

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**LINDA A. COLLINS**  
**1540 Northgate Road, N.W.,**  
**Washington, DC 20012**

**Plaintiff,**

**v.**

**DONALD E. POWELL**  
**Chairman, Federal Deposit**  
**Insurance Corporation**  
**550 17<sup>th</sup> Street, N.W.**  
**Washington, DC 20429**

**Defendant.**

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**No. 1:04-CV-01995 (HHK)**

March 7, 2005

**ANSWER**

**First Defense**

The Complaint fails to state a claim upon which relief may be granted.

**Second Defense**

Defendant had legitimate nondiscriminatory reasons for the employment decisions which were made with regard to the plaintiff.

**Third Defense**

The plaintiff has failed to exhaust her administrative remedies.

**Fourth Defense**

In response to the numbered paragraphs of the Complaint, the defendant responds as follows:

1. This paragraph contains plaintiff's characterization of the present action, to which no answer is required. To the extent that an answer is deemed necessary, defendant admits that plaintiff seeks to bring this action pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.) and pursuant to the Age Discrimination in Employment Act, 29 U.S.C. § 633a, but denies that any acts of discrimination or retaliation against plaintiff have occurred.

2. This paragraph contains plaintiff's assertion of jurisdiction and characterization of the present action, to which no response is required. To the extent an answer is deemed necessary, defendant admits that this is a civil action arising under 42 U.S.C. § 2000e-16, but denies all other assertions and characterizations by plaintiff in this paragraph.

3. The defendant admits that venue is proper in this jurisdiction pursuant to 42 U.S.C. § 2000e-5(f)(3). All other allegations of this paragraph are denied.

4. Denied.

5. Admitted.

6. Defendant admits that he is the Chairman of the Federal Deposit Insurance Corporation (FDIC), an agency of the United States for purposes of this action, that the FDIC has had more than 500 employees in 20 or more calendar weeks during the past year, and that he is the proper defendant pursuant to 42 U.S.C. § 2000e-16(c), and that he is sued only in his official capacity. All other allegations of this paragraph are denied.

7. Defendant admits that plaintiff filed formal discrimination complaints on June 7, 2000 (No. 00-0060), July 2, 2001 (No. 01-0044), October 2, 2001 (No. 01-0055), November 27, 2001 (No. 02-0001), January 18, 2002 (No. 02-0009), November 3, 2003 (No. 03-0035), and May 17, 2004 (No. 04-0031). Defendant admits that on October 6, 2004, the FDIC issued a final agency decision dismissing Complaint Nos. 00-0060, 01-0044, 01-0055, 02-0001, and 02-0009,

and advising plaintiff of her right to file a civil action. All other allegations of this paragraph are denied.

8. Defendant admits that plaintiff has been employed by the FDIC since January 1991 and was assigned to the Resolution Trust Corporation from that time until reassigned to the FDIC as a Computer Specialist, GG-0334-13, in May 1995. All other allegations of this paragraph are denied.

9. Defendant admits the allegations in first and second sentence of this paragraph and that portion of footnote 1 up to the second comma, except that plaintiff's service on the Information Security Staff ended on December 13, 2003. Defendant admits that in June 1999, plaintiff was designated Coordinator of the Computer Security Incident Response Team (CSIRT), and that plaintiff was reassigned to the asset management program in Technical Infrastructure Management effective December 14, 2003. All other allegations of this paragraph are denied.

10. Admitted.

11. Defendant admits that in June 1999, plaintiff was designated Coordinator of CSIRT; in December 1999 Leslie Morgan was designated Co-lead over CSIRT; and plaintiff was instructed to keep Ms. Morgan informed of her CSIRT activities, share her work products with Ms. Morgan, and give Ms. Morgan at least forty-eight hours to comment on them. Defendant admits that Ms. Morgan is a white female age 54. Defendant admits that Bobby Porter was plaintiff's second-line supervisor from January 1999 to January 2001, and that Angel Rivera (Hispanic male) was plaintiff's first-line supervisor from December 1998 to January 2002. All other allegations of this paragraph are denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Defendant admits that on February 4, 2000, Mr. Rivera directed plaintiff to begin giving a thirty- to sixty-minute presentation on CSIRT during the monthly Information Security Officer Training. All other allegations of this paragraph are denied.

