

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

**UNITED STATES OF AMERICA,  
et al.,**

Plaintiffs,

v.

**MUNICIPIO DE VEGA ALTA,  
et al.,**

Defendants.

Civil No. 06-1302 (PG)

Plaintiff Requests Trial by Jury

**ANSWER TO RAFAEL MIRANDA'S INTERVENER COMPLAINT<sup>1</sup>**

**TO THE HONORABLE COURT:**

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

**NATURE OF THE ACTION AND JURISDICTION**

1. Paragraph one (1) of the Complaint states pursuant to which statutes the case at bar is presented. Hence no response is required. However, the same is denied inasmuch as it alleges that

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<sup>1</sup> On July 19, 2006, Iris Bidot, Madeleine Garcia, Rafael Miranda and Laura Molina jointly filed an intervener complaint. (Docket No. 9). Thereafter, the Municipality filed a *Motion to Dismiss Intervener Complaint* (Docket No. 34) seeking the dismissal of Bidot, García and Molina's federal causes of action. Said relief was not sought as to Miranda, for which the Municipality requested leave to file its answer to Miranda's complaint (Docket No. 35) until its motion to dismiss were ruled on by the Court. At the December 14, 2006 status conference, however, the Court ordered the Municipality to answer the intervener complaint only with regards to Miranda. Consequently, the Municipality files the present answer, which deals exclusively with Miranda's claims.

the Municipality of Vega Alta (the “Municipality”) discriminated and retaliated against intervening plaintiff Rafael Miranda (“Miranda”).

2. Paragraph two (2) of the intervener complaint is a jurisdictional statement which does not require a response.

3. Paragraph three (3) of the intervener complaint is a statement as to venue which does not require a response.

#### **ADMINISTRATIVE PROCEEDINGS**

4. Denied.

5. Denied.

6. Admitted.

7. Paragraph seven (7) is a legal statement which does not require a response. In the alternative, it is denied as drafted.

8. Paragraph eight (8) is not directly related to Miranda’s claims, for which no response is warranted.

#### **THE PARTIES**

9. Paragraph nine (9) is not directly related to Miranda’s claims, for which no response is warranted.

10. Paragraph ten(10) is not directly related to Miranda’s claims, for which no response is warranted.

11. Paragraph eleven (11) is not directly related to Miranda’s claims, for which no response is warranted.

12. Denied as drafted.

13. The first sentence of paragraph thirteen (13) is Denied as drafted. The second sentence is a legal statement which does not require a response. In the alternative, it is denied.

14. Denied as drafted.

15. Denied as drafted.

16. Denied as drafted.

17. Admitted.

18. Denied.

19. Denied.

**RELEVANT FACTS**

20. The Municipality repeats and incorporates the preceding answers as if stated herein.

21. Admitted that Miranda began working at the Municipality in the year 2000. The remaining assertions of paragraph twenty-one are denied.

22. Denied.

23. Denied as drafted.

24. Denied as drafted.

25. Denied as drafted.

26. Denied.

27. Paragraph twenty-seven (27) is not directly related to Miranda's claims, for which no response is warranted.

28. Paragraph twenty-eight (28) is not directly related to Miranda's claims, for which no response is warranted.

29. Paragraph twenty-nine (29) is not directly related to Miranda's claims, for which no response is warranted.

30. Paragraph thirty (30) is not directly related to Miranda's claims, for which no response is warranted.

31. Paragraph thirty-one (31) is Admitted only as to Miranda's participation as a witness before the EEOC on behalf of Bidot, Garcia and Molina. The remaining portions of paragraph thirty-one are Denied for lack of knowledge and/or information.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied as drafted.

38. Denied.

39. Denied.

40. Denied.

41. Paragraph forty-one (41) is not directly related to Miranda's claims, for which no response is warranted.

42. Paragraph forty-two (42) is not directly related to Miranda's claims, for which no response is warranted.

43. Paragraph forty-three (43) is not directly related to Miranda's claims, for which no response is warranted.

44. Paragraph forty-four (44) is not directly related to Miranda's claims, for which no response is warranted. If the Court were to consider said allegation to encompass Miranda's claims, the same is Denied.

45. Denied as to Miranda.

46. Denied.

47. Denied.

48. Denied.

#### **FIRST CAUSE OF ACTION**

49. The Municipality repeats and incorporates the preceding answers as if stated herein.

50. Paragraph fifty (50) is not directly related to Miranda's claims, for which no response is warranted.

56.<sup>2</sup> Paragraph fifty-six (56) is not directly related to Miranda's claims, for which no response is warranted.

57. Paragraph fifty-seven (57) is not directly related to Miranda's claims, for which no response is warranted.

#### **SECOND CAUSE OF ACTION**

58. The Municipality repeats and incorporates the preceding answers as if stated herein.

59. Paragraph fifty-nine (59) is not directly related to Miranda's claims, for which no response is warranted.

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<sup>2</sup> The Municipality notes that the intervener complaint's allegations jump from paragraph number fifty (50) to fifty-six (56).

60. Paragraph sixty (60) is not directly related to Miranda's claims, for which no response is warranted.

**THIRD CAUSE OF ACTION**

61. The Municipality repeats and incorporates the preceding answers as if stated herein.

62. Paragraph sixty-two (62) is not directly related to Miranda's claims, for which no response is warranted.

63. Denied.

64. Denied.

**FOURTH CAUSE OF ACTION**

65. The Municipality repeats and incorporates the preceding answers as if stated herein.

66. Denied.

67. Denied.

**TRIAL BY JURY**

68. Paragraph sixty-eight (68) does not require a response.

**AFFIRMATIVE DEFENSES**

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

2. The claims included in the intervener complaint are time barred.

3. The corrective measures requested by Miranda 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. Miranda 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 retaliation.

10. Defendants did not retaliate against plaintiff Miranda-Vázquez and the personnel decisions pertaining to him were based on legitimate, non-discriminatory reasons.

11. Miranda was not entitled to supervisory duties, nor was he formally provided any.

12. Plaintiff is 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. Miranda failed to mitigate damages.

15. Miranda was not constructively discharged.

16. Miranda failed to adequately exhaust administrative remedies.

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

18. 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).

19. 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 22<sup>nd</sup> day of January, 2007.

**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.

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