

Eric Sanders

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Subject: Activity in Case 1:10-cv-05238-RJD -CLP Lawson v. City of New York et al Answer to Amended Complaint

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U.S. District Court

Eastern District of New York

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The following transaction was entered by Chiu, Daniel on 3/25/2011 at 6:31 PM EDT and filed on 3/25/2011

Case Name: Lawson v. City of New York et al

Case Number: 1:10-cv-05238-RJD -CLP

Filer: City of New York

James Coan

Davin

Acri

Document Number: 13

Docket Text:

ANSWER to [2] Amended Complaint by Acri, City of New York, James Coan, Davin. (Chiu, Daniel)

1:10-cv-05238-RJD -CLP Notice has been electronically mailed to:

Daniel Chiu dchiu@law.nyc.gov

Eric Sanders esanders@thesandersfirm.com

1:10-cv-05238-RJD -CLP Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

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[STAMP NYEDStamp_ID=875559751 [Date=3/25/2011] [FileNumber=5928763-0]
[1d781c5797dfa3a65a4a2aeac8487d5c93c00cc2b4d788362d3abde089abaf12a55fb
8fe2fac3038812ab402ae1acd019df915d4f036eb95e816f570a9511d46]]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
DEBRA LAWSON,

Plaintiff,

ANSWER

10 CV 5238 (RJD)(CLP)

-against-

THE CITY OF NEW YORK and JAMES COAN, as Captain, formerly assigned to the Organized Crime Control Bureau's Firearm Suppression Unit; DANIEL DANIEL DAVIN, as Lieutenant, Organized Crime Control Bureau's Firearm Suppression Unit; and PATRICK ACRI, as Sergeant, formerly assigned to Organized Crime Control Crime Bureau's Firearm Suppression Unit, being sued Individually and in his official capacity as an employee of Defendant THE CITY OF NEW YORK,

Defendants.

----- x
Defendants, the City of New York ("City") James Coan, Daniel Davin (incorrectly sued herein as "Daniel Daniel Davin"), and Patrick Acri (collectively, "Defendants"), by their attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, as and for their answer to the Amended Complaint, allege as follows:

1. Deny the allegations set forth in the first unnumbered paragraph of the Amended Complaint, except admits that plaintiff purports to bring this action as stated therein.

2. Deny the allegations set forth in paragraph "1" of the Amended Complaint, except admit that plaintiff purports to invoke the jurisdiction of the court as set forth in this paragraph and its subparagraphs.

3. Deny the allegations set forth in paragraph "2" of the Amended Complaint.

4. Deny the allegations set forth in paragraph "3" of the Amended Complaint, except admit that plaintiff purports to invoke the jurisdiction of the court as set forth therein.

5. Deny the allegations set forth in paragraph "4" of the Amended Complaint.

6. Paragraph "5" of the Amended Complaint states a legal opinion to which no response is required. To the extent that a response is required, deny the allegations set forth in and respectfully refer the Court to the cited statute for a complete and accurate statement of its contents.

7. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph "6" of the Amended Complaint.

8. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph "7" of the Amended Complaint, except admit that the EEOC issued a right to sue letter, dated August 17, 2010.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8" of the Amended Complaint, except admit that plaintiff self-identifies as a female and that she is an employee of the City in the City's Police Department ("NYPD").

10. Deny the allegations set forth in paragraph "9" of the Amended Complaint, except admit that the City is a municipal corporation duly organized and existing under the Constitution and laws of the State of New York

11. Paragraph "10" of the Amended Complaint does not state an allegation that is capable of a response. To the extent that a response is required, deny the allegations set

forth, except admit that James Coan is a Captain with the New York City Police Department and was assigned to the Firearms Suppression Division, Daniel Davin is a Lieutenant with the New York City Police Department and is assigned to the Firearms Suppression Division, and Pat Acri is a Sergeant with the New York City Police Department and was assigned to the Firearms Suppression Division.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "11" of the Amended Complaint, except admit that plaintiff self-identifies as an African-American female and that she is an employee of the City in the NYPD.

