

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

MUNICIPIO DE VEGA ALTA,

Defendant.

Civil No. 06-1302 (PG)

Plaintiff Requests Trial by Jury

ANSWER TO COMPLAINT

TO THE HONORABLE COURT:

COME NOW the defendant, Municipio de Vega Alta, through the undersigned attorneys, and respectfully states, prays and alleges:

1. Paragraph one (1) of the Complaint states pursuant to which statute the case at bar is presented. Hence no response is required.

2. The jurisdictional allegation contained in Paragraph two (2) is denied insofar as the Municipio de Vega Alta (“Defendant”) has not violated Title VII of the Civil Rights Act as alleged therein, nor incurred in the discriminatory conduct alleged by Plaintiff.

3. Admitted.

4. Admitted.

5. Denied.

6. Denied.

7. Denied for lack of knowledge and/or information.

8. Denied for lack of knowledge and/or information.
9. Denied for lack of knowledge and/or information.
14. Denied.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.
2. The claims included in the Complaint are time barred.
3. The corrective measures requested by Plaintiffs in the Complaint have already been instituted in the Municipality
4. The damages claimed by Plaintiff are excessive.
5. Defendant is not liable for any of the acts alleged in the Complaint.
6. The Defendant has not incurred in intentional discrimination against the Plaintiffs.
7. All personnel decisions and actions taken by Defendant and/or its representatives were based on legitimate, non-discriminatory reasons.
8. Plaintiffs failed to take advantage of the Municipality's established anti-discrimination procedures.
9. The facts alleged in the complaint fail to state a prima facie case of sex discrimination.
10. The facts alleged in the complaint fail to state a prima facie case of retaliation.
11. Defendants did not retaliate against plaintiff Miranda-Vázquez and the personnel decisions pertaining to him were based on legitimate, non-discriminatory reasons.
12. Plaintiffs are not entitled to compensatory damages, punitive damages, back pay, interest on back pay, nor costs.

13. In the alternative, the amount of compensatory damages are limited by 42 U.S.C. sec. 1981a.

14. Plaintiffs failed to mitigate damages.

15. The elements of a sex discrimination claim under Title VII are not adequately pleaded.

16. The elements of a retaliation claim under Title VII are not adequately pleaded.

17. In the alternative it is alleged that all personnel decisions and actions taken by Defendant and/or its representatives are in compliance with 42 U.S.C. A sec. 2000e-2(h) and 2000e-2(e)(1).

18. Defendant reserves the right to amend the answers to the complaint, and to raise any other affirmative defenses they may deem proper after completion of discovery in this case.

WHEREFORE, Defendant respectfully requests from the Court that it take note of the preceding, and enter judgment dismissing the Complaint with prejudice, and granting any other relief to the Defendant it deems warranted.

Respectfully submitted.

In San Juan, Puerto Rico this 13th day of June, 2006.

I HEREBY CERTIFY: That on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorneys of record.

NACHMAN & GUILLEMARD

Attorneys for Plaintiffs

P.O. Box 9949

San Juan, Puerto Rico 00908

Tel. (787) 724-1212

Fax: (787) 725-1339

S/ MONIQUE GUILLEMARD NOBLE

Monique Guillemard-Noble

USDC-PR 215203

S/FRANCIS A. MARQUEZ SAN MARTÍN

Francis A. Márquez-San Martín

USDC-PR 222712