

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

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Plaintiff,

v.

CIV 01 0054 PJK/REP  
RECEIVED  
CLERK OF COURT

THE VILLAGE OF CUBA,  
NEW MEXICO

Defendant.

ANSWER TO COMPLAINT

Defendant Village of Cuba answers the complaint as follows.

1. Answering paragraph 1 of the complaint Defendant admits that the action is brought pursuant to Title VII but denies any basis for the action.
2. Defendant denies paragraph 2 of the complaint in that at all relevant times Defendant had fewer than 15 employees.
3. Defendant admits paragraph 3 of the complaint.
4. Defendant admits paragraph 4 of the complaint.
5. Defendant denies paragraph 5 of the complaint and subparagraphs 5 (a) and (b) of the complaint.

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6. Defendant denies paragraph 6 of the complaint and subparagraphs 6 (a) and (b) of the complaint.

7. Defendant admits paragraph 7 of the complaint but states that the EEOC's determination was erroneous, that its investigation was flawed and that its conciliation efforts did not comport with the definition of that term.

#### Affirmative and Alternate Defenses

1. The complaint fails to state a cause on which relief can be granted.
2. The Court lacks jurisdiction over the case as Defendant at all relevant times had fewer than 15 employees.
3. Defendant at all times acted in good faith.
4. Defendant's acts, if any, were privileged.
5. Plaintiff has failed to mitigate damages, if any.

WHEREFORE, having answered and defended, Defendant prays that the complaint be dismissed and that the Defendant be awarded its costs and attorney's fees as the complaint is frivolous.

Crider, Bingham & Hurst, P.C.

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I hereby certify that a true and correct copy of the foregoing was mailed this 16<sup>th</sup> day of March, 2001 to:

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