

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Jane Doe I, II and III

Plaintiff,

vs.

District of Columbia,

Ronnie Few,

Samanthia Robinson,

Defendants

Case No.: 1:02-02338 (RMU)

Answer and Counterclaim
(Jane Doe III)

**DEFENDANT ROBINSON'S CONSOLIDATED DEFENSES, ANSWER AND
COUNTERCLAIM**

Comes now Defendant Samanthia Robinson, by and through the undersigned as counsel, and files her answer to Plaintiffs' Complaint. Defendant asserts as to the following defenses that she believes is supported currently by facts or, based on facts otherwise within her possession, will be supported upon further investigation and an opportunity for discovery.

First Defense-Lack of Personal Jurisdiction- Fed.R.Civ.Pro 12(b)(1).

The court lacks Personal Jurisdiction over Defendant Robinson as a result of Plaintiff's failure to properly serve Defendant Robinson, pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Second Defense- Injury by Fellow Servant

The injuries allegedly sustained, as set forth in the complaint were proximately, directly and solely caused by Defendants District of Columbia and Few. In no manner were any of said injuries caused by or contributed to by Defendant Robinson's conduct.

Third Defense Immunity From Suit

Defendant Robinson is entitled to qualified and/or absolute immunity from suit.

Fourth Defense

Each Plaintiff gave informed consent to having a surgical abortion and “physical harm, pain and severe emotional distress” was a known risk of this surgical procedure.

Fifth Defense

Each Plaintiff assumed the risk of “physical harm, pain and severe emotional distress” by choosing to have a surgical abortion.

Sixth Defense

Each Plaintiff failed to exhaust her administrative remedies.

Seventh Defense

Plaintiffs fail to state a claim upon which relief can be granted.

Eighth Defense

By failing to advise each Plaintiff properly as to her rights or as to the actual policy and customs of the District of Columbia as established by the final policymaker, Plaintiffs’ representatives, legal or otherwise, and/or other people are the proximate cause of any alleged emotional distress, physical harm and pain arising in connection with each Plaintiff’s surgical abortion.

Ninth Defense

Defendant acted at all times consistently with all applicable laws, rules, regulations, constitutional provisions and standards of care. Defendant Robinson is not liable for the actions of employees of the District of Columbia based upon any legal theory.

Tenth Defense

All of Plaintiffs’ claims may be barred in whole, or in part, by laches and other defenses to equitable or declaratory relief.

Eleventh Defense

This Court lacks subject-matter jurisdiction over Plaintiffs' claims for non-monetary relief to the extent that the Court has not already entered judgment in favor of defendants on these claims.

Twelfth Defense

Defendant Robinson asserts the defenses of res judicata, claim preclusions and issue preclusion over Plaintiffs' claims.

Answer

1. Contains no allegations which may be admitted or denied but which plaintiffs must prove. To the extent there is any allegation in this paragraph as to Defendant Robinson, it is denied.
2. Contains no allegations which may be admitted or denied.
3. Denied, (see affirmative defenses numbers 1 & 2.) Defendant denies, to the extent a denial is required, that any of the complained of acts as to her conduct actually occurred.
4. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph as to any plaintiff as they are making fictitious name filing and defendant is prevented from knowing their identities. Defendants neither admits nor denies any allegation with respect to "all times relevant hereto" because each Plaintiff uses that phrase to refer to different times. Defendant neither admits nor denies any allegation as to any of Plaintiff's motivations as she lack sufficient information to form a belief as to each Plaintiff's motivation.
5. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
6. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

7. Admitted in that Defendant Robinson was at one time was Interim Chief of Emergency Medical Services Operations (“EMSO.”) The term “at all time relevant hereto” is vague and undefined and as a result Defendant Robinson lacks information sufficient to either admit or deny this portion of the allegation.
8. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
9. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
10. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
11. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
12. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
13. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
14. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
15. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
16. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

17. Admitted in part denied in part. Defendant admits to making a presentation to the 2001 class however lacks information sufficient to form a belief as to whether plaintiffs were present in that class, as their filings were made is fictitious names.

