

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 21-cv-01320-PAB-MDB

OLIVIA BALLAGE,

Plaintiff,

v.

HOPE & HOME,

Defendant.

AMENDED ANSWER

Defendant Hope & Home, by and through its undersigned counsel, hereby submits this Amended Answer¹ to Plaintiff Oliva Ballage’s Employment Discrimination Complaint (“Complaint”) as follows:

A. PLAINTIFF INFORMATION

Defendant is without knowledge or information and belief sufficient to form a belief as to the truth of the allegations concerning Plaintiff’s contact information, and so denies the same.

B. DEFENDANT(S) INFORMATION

Defendant admits that the contact information contained in the section “Defendant(s) Information” is accurate.

¹ Defendant submits this Amended Answer following the Court’s ruling on Defendant’s Partial Motion to Dismiss in compliance with Fed. R. Civ. P. 12(a)(4)(A).

C. JURISDICTION

Defendant admits that Plaintiff brings claims against Defendant for alleged violations of Title VII and the Americans with Disabilities Act, but denies that Plaintiff is entitled to relief under either statute.

D. STATEMENT OF CLAIMS

With respect to the allegations contained in the first paragraph under the section “Statement of Claim(s),” Defendant admits that Plaintiff is an African-American woman; that she began her employment in 2015; that she received a leave of absence to undergo surgery in the spring of 2019; and that she resigned her employment voluntarily on or about July 12, 2019. Defendant denies the remaining allegations.

With respect to the allegations contained in the paragraph beginning “Sex Discrimination,” Defendant denies each and every allegation in their entirety.

With respect to the allegations contained in the paragraph beginning “Race Discrimination,” Defendant denies each and every allegation in their entirety.

With respect to the allegations contained in the paragraph beginning “Disability Discrimination,” Defendant denies each and every allegation in their entirety.

With respect to the allegations contained in the paragraph beginning “Retaliation,” Defendant denies each and every allegation in their entirety.

E. ADMINISTRATIVE PROCEDURE

Defendant admits that Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission and received a notice of right to sue.

F. REQUEST FOR RELIEF

Defendant admits that Plaintiff purports to seek the relief alleged but denies Plaintiff is entitled to any of the relief outlined therein or any relief whatsoever.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Complaint fails to state claims upon which relief can be granted.

SECOND SEPARATE DEFENSE

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations.

THIRD SEPARATE DEFENSE

Plaintiff failed to mitigate her damages, if any.

FOURTH SEPARATE DEFENSE

Plaintiff's claims are barred in whole or in part by her own conduct.

FIFTH SEPARATE DEFENSE

All of the employment decisions about which Plaintiff complains were made for legitimate, nondiscriminatory reasons unrelated to Plaintiff's disability or any other status, activities, or conduct protected by law.

SIXTH SEPARATE DEFENSE

Even if a discriminatory motive is found, Defendant would have made the same employment decisions even absent such motivations.

SEVENTH SEPARATE DEFENSE

At all times, Defendant acted in good faith regarding Plaintiff.

EIGHTH SEPARATE DEFENSE

Any retaliation or discrimination was contrary to Defendant's good faith efforts to comply with the law, and Defendant had reasonable grounds for believing its acts did not violate the law.

NINTH SEPARATE DEFENSE

Plaintiff's Title VII claims are limited by and to any allegations and claims made before state and federal civil rights agencies and the charge(s) filed therewith.

TENTH SEPARATE DEFENSE

Defendant exercised reasonable care to prevent and correct harassing behavior and Plaintiff unreasonably failed to take advantage of any preventative or corrective opportunities.

Defendant reserves the right to assert additional affirmative or separate defenses of which it becomes knowledgeable during the course of discovery.

DATED this 12th day of September, 2022.

Respectfully submitted,

s/ Raymond M. Deeny

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Attorneys for Defendant

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 12th day of September, 2022, I electronically filed the foregoing **DEFENDANT'S AMENDED ANSWER** with the Clerk of the Court using the CM/ECF system and sent a true and correct copy of same to Plaintiff via e-mail addressed to:

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s/ Mary Navrides

Practice Assistant