13. Deny the allegations set forth in paragraph "12" of the Amended Complaint.

14. Deny the allegations set forth in paragraph "13" of the Amended Complaint.

15. Deny the allegations set forth in paragraph "14" of the Amended Complaint.

16. Deny the allegations set forth in paragraph "15" of the Amended Complaint, except admit that plaintiff was appointed to the NYPD as a police officer on February 28, 1994.

17. Deny the allegations set forth in paragraph "16" of the Amended Complaint, except admit that that plaintiff was assigned to the Organized Crime Control Bureau's Firearms Suppression Division on August 11, 2006.

18. Deny the allegations set forth in paragraph "17" of the Amended Complaint.

19. Deny the allegations set forth in paragraph "18" of the Amended Complaint.

20. Deny the allegations set forth in paragraph "19" of the Amended Complaint, except admit that that plaintiff was assigned to the Organized Crime Control Bureau's Firearms Suppression Division on August 11, 2006.

21. Deny the allegations set forth in paragraph "20" of the Amended Complaint, except admit that plaintiff was designated a Detective 2nd Grade on April 29, 2005.

22. Deny the allegations set forth in paragraph "21" of the Amended Complaint, except admit that plaintiff was assigned as an investigator detective.

23. Deny the allegations set forth in paragraph "22" of the Amended Complaint.

24. Deny the allegations set forth in paragraph "23" of the Amended Complaint.

25. Deny the allegations set forth in paragraph "24" of the Amended Complaint,.

26. Deny the allegations set forth in paragraph "25" of the Amended Complaint.

27. Deny the allegations set forth in paragraph "26" of the Amended Complaint.

28. Deny the allegations set forth in paragraph "27" of the Amended Complaint.

29. Deny the allegations set forth in paragraph "28" of the Amended Complaint, except admit that Caucasian males were assigned as investigators in the Firearms Suppression Division.

30. Deny the allegations set forth in paragraph "29" of the Amended Complaint.

31. Deny the allegations set forth in paragraph "30" of the Amended Complaint.

32. Deny the allegations set forth in paragraph "31" of the Amended Complaint.

33. Deny the allegations set forth in paragraph "32" of the Amended Complaint.

34. Deny the allegations set forth in paragraph "33" of the Amended Complaint.

35. Deny the allegations set forth in paragraph "34" of the Amended Complaint.

36. Deny the allegations set forth in paragraph "35" of the Amended Complaint.

37. Deny the allegations set forth in paragraph "36" of the Amended Complaint.

38. Deny the allegations set forth in paragraph "37" of the Amended Complaint.

39. Deny the allegations set forth in paragraph "38" of the Amended Complaint.

40. Deny the allegations set forth in paragraph "39" of the Amended Complaint, except admit that plaintiff has worked as an undercover detective.

41. Deny the allegations set forth in paragraph "40" of the Amended Complaint.

42. Deny the allegations set forth in paragraph "41" of the Amended Complaint.

43. Deny the allegations set forth in paragraph "42" of the Amended Complaint.

44. Deny the allegations set forth in paragraph "43" of the Amended Complaint.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44" of the Amended Complaint, except admit plaintiff has been assigned to different tours.

46. Deny the allegations set forth in paragraph "45" of the Amended Complaint.

47. Deny the allegations set forth in paragraph "46" of the Amended Complaint, except admit that plaintiff was assigned to ride with undercover officers and confidential informants.

48. Deny the allegations set forth in paragraph "47" of the Amended Complaint, except admit that plaintiff was assigned to work as a "Ghost."

49. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48" of the Amended Complaint.

50. Deny the allegations set forth in paragraph "49" of the Amended Complaint.

51. Deny the allegations set forth in paragraph "50" of the Amended Complaint.

52. Deny the allegations set forth in paragraph "51" of the Amended Complaint.

53. Deny the allegations set forth in paragraph "52" of the Amended Complaint.

54. Deny the allegations set forth in paragraph "53" of the Amended Complaint.

55. Deny the allegations set forth in paragraph "54" of the Amended Complaint.

56. Deny the allegations set forth in paragraph "55" of the Amended Complaint.

57. Deny the allegations set forth in paragraph "56" of the Amended Complaint.

58. Deny the allegations set forth in paragraph "57" of the Amended Complaint.

59. Deny the allegations set forth in paragraph "58" of the Amended Complaint.

60. Deny the allegations set forth in paragraph "59" of the Amended Complaint, except admit that plaintiff was ordered into Lieutenant Davin's office and Sergeant Acri was present.

