198. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 198 of the Complaint, and therefore deny the same.

199. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 199 of the Complaint, and therefore deny the same.

200. B&A and Barrett admit that 158 persons took the 2000 promotional examination relating to the rank of “Lieutenant” that B&A prepared and administered pursuant to its contract with the City of Cleveland. B&A and Barrett further state that the test takers’ scores on that examination speak for themselves, and further state that they are without

knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 200 of the Complaint, and therefore deny the same.

201. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 201 of the Complaint, and therefore deny the same.

202. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 202 of the Complaint, and therefore deny the same.

203. B&A and Barrett state that the test takers' scores on the 1996 and 2000 promotional examinations speak for themselves. B&A and Barrett deny the allegations in paragraph 203 of the Complaint.

204. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 204 of the Complaint, and therefore deny the same.

205. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 205 of the Complaint, and therefore deny the same.

206. B&A and Barrett admit the allegations in paragraph 206 of the Complaint.

207. B&A and Barrett state that the roster of test takers on the 2002 promotional examination speaks for itself. B&A and Barrett deny the allegations in paragraph 207 of the Complaint.

208. B&A and Barrett state that the rosters of test takers for the 1996, 2000, and 2002 promotional examinations speak for themselves. B&A and Barrett deny the allegations in paragraph 208 of the Complaint.

209. B&A and Barrett state that the test takers' scores on the 2002 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 209 of the Complaint.

210. B&A and Barrett state that the test takers' scores on the 2002 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 210 of the Complaint.

211. B&A and Barrett state that the test takers' scores on the 2002 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 211 of the Complaint.

212. B&A and Barrett state that the test takers' scores on the 2002 promotional examination speak for themselves. B&A and Barrett deny the allegations in paragraph 212 of the Complaint.

213. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 213 of the Complaint, and therefore deny the same.

214. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 214 of the Complaint, and therefore deny the same.

215. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 215 of the Complaint, and therefore deny the same.

216. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 216 of the Complaint, and therefore deny the same.

217. B&A and Barrett deny the allegations in paragraph 217 of the Complaint.

218. B&A and Barrett deny the allegations in paragraph 217 of the Complaint.

219. B&A and Barrett deny the allegations in paragraph 217 of the Complaint.

220. B&A and Barrett deny the allegations in paragraph 217 of the Complaint.

221. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 221 of the Complaint, and therefore deny the same.

222. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 222 of the Complaint, and therefore deny the same.

223. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 223 of the Complaint, and therefore deny the same.

224. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 224 of the Complaint, and therefore deny the same.

225. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 225 of the Complaint, and therefore deny the same.

226. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 226 of the Complaint, and therefore deny the same.

227. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 227 of the Complaint, and therefore deny the same.

228. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 228 of the Complaint, and therefore deny the same.

229. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 229 of the Complaint, and therefore deny the same.

230. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 230 of the Complaint, and therefore deny the same.

231. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 231 of the Complaint, and therefore deny the same.

232. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 232 of the Complaint, and therefore deny the same.

233. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 233 of the Complaint, and therefore deny the same.

234. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 234 of the Complaint, and therefore deny the same.

235. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 235 of the Complaint, and therefore deny the same.

236. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 236 of the Complaint, and therefore deny the same.

237. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 237 of the Complaint, and therefore deny the same.

238. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 238 of the Complaint, and therefore deny the same.

239. B&A and Barrett deny that the number of potential members of the putative class is so numerous that joinder of all of them would be impracticable. B&A and

Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 239 of the Complaint, and therefore deny the same.

240. B&A and Barrett deny that there are issues of law and fact common to the putative class that predominate over issues affecting members of the putative class individually. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 240 of the Complaint, and therefore deny the same.

241. B&A and Barrett deny the allegations in paragraph 241 of the Complaint.

242. B&A and Barrett deny that the representatives of the putative class can adequately represent the interests of the members of the putative class. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 242 of the Complaint, and therefore deny the same.

243. B&A and Barrett deny the allegations in paragraph 243 of the Complaint.

244. B&A and Barrett state that 28 U.S.C. § 1331 and 42 U.S.C. § 1988 speak for themselves. B&A and Barrett deny the allegations in paragraph 244 of the Complaint.

