

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

FILED  
U.S. DISTRICT COURT  
TERRE HAUTE DIVISION  
2003 SEP 15 AM 8:36

SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

UNITED STATES, )  
)  
Plaintiff, ) Civil No. 203-CV-0206 - WGH  
)  
vs. )  
)  
TOWN OF WEST TERRE HAUTE, )  
)  
Defendant. )

**ANSWER**

Comes now defendant, Town of West Terre Haute, by counsel, and for its Answer to plaintiff's Complaint, says:

Answer to Specific Allegations

1-2. Defendant is without knowledge or information sufficient to admit or deny the truth of the allegations of paragraphs 1 and 2; therefore, those allegations are denied.

3. Defendant admits the allegations of paragraph 3.

4. Defendant is without knowledge or information sufficient to admit or deny the truth of the allegations of paragraph 4; therefore, those allegations are denied.

5. Defendant admits the allegations of paragraph

6. Defendant admits that Ms. Jana Buchanan was employed by the Town of West Terre Haute from October 1998 through August 2000. The defendant denies all other allegations in plaintiff's paragraph 6.

7. Defendant denies the allegations of paragraph 7.

8-9. Defendant is without knowledge or information sufficient to admit or deny the truth of the allegations of paragraphs 8 and 9; therefore, those allegations are denied.

WHEREFORE, defendant, Town of West Terre Haute, respectfully requests that the plaintiff take nothing by way of its complaint, and for all other just and proper relief in the premises.

Additional Defenses

For its further and affirmative defenses, defendant states the following:

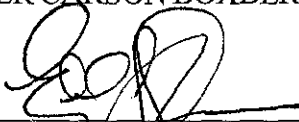
1. Plaintiff may have failed to mitigate her damages, as may be shown by the evidence.
2. Plaintiff has no damages.
3. The defendant may not be an "employer" as required by 42 U.S.C. § 2000E(b).
4. Plaintiff may have failed to comply with all precedent conditions prior to following suit, as may be shown by the evidence.
5. Plaintiff's claims may be barred by the doctrines of waiver and estoppel, as may be shown by the evidence.

WHEREFORE, defendant, Town of West Terre Haute, respectfully requests that the plaintiff take nothing by way of its complaint and for all other just and proper relief in the premises.

Respectfully submitted,

MILLER CARSON BOXBERGER & MURPHY LLP

By: \_\_\_\_\_

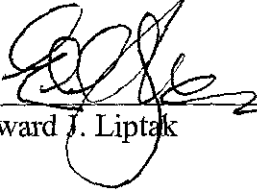


Edward J. Eptak/9821-02  
Attorney for Defendant,  
Town of West Terre Haute

3100 John Hinkle Place, Suite 106  
Bloomington, Indiana 47408  
Telephone: (812) 333-1225

**CERTIFICATE OF SERVICE**

I do hereby certify that on this the 12<sup>th</sup> day of September, 2003, a copy of the above and foregoing document was mailed by United States Mail, first class postage prepaid, to: **Amanda Rocque, Esq., Benjamin Blustein, Esq.**, U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Ave., NW, Employment Litigation Section, PHB 4908, Washington, DC 20530; and **Susan W. Brooks, Esq., Sue Hendricks Bailey, Esq.**, Office of the U.S. Attorney, 10 West Market Street, Suite 2100, Indianapolis, IN 46204.

  
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Edward J. Liptak