17. Defendant admits that plaintiff received no award for the Y2K project. All other allegations of this paragraph are denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Defendant admits that in February 2000, Mr. Rivera began to hold meetings with plaintiff twice a month to oversee her work assignments and deadlines, clarify any issues, and discuss any obstacles plaintiff might be having in meeting deadlines. All other allegations of this paragraph are denied.

23. Defendant admits that Mr. Rivera issued plaintiff a letter of reprimand dated March 26, 2001. All other allegations of this paragraph are denied.

24. Defendant admits that plaintiff was directed to lead a CSIRT tour on June 6, 2001. All other allegations of this paragraph are denied.

25. Denied.

26. Denied.

27. Denied.

28. Defendant admits that Mr. Rivera notified all of his employees that they were not to discuss contractual and tasking information directly with contractors. All other allegations of this paragraph are denied.

29. Denied.

30. Defendant admits that Mr. Rivera instructed plaintiff not to attend the training because she was not authorized to do so. All other allegations of this paragraph are denied.

31. Defendant admits that plaintiff's attorney, Susan Lee, was not allowed to attend a work meeting between plaintiff, Mr. Rivera, and Susie Able, and that Ms. Lee was escorted from the building by Security. All other allegations of this paragraph are denied.

32. Denied.

33. Defendant admits the allegations in the first sentence of this paragraph, and admits that plaintiff was not interviewed, was not selected for the position, and was notified of the non-selection. Defendant is presently without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

34. Defendant admits that plaintiff received an annual performance rating of 1.9 for the period September 1999 to August 2000, and a rating of 2.0 for the period September 2000 to August 2001. Defendant admits that Mr. Rivera did not meet with plaintiff at the beginning of the September 1999 to August 2000 rating period to discuss performance plans and performance expectations. All other allegations of this paragraph are denied.

35. Defendant admits the allegations in the first and second sentences of this paragraph, and admits that Susie Able was a member of the rating/ranking panel for this vacancy. All other allegations of this paragraph are denied.

36. Defendant admits that plaintiff was removed as Technical Monitor and Project Manager for CSIRT and detailed to the asset management program in Technical Infrastructure Management. All other allegations of this paragraph are denied.

37. Defendant admits that on November 7, 2003, Ned Goldberg (white male), plaintiff's second-line supervisor from November 2001 to mid-December 2003, issued a Notice of Decision suspending plaintiff for five days without pay for the period November 17 through November 21, 2003. Defendant admits that the suspension resulted from the incident on August 15, 2003. Defendant admits that Mr. Goldberg's decision was based on Mr. Ebersberger's recommendation, its supporting evidence, plaintiff's written reply, and the transcript of plaintiff's oral reply. All other allegations of this paragraph are denied.

38. Defendant admits the allegations of the first sentence of this paragraph, except that the reassignment was effective December 14, 2003; and that defendant is presently without knowledge or information sufficient to verify the date on which Mr. Bartell notified plaintiff of the reassignment. All other allegations of this paragraph are denied.

39. Defendant admits that plaintiff filed a formal complaint (No. 04-0031) on May 17, 2004. All other allegations of this paragraph are denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Defendant denies the allegations of this paragraph, and further denies that plaintiff is entitled to the relief requested or to any relief whatsoever.

To the extent any allegations of plaintiff's Complaint deemed to require a response have not otherwise been answered by the defendant, such allegations are denied.

WHEREFORE, the defendant asks the Court to dismiss this action with prejudice, and to grant such other relief as the Court may deem just and proper.

Respectfully submitted,

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