

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

OLIVIA BALLAGE,

Plaintiff,

v.

HOPE & HOME,

Defendant.

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**ANSWER**

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Defendant Hope & Home, by and through its undersigned counsel, hereby submits this Answer<sup>1</sup> 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.

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<sup>1</sup> Defendant submits this Answer in conjunction with a Partial Motion to Dismiss two of Plaintiff’s four claims for relief. Defendant herein admits or denies allegations only regarding the claims of relief for which Defendant does not seek dismissal. To the extent the Court does not grant Defendant’s Partial Motion to Dismiss, Defendant will answer the allegations contained in the claims for relief for which Defendant presently seeks dismissal.

**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 asserts that these allegations fail to state a claim upon which relief can be granted. Defendant has simultaneously filed a Partial Motion to Dismiss regarding these allegations.

With respect to the allegations contained in the paragraph beginning “Race Discrimination,” Defendant asserts that these allegations fail to state a claim upon which relief can be granted. Defendant has simultaneously filed a Partial Motion to Dismiss regarding these allegations.

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, and non-retaliatory reasons, unrelated to Plaintiff's disability or any other status, activities, or conduct protected by law.

**SIXTH SEPARATE DEFENSE**

Even if a discriminatory or retaliatory 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 20<sup>th</sup> day of October, 2021.

Respectfully submitted,

*s/ Raymond M. Deeny*

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Attorneys for Defendant

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on this 20<sup>th</sup> day of October, 2021, I electronically filed the foregoing **DEFENDANT'S 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 and in the United States first class mail, postage prepaid, addressed to:

Olivia Ballage  
4462 Continental Heights, Apt. #311  
Colorado Springs, CO 80924  
E-mail: [oballage@gmail.com](mailto:oballage@gmail.com)

*s/ Mary Navrides*  
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Practice Assistant