61. Deny the allegations set forth in paragraph "60" of the Amended Complaint.

62. Deny the allegations set forth in paragraph "61" of the Amended Complaint.

63. Deny the allegations set forth in paragraph "62" of the Amended Complaint.

64. Deny the allegations set forth in paragraph "63" of the Amended Complaint.

65. Deny the allegations set forth in paragraph "64" of the Amended Complaint.

66. Deny the allegations set forth in paragraph "65" of the Amended Complaint.

67. Deny the allegations set forth in paragraph "66" of the Amended Complaint.

68. Deny the allegations set forth in paragraph "67" of the Amended Complaint.

69. Deny the allegations set forth in paragraph "68" of the Amended Complaint.

70. Deny the allegations set forth in paragraph "69" of the Amended Complaint.

71. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph "70" of the Amended Complaint.

72. Deny the allegations set forth in paragraph "71" of the Amended Complaint.

73. Deny the allegations set forth in paragraph "72" of the Amended Complaint.

74. Deny the allegations set forth in paragraph "73" of the Amended Complaint.

75. Deny the allegations set forth in paragraph "74" of the Amended Complaint.

76. Deny the allegations set forth in paragraph "75" of the Amended Complaint, except admit that plaintiff was transferred to the Gun Offender Monitoring Unit on January 9, 2009.

77. Deny the allegations set forth in paragraph "76" of the Amended Complaint.

78. Deny the allegations set forth in paragraph "77" of the Amended Complaint, except admit that plaintiff filed a Complaint of Employment Discrimination with the NYPD Office of Equal Employment Opportunity on January 20, 2009.

79. Deny the allegations set forth in paragraph "78" of the Amended Complaint, except admit that a letter was sent to plaintiff, dated March 2, 2009, from NYPD Office of Equal Employment Opportunity.

80. Deny the allegations set forth in paragraph "79" of the Amended Complaint.

81. In response to the allegations set forth in paragraph "80" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "79" of the Amended Complaint as if fully set forth here.

82. Deny the allegations set forth in paragraph "81" of the Amended Complaint.

83. Deny the allegations set forth in paragraph "82" of the Amended Complaint.

84. Deny the allegations set forth in paragraph "83" of the Amended Complaint.

85. Deny the allegations set forth in paragraph "84" of the Amended Complaint.

86. Deny the allegations set forth in paragraph "85" of the Amended Complaint.

87. Deny the allegations set forth in paragraph "86" of the Amended Complaint.

88. Deny the allegations set forth in paragraph "87" of the Amended Complaint.

89. In response to the allegations set forth in paragraph "88" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "87" of the Amended Complaint as if fully set forth here.

90. Deny the allegations set forth in paragraph "89" of the Amended Complaint.

91. Deny the allegations set forth in paragraph "90" of the Amended Complaint.

92. Deny the allegations set forth in paragraph "91" of the Amended Complaint.

93. Deny the allegations set forth in paragraph "92" of the Amended Complaint.

94. Deny the allegations set forth in paragraph "93" of the Amended Complaint.

95. Deny the allegations set forth in paragraph "94" of the Amended Complaint.

96. Deny the allegations set forth in paragraph "95" of the Amended Complaint.

97. In response to the allegations set forth in paragraph "96" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "95" of the Amended Complaint as if fully set forth here.

98. Deny the allegations set forth in paragraph "97" of the Amended Complaint.

99. Deny the allegations set forth in paragraph "98" of the Amended Complaint.

100. In response to the allegations set forth in paragraph "99" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "98" of the Amended Complaint as if fully set forth here.

101. Deny the allegations set forth in paragraph "100" of the Amended Complaint.

102. Deny the allegations set forth in paragraph "101" of the Amended Complaint.

103. In response to the allegations set forth in paragraph "102" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "101" of the Amended Complaint as if fully set forth here.

104. Deny the allegations set forth in paragraph "103" of the Amended Complaint.

105. Deny the allegations set forth in paragraph "104" of the Amended Complaint.

106. In response to the allegations set forth in paragraph "105" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "104" of the Amended Complaint as if fully set forth here..

