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 5 MERRILL CORPORATION

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 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF SAN FRANCISCO
 10 (Unlimited Jurisdiction)

12 TRACEY VALLETT,

13 Plaintiff,

14 v.

15 MERRILL CORPORATION, an entity, and
 16 DOES i-10, inclusive,

17 Defendants.

Case No. CGC-03-419650

**DEFENDANT'S ANSWER TO
 PLAINTIFF'S UNVERIFIED
 COMPLAINT**

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 19 Defendant MERRILL CORPORATION ("Defendant"), for itself and none other,
 20 answers Plaintiff TRACEY VALLETT'S ("Plaintiff") unverified Complaint as follows:

21 **GENERAL DENIAL**

22 Pursuant to California Code of Civil Procedure § 431.30(d), Defendant generally denies
 23 each and every allegation of Plaintiff's Complaint as a whole.

24 **AFFIRMATIVE DEFENSES**

25 By way of affirmative defense to the allegations of the Complaint herein, Defendants
 26 allege as follows:

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FIRST AFFIRMATIVE DEFENSE

(Failure to State Cause of Action)

Plaintiff's Complaint, and each cause of action contained therein, fails to state facts sufficient to constitute a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Business Practices Not Unfair)

The second cause of action is barred in that the alleged practices are not unfair, the public would not likely be deceived by the alleged practices, and Defendant gains no competitive advantage by such alleged practices.

THIRD AFFIRMATIVE DEFENSE

(Statute of Limitation)

Plaintiff's claims are jointly or severally barred in whole or in part by the applicable statutes of limitation, including but not limited to the California Business and Professions Code §17208, California Code of Civil Procedure, and California Labor Code.

FOURTH AFFIRMATIVE DEFENSE

(Plaintiffs Properly Exempt)

Some or all of the Plaintiffs were exempt during some or all of the time periods alleged in the complaint under the provisions of the applicable orders of the California Industrial Welfare Commission or the Division of Labor Standards Enforcement.

WHEREFORE, Defendants pray that:

1. Plaintiffs, and each of them, take nothing by this action;
2. Judgment be entered against each Plaintiff and in favor of Defendants;
3. Defendant be awarded its reasonable attorney's fees and costs where authorized

by law; and

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1 4. Defendant be awarded such other relief as the Court deems just and equitable.

2 Dated: August 11, 2003

JACKSON LEWIS LLP

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By: _____ /s/

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D. Gregory Valenza

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Kathleen Maylin

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Attorneys for Defendant

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MERRILL CORPORATION

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