

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KATERIA COUVERTIER,

Plaintiff,

vs.

Civil Action No.: 1:11-CV-0137
(LEK/RFT)

FORBA SERVICES, INC.; and
ALBANY ACCESS DENTISTRY, PLLC

Defendants.

ANSWER

Defendants Forba Services, Inc. and Albany Access Dentistry, PLLC, by their attorneys, Hodgson Russ LLP, for their answer to the Plaintiff's Complaint state as follows:

1. With respect to the allegations in paragraphs "1", "2", and "3", state that the allegations are legal conclusions to which no response is required but deny the allegations to the extent a response may be required.

2. Deny knowledge and information sufficient to form a belief with respect to the allegations in paragraphs "4", "9", "10" and "11" and of the Complaint.

3. Deny the allegations in paragraphs "7", "8", "13", "14", "15", "16", "17", "18", "19", "20", "26", "28", "29", and "30".

4. Admit the allegations in paragraphs "5", "6", and "24" of the Complaint.

5. Defendants admit the allegations contained in paragraph "12" of the Complaint except to deny that Albany Access was managed by the Co-Defendant herein.

6. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “21” of the Complaint except to deny that the Plaintiff received discriminatory treatment while employed by Albany Access Dentistry.

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “22” of the Complaint except to deny that previous employees who complained about Dr. Ahuja were terminated in retaliation for making complaints.

8. With respect to the allegations contained in paragraph “23” of the Complaint, Defendants admit that on or about January 19, 2010 a complaint was forwarded to Jodie Wait; but Defendants deny knowledge or information sufficient to form a belief as to all other allegations contained therein.

9. With respect to the allegations contained in paragraph “25” of the Complaint, the Defendants admit that the Plaintiff’s employment was terminated with Albany Access by Dr. Ahuja on or about January 22, 2010; but deny that the Plaintiff’s termination was unlawful discrimination and/or retaliation.

10. Repeat and re-allege the forgoing responses and with respect to allegations in paragraph “27”.

General Denial

11. The defendants deny any allegations not specifically admitted.

First Defense

12. One or more claims in the Complaint failed to state a claim upon which relief can be granted.

Second Defense

13. Any actions taken towards the plaintiff was taken in good faith and without malice in keeping with the defendants' supervisory authority over the plaintiff.

Third Defense

14. Any employment action taken towards the plaintiff was taken for legitimate non discriminatory and non-retaliatory business reasons, and was a proper exercise of management discretion and judgment.

Fourth Defense

15. Some or all of the acts alleged fall outside the applicable statute of limitations.

Fifth Defense

16. The plaintiff has failed to exhaust her administrative remedies with respect to one or more of her claims.

Sixth Defense

17. The plaintiff's damages, if any, were caused by her own failure to take reasonable actions to avoid or mitigate her alleged damages.

Seventh Defense

18. Defendants do not condone or approve of unlawful discrimination, harassment, or retaliation and did not ratify any acts of unlawful discrimination, harassment, or retaliation.

Eighth Defense

19. Any alleged harassment was neither severe nor pervasive.

Ninth Defense

20. The plaintiff unreasonably failed to take advantage of the defendants' complaint procedure, such that no notice was given by the plaintiff of one or more acts of alleged harassment or discrimination so as to enable the defendants to commence an investigation and to address her alleged complaints.

Tenth Defense

21. The defendants fulfilled their obligation under federal and state law and exercised reasonable care to prevent and correct unlawful discrimination, harassment, and retaliation by promoting policies and procedures against discrimination and harassment and to provide a user-friendly avenue for which an employee could complain. To the extent the plaintiff utilized the defendants' complaint procedures; Access took prompt and effective remedial action.

Eleventh Defense

22. The Court does not have subject matter jurisdiction over one or more of the Plaintiff's claims.

Twelfth Defense

23. The Plaintiff has failed to meet conditions precedent for filing one of more of her claims against FORBA Services, Inc.

Thirteenth Defense

24. One or more of the Plaintiff's claims are barred by the Statute of Limitations.

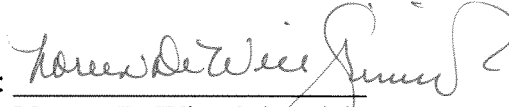
Fourteenth Defense

25. The defendants reserve the right to assert further defense that may become known during discovery.

WHEREFORE, the defendants demand judgment dismissing the Complaint in its entirety, together with reasonable costs and attorneys' fees, and such other and further relief as this Court may deem just and proper.

Dated: Albany, New York
March 28, 2011

HODGSON RUSS LLP
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