107. Deny the allegations set forth in paragraph "106" of the Amended Complaint.

108. Deny the allegations set forth in paragraph "107" of the Amended Complaint.

109. Deny the allegations set forth in paragraph "108" of the Amended Complaint.

110. Deny the allegations set forth in paragraph "109" of the Amended Complaint.

111. In response to the allegations set forth in paragraph “110” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “109” of the Amended Complaint as if fully set forth here.

112. Deny the allegations set forth in paragraph “111” of the Amended Complaint.

113. Deny the allegations set forth in paragraph “112” of the Amended Complaint.

114. Deny the allegations set forth in paragraph “113” of the Amended Complaint.

115. Deny the allegations set forth in paragraph “114” of the Amended Complaint.

116. In response to the allegations set forth in paragraph “115” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “114” of the Amended Complaint as if fully set forth here.

117. Deny the allegations set forth in paragraph “116” of the Amended Complaint.

118. Deny the allegations set forth in paragraph “117” of the Amended Complaint.

119. Deny the allegations set forth in paragraph “118” of the Amended Complaint.

120. Deny the allegations set forth in paragraph “119” of the Amended Complaint.

121. In response to the allegations set forth in paragraph “120” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “119” of the Amended Complaint as if fully set forth here.

122. Deny the allegations set forth in paragraph “121” of the Amended Complaint.

123. Deny the allegations set forth in paragraph “122” of the Amended Complaint.

124. Deny the allegations set forth in paragraph “123” of the Amended Complaint.

125. Deny the allegations set forth in paragraph “124” of the Amended Complaint.

126. In response to the allegations set forth in paragraph “125” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “124” of the Amended Complaint as if fully set forth here.

127. Deny the allegations set forth in paragraph “126” of the Amended Complaint.

128. Deny the allegations set forth in paragraph “127” of the Amended Complaint.

129. Deny the allegations set forth in paragraph “128” of the Amended Complaint.

130. Deny the allegations set forth in paragraph “129” of the Amended Complaint.

131. Deny the allegations set forth in paragraph "130" of the Amended Complaint.

132. In response to the allegations set forth in paragraph "131" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "130" of the Amended Complaint as if fully set forth here.

133. Deny the allegations set forth in paragraph "132" of the Amended Complaint.

134. Deny the allegations set forth in paragraph "133" of the Amended Complaint.

135. Deny the allegations set forth in paragraph "134" of the Amended Complaint.

136. Deny the allegations set forth in paragraph "135" of the Amended Complaint.

137. Deny the allegations set forth in paragraph "136" of the Amended Complaint.

138. In response to the allegations set forth in paragraph "137" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "136" of the Amended Complaint as if fully set forth here.

139. Deny the allegations set forth in paragraph "138" of the Amended Complaint.

140. Deny the allegations set forth in paragraph "139" of the Amended Complaint.

141. Deny the allegations set forth in paragraph "140" of the Amended Complaint.

142. Deny the allegations set forth in paragraph "141" of the Amended Complaint.

143. Deny the allegations set forth in paragraph "142" of the Amended Complaint.

144. In response to the allegations set forth in paragraph "143" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "142" of the Amended Complaint as if fully set forth here.

145. Deny the allegations set forth in paragraph "144" of the Amended Complaint.

146. Deny the allegations set forth in paragraph "145" of the Amended Complaint.

147. Deny the allegations set forth in paragraph "146" of the Amended Complaint.

148. Deny the allegations set forth in paragraph "147" of the Amended Complaint.

149. Deny the allegations set forth in paragraph "148" of the Amended Complaint.

150. In response to the allegations set forth in paragraph "149" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "148" of the Amended Complaint as if fully set forth here.

151. Deny the allegations set forth in paragraph "150" of the Amended Complaint.

152. Deny the allegations set forth in paragraph "151" of the Amended Complaint.

153. Deny the allegations set forth in paragraph "152" of the Amended Complaint.

154. Deny the allegations set forth in paragraph "153" of the Amended Complaint.

155. Deny the allegations set forth in paragraph "154" of the Amended Complaint.

156. In response to the allegations set forth in paragraph "155" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "154" of the Amended Complaint as if fully set forth here.