245. B&A and Barrett state that 28 U.S.C. § 1367 speaks for itself. B&A and Barrett deny the allegations in paragraph 245 of the Complaint.

246. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 246 of the Complaint.

247. B&A and Barrett deny the allegations in paragraph 247 of the Complaint.

248. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 248 of the Complaint, and therefore deny the same.

249. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 249 of the Complaint.

250. B&A and Barrett deny the allegations in paragraph 250 of the Complaint.

251. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 251 of the Complaint, and therefore deny the same.

252. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 252 of the Complaint.

253. B&A and Barrett deny the allegations in paragraph 253 of the Complaint.

254. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 254 of the Complaint, and therefore deny the same.

255. B&A and Barrett deny the allegations in paragraph 255 of the Complaint.

256. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 256 of the Complaint.

257. B&A and Barrett deny the allegations in paragraph 257 of the Complaint.

258. B&A and Barrett are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 258 of the Complaint, and therefore deny the same.

259. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 259 of the Complaint.

260. B&A and Barrett deny the allegations in paragraph 260 of the Complaint.

261. B&A and Barrett deny the allegations in paragraph 261 of the Complaint.

262. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 262 of the Complaint.

263. B&A and Barrett deny the allegations in paragraph 263 of the Complaint.

264. B&A and Barrett deny the allegations in paragraph 264 of the Complaint.

265. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 265 of the Complaint.

266. B&A admits that it contracted with the City of Cleveland to create, administer, and score examinations during calendar years 1996, 2000, and 2002. B&A and Barrett deny the remaining allegations in paragraph 266 of the Complaint.

267. Barrett admits that he is President of B&A and a shareholder of B&A. B&A and Barrett deny the remaining allegations of paragraph 267 of the Complaint.

268. B&A and Barrett deny the allegations in paragraph 268 of the Complaint.

269. B&A admits that it contracted with the City of Cleveland to create, administer, and score examinations during calendar years 1996, 2000, and 2002. B&A and Barrett deny the remaining allegations in paragraph 269 of the Complaint.

270. B&A and Barrett deny the allegations in paragraph 270 of the Complaint.

271. B&A and Barrett deny the allegations in paragraph 271 of the Complaint.

272. B&A and Barrett deny the allegations in paragraph 272 of the Complaint.

273. B&A states that non-public documents relating to the 1996 and 2000 examinations that B&A prepared and administered pursuant to its contract with the City of Cleveland have been destroyed pursuant to B&A's document retention policy, and further states that the time of such destruction neither B&A nor Barrett had received any subpoena for such

documents or any notice of an enforcement action with respect to such documents. B&A and Barrett deny the remaining allegations in paragraph 273 of the Complaint.

274. B&A admits that it was served with a subpoena duces tecum in this lawsuit. B&A and Barrett deny the remaining allegations in paragraph 274 of the Complaint.

275. B&A admits that on or about September 23, 2002, its counsel informed counsel for Plaintiffs that non-public documents relating to the 2000 examinations that B&A prepared and administered pursuant to its contract with the City of Cleveland had been destroyed pursuant to B&A's document retention policy. B&A and Barrett deny the remaining allegations in paragraph 275 of the Complaint.

276. B&A and Barrett deny the allegations in paragraph 276 of the Complaint.

277. B&A and Barrett restate and incorporate by reference their responses to all of the foregoing paragraphs in response to paragraph 277 of the Complaint.

278. B&A and Barrett deny the allegations in paragraph 278 of the Complaint.

279. B&A and Barrett deny the allegations in paragraph 279 of the Complaint.

280. B&A and Barrett state that the contracts between B&A and the City of Cleveland speak for themselves. B&A and Barrett deny the allegations in paragraph 280 of the Complaint.

281. B&A and Barrett deny the allegations in paragraph 281 of the Complaint.

282. B&A and Barrett deny the allegations in paragraph 282 of the Complaint.

283. B&A and Barrett deny the allegations in paragraph 283 of the Complaint.

284. B&A and Barrett deny the allegations in paragraph 284 of the Complaint.

285. B&A and Barrett deny the allegations in paragraph 285 of the Complaint.

286. B&A and Barrett state that 42 U.S.C. §§ 1981 and 1983 and R.C. 4112.02 and 4112.99 speak for themselves. B&A and Barrett deny the allegations in paragraph 286 of the Complaint.

