

CC: TO JUDGE PM

HONORABLE JOHN COUGHENOUR

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OCT 17 2002 PM

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

CV 02-02042 #00000004

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Plaintiff,

vs.

MARITIME EMPLOYMENT SERVICES,  
INC.,

Defendant

NO. CV 02-2042C

DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
COMPLAINT

TO. The Equal Employment Opportunity Commission (EEOC)

AND TO: A. Luis Lucero, Jr., Regional Attorney and Kathryn Olson, Supervisory Attorney,  
Counsel for Plaintiff (EEOC)

In answer to Plaintiff's Complaint, Defendant Maritime Employment Services, Inc.,  
admits, denies, and alleges as set forth below. Each and every allegation of Plaintiff's  
Complaint not expressly admitted is denied

DEFENDANT'S ANSWER -1

**ORIGINAL**

Law Office of Reba Weiss  
3316 Fuhrman Avenue East, Suite 250  
Seattle, Washington 98102  
206-860-0260 Fax: 206-860-0269

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1 NATURE OF THE ACTION

2 Defendant admits that Plaintiff has filed an action under Title VII of the Civil Rights Act  
3 of 1964 and Title I of the Civil Rights Act of 1991. Defendant specifically denies each and  
4 every other allegation contained in this paragraph.

5 JURISDICTION AND VENUE

- 6
- 7 1. Answering paragraph 1, Defendant admits that jurisdiction is asserted pursuant to 28  
8 U.S.C. §§ 451, 1331, 1337, 1343 and 1345 and that Plaintiff has instituted this action  
9 pursuant to § 706(f)(1) and (3) of Title VII as amended, and §102 of the Civil Rights  
10 Act of 1991, 42 U.S.C. §1981a. Defendant denies the remaining allegations in  
11 paragraph 1.
  - 12 2. Answering paragraph 2, Defendant admits doing business within the jurisdiction of  
13 this Court. Defendant denies committing unlawful employment practices. Defendant  
14 denies the remaining allegations in paragraph 2.

15 PARTIES

- 16
- 17 3. Answering paragraph 3, Defendant admits that Plaintiff is the agency of the United  
18 States of America charged with the administration, interpretation and enforcement of  
19 Title VII and is authorized to bring lawsuits under §706(f)(1) and (3) of Title VII, as  
20 amended, 42 U.S.C. §§20003-5(f)(1) and (3). Defendant denies the remaining  
21 allegations contained in paragraph 3.
  - 22 4. Answering paragraph 4, to the extent that this paragraph poses a legal question, no  
23 response is required. To the extent a response is required, Defendant admits that it  
24 has sometimes found employment for some of its clients. Defendant denies all  
25 remaining allegations contained in paragraph 4

1 CONCILIATION

- 2 5. Answering paragraph 8, Defendant admits that it was contacted by an EEOC  
3 representative prior to the institution of this lawsuit. Defendant denies all remaining  
4 allegations contained in paragraph 8.

5 STATEMENT OF CLAIMS

- 6 6. Answering paragraph 9, Defendant admits that Cleo Reed filed a charge of  
7 discrimination with the EEOC more than 30 days prior to the institution of this  
8 lawsuit. Whether all conditions precedent to the institution of this lawsuit were  
9 fulfilled is a legal question to which no response is required. Defendant denies all  
10 remaining allegations contained in paragraph 9.
- 11 7. Answering paragraph 10, Defendant denies each and every allegation contained in  
12 paragraph 10.
- 13 8. Answering paragraph 11, Defendant denies each and every allegation contained in  
14 paragraph 11.
- 15 9. Answering paragraph 12, Defendant denies each and every allegation contained in  
16 paragraph 12.
- 17 10. Answering paragraph 13, Defendant denies each and every allegation contained in  
18 paragraph 13

19 AFFIRMATIVE DEFENSES

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21 By way of further answer to Plaintiff's Complaint and as affirmative defenses, Defendant  
22 incorporates by reference herein its answers to paragraphs 1-13 herein and further asserts the  
23 following affirmative defenses:  
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- 1 1. Failure to state a claim upon which relief can be granted.
- 2 2. At all times, Defendant was acting in good faith.
- 3 3. Plaintiff's claim may be barred based on the doctrines of waiver and estoppel.
- 4 4. The practices of the Defendant are now, and were during the period of time referred to in
- 5 the complaint, conducted in all respects in accordance with local, state and federal laws,
- 6 regulations and constitutions.
- 7 5. Failure to mitigate damages.
- 8 6. Statute of Limitations.
- 9 7. Laches.
- 10 8. Failure to conciliate.
- 11 9. The scope of the charge filed with the EEOC in this matter limits plaintiff's claims.
- 12 10. Defendant reserves the right to raise additional affirmative defenses based on discovery
- 13 to be conducted in this action.

14  
15 RELIEF

16 Wherefore, having fully answered Plaintiff's Complaint, Defendant prays for the  
17 following relief:

- 18 1 For the dismissal of Plaintiff's complaint with prejudice,
  - 19 2. For Defendant's costs of defense, including reasonable attorney's fees; and
  - 20 3. For such further and other relief as the court deems just and equitable.
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1 Dated this 16 day of October, 2002.

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5 Reba Weiss ~~W9BAA 12876~~  
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7 3316 Fuhrman Avenue East, Suite 250  
8 Seattle, WA 98102  
9 Attorney for Defendant

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