157. Deny the allegations set forth in paragraph "156" of the Amended Complaint.

158. Deny the allegations set forth in paragraph "157" of the Amended Complaint.

159. Deny the allegations set forth in paragraph "158" of the Amended Complaint.

160. Deny the allegations set forth in paragraph "159" of the Amended Complaint.

161. Deny the allegations set forth in paragraph "160" of the Amended Complaint.

162. In response to the allegations set forth in paragraph "161" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "160" of the Amended Complaint as if fully set forth here.

163. Deny the allegations set forth in paragraph "162" of the Amended Complaint.

164. Deny the allegations set forth in paragraph "163" of the Amended Complaint.

165. Deny the allegations set forth in paragraph "164" of the Amended Complaint.

166. Deny the allegations set forth in paragraph "165" of the Amended Complaint.

167. In response to the allegations set forth in paragraph "166" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "165" of the Amended Complaint as if fully set forth here.

168. Deny the allegations set forth in paragraph "167" of the Amended Complaint.

169. Deny the allegations set forth in paragraph "168" of the Amended Complaint.

170. Deny the allegations set forth in paragraph "169" of the Amended Complaint.

171. Deny the allegations set forth in paragraph "170" of the Amended Complaint.

172. In response to the allegations set forth in paragraph "171" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "170" of the Amended Complaint as if fully set forth here.

173. Deny the allegations set forth in paragraph "172" of the Amended Complaint.

174. Deny the allegations set forth in paragraph "173" of the Amended Complaint.

175. Deny the allegations set forth in paragraph "174" of the Amended Complaint.

176. Deny the allegations set forth in paragraph "175" of the Amended Complaint.

177. Deny the allegations set forth in paragraph "176" of the Amended Complaint.

178. In response to the allegations set forth in paragraph "177" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "176" of the Amended Complaint as if fully set forth here.

179. Deny the allegations set forth in paragraph "178" of the Amended Complaint.

180. Deny the allegations set forth in paragraph "179" of the Amended Complaint.

181. Deny the allegations set forth in paragraph "180" of the Amended Complaint.

182. Deny the allegations set forth in paragraph “181” of the Amended Complaint.

183. Deny the allegations set forth in paragraph “182” of the Amended Complaint.

184. In response to the allegations set forth in paragraph “183” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “182” of the Amended Complaint as if fully set forth here.

185. Deny the allegations set forth in paragraph “184” of the Amended Complaint.

186. Deny the allegations set forth in paragraph “185” of the Amended Complaint.

187. Deny the allegations set forth in paragraph “186” of the Amended Complaint.

188. Deny the allegations set forth in paragraph “187” of the Amended Complaint.

189. In response to the allegations set forth in paragraph “188” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “187” of the Amended Complaint as if fully set forth here.

190. Deny the allegations set forth in paragraph “189” of the Amended Complaint.

191. Deny the allegations set forth in paragraph “190” of the Amended Complaint.

192. Deny the allegations set forth in paragraph "191" of the Amended Complaint.

193. Deny the allegations set forth in paragraph "192" of the Amended Complaint.

194. In response to the allegations set forth in paragraph "193" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "192" of the Amended Complaint as if fully set forth here.

195. Deny the allegations set forth in paragraph "194" of the Amended Complaint.

196. Deny the allegations set forth in paragraph "195" of the Amended Complaint.

197. Deny the allegations set forth in paragraph "196" of the Amended Complaint.

198. Deny the allegations set forth in paragraph "197" of the Amended Complaint.

199. In response to the allegations set forth in paragraph "198" of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs "1" through "197" of the Amended Complaint as if fully set forth here.

200. Deny the allegations set forth in paragraph "199" of the Amended Complaint.

201. Deny the allegations set forth in paragraph "200" of the Amended Complaint.

202. Deny the allegations set forth in paragraph “201” of the Amended Complaint.

203. Deny the allegations set forth in paragraph “202” of the Amended Complaint.

204. Deny the allegations set forth in paragraph “203” of the Amended Complaint.

205. In response to the allegations set forth in paragraph “204” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “203” of the Amended Complaint as if fully set forth here.