287. B&A and Barrett deny the allegations in paragraph 287 of the Complaint.

288. B&A and Barrett deny the allegations in paragraph 288 of the Complaint.

289. B&A and Barrett deny the allegations in paragraph 289 of the Complaint.

290. B&A and Barrett deny the allegations in paragraph 290 of the Complaint.

291. B&A and Barrett state that R.C. 149.351 speaks for itself. B&A and Barrett deny the allegations in paragraph 291 of the Complaint.

292. B&A and Barrett deny the allegations in paragraph 292 of the Complaint.

293. B&A and Barrett deny the allegations in paragraph 293 of the Complaint.

294. B&A and Barrett deny the allegations in paragraph 294 of the Complaint.

295. B&A and Barrett deny the allegations in paragraph 295 of the Complaint.

296. B&A and Barrett deny the allegations in paragraph 296 of the Complaint.

297. B&A and Barrett deny all remaining allegations in the Complaint that have not been specifically admitted.

AFFIRMATIVE DEFENSES

298. The Complaint fails to state a claim against B&A or against Barrett upon which relief may be granted.

299. Plaintiffs' claims under 42 U.S.C. §§ 1981 and 1983 with respect to the 1996 and 2000 promotional examinations are barred by the statute of limitations.

300. Plaintiffs' claims under R.C. Chapter 4112 with respect to the 1996 promotional examinations are barred by the statute of limitations.

301. Plaintiffs lack standing to maintain any action under Ohio Revised Code Chapter 149 against B&A or Barrett.

302. Ohio Revised Code Chapter 149 is inapplicable to any documents in the custody of B&A or of Barrett, as such documents are not public records.

303. Any documents destroyed by B&A and/or by Barrett were destroyed in compliance with a lawful document retention policy.

304. To the extent B&A and/or Barrett destroyed any documents, neither B&A nor Barrett had knowledge of any pending or probable litigation relating to such documents, precluding liability for spoliation of evidence.

305. To the extent B&A and/or Barrett destroyed any documents, Plaintiffs' ability to pursue their alleged claims remains unaffected by the destruction of such documents, precluding liability for spoliation of evidence.

306. Plaintiffs' claims against B&A and Barrett are barred by the doctrine of laches.

307. Plaintiffs' claims against B&A and Barrett are barred by considerations of equity.

308. Plaintiffs' claims against B&A and against Barrett are made in bad faith, are wholly frivolous, unwarranted under existing law or by any good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, and the allegations in the Complaint as they pertain to B&A and to Barrett are so devoid of merit that they are wholly unlikely to have any evidentiary support after discovery, entitling B&A and Barrett to an award of attorney fees incurred in defense of the frivolous claims levied against them in the Complaint.

309. B&A and Barrett reserve the right to plead additional affirmative defense (including, without limitation, any res judicata or collateral estoppel) should discovery reveal that such defenses are available and appropriate.

WHEREFORE, having fully answered, B&A and Barrett pray that Plaintiffs' Complaint be dismissed in its entirety, with prejudice and at Plaintiffs' costs, that judgment be entered in favor of B&A and Barrett on all claims in the Complaint, and that B&A and Barrett be awarded all of its costs, expenses, and attorney fees incurred in defense of this action.

s/Britt J. Rossiter

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Associates, Inc. and Gerald V. Barrett

JURY DEMAND

B&A and Barrett demand a trial by jury on all claims so triable.

s/Britt J. Rossiter

One of the Attorneys for Defendants, Barrett
and Associates, Inc. and Gerald V. Barrett

CERTIFICATE OF SERVICE

I certify that on April 24, 2002, I filed the foregoing electronically. All parties will receive notice of this filing through the Court's electronic filing system and may access the document through the Court's system.

s/Britt J. Rossiter

One of the Attorneys for Defendants, Barrett
and Associates, Inc. and Gerald V. Barrett