

DANIEL M. HORRIGAN

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SUMMIT COUNTY
CLERK OF COURTS IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

ANNE B. KAZUKA,)	CASE NO. 2011 10 6026
)	
Plaintiff,)	JUDGE COSGROVE
)	
vs.)	
)	<u>ANSWER OF DEFENDANTS</u>
REIMER, ARNOVITZ, CHERNEK &)	
JEFFREY CO., LPA, et al.,)	
)	
Defendants.)	

Now come Defendants, Reimer, Arnovitz, Cherek & Jeffrey Co., LPA, William Thorndyke, Renee Richardson and Beverly Taylor (hereinafter "Defendants"), by and through their undersigned counsel, and for their Answer to Plaintiff's Complaint in this matter, state as follows:

1. Defendants admit the allegations contained in paragraphs 1, 2, 3, 4, 5 and 6 of the Complaint.
2. Defendants deny the allegations contained in paragraph 7 of the Complaint.
3. In regard to paragraph 8 of the Complaint, Defendants admit that Plaintiff was 59 years of age at the time of her employment termination, but deny the remaining allegations contained in paragraph 8 of the Complaint.
4. Defendants deny the allegations contained in paragraphs 9 and 10 of Plaintiff's Complaint.

5. In regard to paragraph 11 of the Complaint, Defendants admit that Plaintiff had the necessary qualifications to perform the duties of her job as a paralegal, however, she did not adequately perform her essential job duties. Defendants deny the remaining allegations contained in paragraph 11 of the Complaint.

6. Defendants deny the allegations contained in paragraphs 12 and 13 of Plaintiff's Complaint.

7. In regard to paragraph 14 of the Complaint, Defendants admit that they placed Plaintiff on performance improvement plans prior to the termination of her employment, but deny the remaining allegations contained in paragraph 14 of the Complaint.

8. Defendants deny the allegations contained in paragraph 15 of the Complaint.

9. In regard to paragraph 16 of the Complaint, Defendants restate their responses to paragraphs 1 through 15 of the Complaint as if fully restated herein.

10. Defendants deny the allegations contained in paragraph 17 of the Complaint.

11. In regard to paragraph 18 of the Complaint, Defendants admit that Plaintiff was over 40 years of age at the time of her termination, but deny the remaining allegations contained in paragraph 18 of the Complaint.

12. Defendants deny the allegations contained in paragraphs 19, 20, 21, 22 and 23 of the Complaint.

13. In regard to paragraph 24 of the Complaint, Defendants restate their responses to paragraphs 1 through 23 of the Complaint as if fully restated herein.

14. Defendants deny the allegations contained in paragraphs 25, 26, 27 and 28 of the Complaint.

15. In regard to paragraph 29 of the Complaint, Defendants restate their responses to paragraphs 1 through 28 of the Complaint as if fully restated herein.

16. Defendants deny the allegations contained in paragraphs 30, 31, 32, 33 and 34 of the Complaint.

17. In regard to paragraph 35 of the Complaint, Defendants restate their responses to paragraphs 1 through 34 of the Complaint as if fully restated herein.

18. Defendants deny the allegations contained in paragraphs 36, 37, 38, 39 and 40 of the Complaint.

19. In regard to paragraph 41 of the Complaint, Defendants restate their responses to paragraphs 1 through 40 of the Complaint as if fully restated herein.

20. Defendants deny the allegations contained in paragraphs 42 and 43 of the Complaint.

21. In regard to paragraph 44 of the Complaint, Defendants restate their responses to paragraphs 1 through 43 of the Complaint as if fully restated herein.

22. Defendants deny the allegations contained in paragraphs 45 and 46 of the Complaint.

23. Defendants deny that Plaintiff is entitled to any of the relief requested in her prayer for relief.

24. Defendants deny each and every allegation contained in the Complaint not specifically admitted hereinabove.

ADDITIONAL DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.

2. Some or all of Plaintiff's claims are barred by the applicable statutes of limitations.

3. Plaintiff has failed to mitigate her damages.

4. Plaintiff's employment was terminated for legitimate, non-discriminatory and non-retaliatory reasons.

5. Some or all of Plaintiff's claims are barred by the doctrine of employment at will.

6. All of Defendants' actions were taken in good faith and with a lack of malice or ill will.

7. Plaintiff cannot provide any set of facts that entitle her to attorneys fees.

8. Plaintiff did not engage in any protected activity that would support a retaliation claim.

9. To the extent Plaintiff seeks punitive damages, such damages are barred because any allegedly discriminatory behavior was contrary to Defendant's good-faith efforts to comply with all applicable anti-discrimination and anti-retaliation laws.

10. Plaintiff's claim for punitive damages is barred to the extent that the amount sought may violate substantive and procedural safeguards guaranteed to Defendant by the due process clause of the Ohio Constitution. Plaintiff's claim for punitive damages is further barred to the extent that the imposition of such damages is not rationally related to, or is grossly excessive in relation to, legitimate state interests.


11. Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of waiver, estoppel, unclean hands and laches.

12. Defendants reserve the right to assert additional defenses in this matter.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendants respectfully request the Court to dismiss Plaintiff's Complaint, with prejudice, and at Plaintiff's cost.

Respectfully submitted,

JACKSON LEWIS LLP



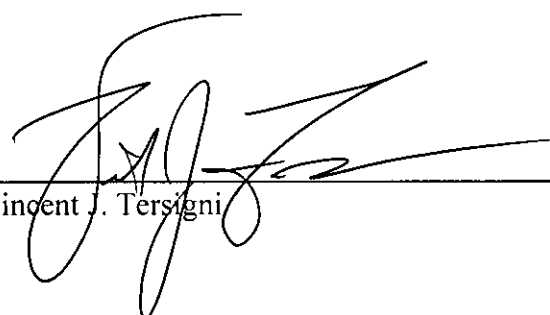
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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer of Defendants was served by U.S. mail, postage prepared this 29th day of November, 2011 upon the following:

Andrew D. Bemmer, Esq.
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Vincent J. Tersigni