206. Deny the allegations set forth in paragraph “205” of the Amended Complaint.

207. Deny the allegations set forth in paragraph “206” of the Amended Complaint.

208. Deny the allegations set forth in paragraph “207” of the Amended Complaint.

209. Deny the allegations set forth in paragraph “208” of the Amended Complaint.

210. Deny the allegations set forth in paragraph “209” of the Amended Complaint.

211. In response to the allegations set forth in paragraph “210” of the Amended Complaint, Defendants repeat and reallege their responses to the allegations set forth in paragraphs “1” through “209” of the Amended Complaint as if fully set forth here.

212. Deny the allegations set forth in paragraph "211" of the Amended Complaint.

213. Deny the allegations set forth in paragraph "212" of the Amended Complaint.

214. Deny the allegations set forth in paragraph "213" of the Amended Complaint.

215. Deny the allegations set forth in paragraph "214" of the Amended Complaint.

216. Paragraph "215" of the Amended Complaint is a jury demand to which no response is required. To the extent that the Court finds that this paragraph contains factual allegations to which a response is necessary, defendants deny the allegation set forth in this paragraph.

AS AND FOR A FIRST DEFENSE

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

AS AND FOR A SECOND DEFENSE

218. The Amended Complaint is barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A THIRD DEFENSE

219. All actions taken by Defendants were based upon legitimate, non-discriminatory and non-retaliatory reasons.

AS AND FOR A FOURTH DEFENSE

220. Defendants exercised reasonable care to prevent and promptly correct the occurrence of discriminatory acts, if any, by any supervisor or employee.

AS AND FOR A FIFTH DEFENSE

221. Defendants did not violate any rights, privileges or immunities under the Constitution or the laws of the United States or the State of New York or any political subdivision thereof, or any act of Congress providing for the protection of civil rights.

AS AND FOR A SIXTH DEFENSE

222. The Amended Complaint is barred, in whole or in part, by the election of remedies doctrine, mutually exclusive remedies, or any combination of these doctrines.

AS AND FOR A SEVENTH DEFENSE

223. The Amended Complaint is barred in whole or in part, on the grounds of *res judicata*, collateral estoppel, claim preclusion, issue preclusion, or any combination of these doctrines.

AS AND FOR AN EIGHTH DEFENSE

224. Any damages sustained by plaintiff were caused by plaintiff's own negligent or otherwise culpable conduct. Plaintiff has failed to mitigate her damages, if any.

AS AND FOR A NINTH DEFENSE

225. At all times relevant to the acts alleged in the Amended Complaint, the duties and functions of the City's officials entailed the reasonable exercise of proper and lawful discretion. Therefore, the City has governmental immunity from liability on plaintiff's state law claims.

226. Defendants are shielded from suit, in whole or in part, by the doctrines of absolute immunity, qualified immunity, common law immunity, judicial immunity, or any combination of these doctrines.

AS AND FOR A TENTH DEFENSE

227. The Amended Complaint's request for punitive damages is barred, in whole or in part, because punitive damages are not available against a government or a governmental subdivision.

AS AND FOR AN ELEVENTH DEFENSE

228. The conduct complained of may consist of nothing more than what a reasonable victim of discrimination would consider petty slights and trivial inconveniences, and thus plaintiff's claims under the New York City Human Rights Law must be dismissed.

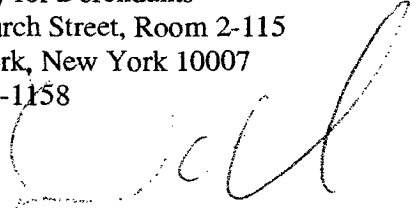
AS AND FOR A TWELFTH DEFENSE

229. Individuals are not subject to suit under Title VII of the Civil Rights act of 1964.

WHEREFORE, defendants request judgment dismissing the Amended Complaint in its entirety, together with defendants' costs, fees and disbursements incurred in defending this action, and such other and further relief as to the Court seems just and proper.

Dated: New York, New York
March 25, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-115
New York, New York 10007
212-788-1158

By: 
Daniel Chiu
Assistant Corporation Counsel

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