18. Denied.

19. Denied.

20. Denied.

21. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

22. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

23. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

24. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

25. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

26. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

27. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

28. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

Count I

29. The allegations contained in Paragraphs 1-28 are specifically answered as provided above.
30. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
31. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
32. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
33. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
34. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To

the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

35. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

36. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

37. This paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count II

38. The allegations in paragraphs 1 through 37 are specifically answered as provided above.

39. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

40. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

41. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

42. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

43. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

44. This paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count III

45. The allegations contained in paragraphs 1 through 44 are specifically answered as provided above.

46. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

47. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

48. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

49. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

50. Denied.

51. Denied to the extent that any conduct by Defendant Robinson caused any woman to have an abortion. Defendant Robinson lack sufficient information as to whether any plaintiff did have an abortion as they are pleading under fictitious names.
52. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
53. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.
54. To the extent that this paragraph contains any allegation against Defendant Robinson, it is denied.
55. This paragraph does not contain any allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count IV

56. The allegations contained in paragraphs 1 through 55 are specifically answered as provided above.
57. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
58. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
59. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.
60. Defendant Robinson lacks sufficient information to either admit or deny the allegations contained in this paragraph.

61. This paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count V

62. The allegations contained in paragraphs 1 through 61 are specifically answered as provided above.

63. Defendant admits to attending a training/orientation session for the 2001 class of EMTs as part of her duties as Interim Chief at EMSO. Defendant Robinson can neither admit nor deny what is meant by “among other things” in plaintiffs complaint as that term is too vague to answer.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. This Paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count VI

72. The allegations contained in paragraphs 1 through 71 are specifically answered as provided above.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. This paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Count VII

80. The allegations contained in paragraphs 1 through 79 are answered as provided above.

81. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. There are no allegations in this paragraph against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

88. This paragraph calls for a legal conclusion which Defendant Robinson is not required to admit or deny but that Plaintiffs are required to prove. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

89. This paragraph contains no allegations against Defendant Robinson. To the extent that this paragraph contains any allegations against Defendant Robinson, it is denied.

Counterclaim – Slander

As a counterclaim against Plaintiffs, Defendant Robinson alleges:

1. Upon reasonable belief, on several dates since 2001 in locations within and outside of the District of Columbia, Plaintiffs in the presence and hearing of several persons maliciously, negligently or with reckless disregard for the truth spoke of and concerning Defendant Robinson false and defamatory words. Many of these statements were made to the District of Columbia Inspector General's office, though while those statements may be privileged, Defendant Robinson alleges these statements were also made in non-privileged settings. In many of the conversations, the words that Plaintiffs used were slanderous per se or plaintiffs meant and intended to mean and was understood by the persons hearing such statements as slanderous as to Defendant Robinson. However, due to plaintiffs pleading under fictitious names, disclosure of plaintiffs' true identity is required to establish the particular statements, to whom such slanderous statements were made, and the time at which such statements were made.
2. The words used by Plaintiffs were wholly false and made Defendant Robinson appear odious, infamous and ridiculous.
3. Thereby Defendant Robinson was injured in her reputation in the community and in her profession and caused her to be separated from the District of Columbia Fire/EMS against her will.
4. By virtue of Defendant Robinson's constructive termination she lost and will continue to lose wages and pension benefits.

WHEREFORE – Defendant demands (a) that Plaintiff take nothing on Plaintiff's claims (b) Defendant have a judgment against Plaintiff for the sum of Two Million One Hundred Thousand Dollars (\$2,100,000.00) (c) That defendant be awarded costs herein (d) that

Defendant be awarded reasonable attorney fees; and (e) that the court grant such other and further relief as the court may deem just and proper.

JURY DEMAND

Defendant Robinson demands a jury trial on all issues.

Dated this 9th day of March, 2004

By: _____

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