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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY



CV 02-01689 #00000007

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

MEDICAL MANAGEMENT
INTERNATIONAL, INC ,

Defendant.

No. CV02-1689C

DEFENDANT'S ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO PLAINTIFF'S
COMPLAINT

For its Answer to the Complaint by the Equal Employment Opportunity
Commission ("Plaintiff"), Defendant Medical Management International, Inc ("Defendant")
admits, denies and alleges as follows

ANSWER

1.

The allegations in paragraph 1 are conclusions of law and do not require an
admission or denial by defendant. To the extent any factual allegations are implied,
defendant denies them.

2

The allegations in paragraph 2 are conclusions of law and do not require an
admission or denial by defendant. To the extent any factual allegations are implied,

DEFENDANT'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS
TO PLAINTIFF'S COMPLAINT - Page 1

ORIGINAL

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503-221-1440

7

1 defendant denies them

2 3.

3 The allegations in paragraph 3 are conclusions of law and do not require an
4 admission or denial by defendant. To the extent any factual allegations are implied,
5 defendant denies them

6 4

7 Defendant admits the allegations in paragraph 4.

8 5

9 The allegations in paragraph 5 are conclusions of law and do not require an
10 admission or denial by defendant To the extent any factual allegations are implied,
11 defendant denies them

12 6.

13 Defendant admits that more than thirty days prior to the institution of this
14 lawsuit, Erin Harold filed charges with the Equal Employment Opportunity Commission
15 alleging violations of Title VII by defendant Except as specifically admitted, defendant
16 denies all remaining allegations in paragraph 6

17 7

18 Defendant denies the allegations in paragraph 7.

19 8

20 Defendant denies the allegations in paragraph 8

21 9

22 Defendant denies the allegations in paragraph 9

23 10

24 Defendant denies the allegations in paragraph 10

25 ///

26 ///

DEFENDANT'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS
TO PLAINTIFF'S COMPLAINT - Page 2

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AFFIRMATIVE DEFENSES

First Affirmative Defense

(Mitigation)

11.

Ms. Harold and members of the alleged class have failed to mitigate their damages

Second Affirmative Defense

(Failure to Utilize Reporting Procedures)

12.

Ms. Harold and the alleged class unreasonably failed to take advantage of any punitive or corrective opportunities provided by defendant, or to avoid harm

Third Affirmative Defense

(Prompt Corrective Action)

13

Defendant exercised reasonable care to prevent and promptly correct any alleged harassing behavior

COUNTERCLAIM

(Attorney's Fees)

14.

Pursuant to 42 U.S.C. § 2000e-5(k), should defendant prevail against plaintiff, defendant is entitled to its reasonable attorney fees and costs.

WHEREFORE, having answered plaintiff's complaint, defendant prays for relief as follows

- 1 That plaintiff's complaint be dismissed with prejudice and that defendant recover its costs and disbursements herein,
- 2 For costs and attorney fees pursuant to all applicable federal law; and

3 For any and all other relief as this Court deems just and equitable,

2 DATED this 19th day of September 2002.

3 Respectfully submitted,

4 TONKON TORP LLP

5 By Jennifer J. Burkhardt WSB# 27437 *for*
6 Richard J. Omata, WSB# 07032
7 Attorney for Defendant
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DEFENDANT'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS
TO PLAINTIFF'S COMPLAINT - Page 4

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANT'S ANSWER,
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT
on:

A Luis Lucero, Jr, Regional Attorney
John F Stanley, Acting Supervisory Trial Attorney
Wesley Katahira, Senior Trial Attorney
Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104

Attorneys for Plaintiff

☐ by mailing a copy thereof in a sealed, first-class postage prepaid envelope,
addressed to each attorney's last-known address and depositing in the U.S. mail at Portland,
Oregon on the date set forth below;

☒ by causing a copy thereof to be hand-delivered to said attorneys at each
attorney's last-known office address on the date set forth below,

☐ by sending a copy thereof via overnight courier in a sealed, prepaid
envelope, addressed to each attorney's last-known address on the date set forth below, or

☒ by faxing a copy thereof to each attorney at each attorney's last-known
facsimile number on the date set forth below

DATED this 19th day of September 2002

By Richard J. Omata WSBA #27437 per [Signature]
Richard J. Omata, WSBA #07032

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