

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

PENNY BENTON,)
)
 Plaintiff,)
) Cause No. 1:10-cv-00918-DML-LJM
 v.)
)
 HAMILTON EAST PUBLIC LIBRARY,)
) -
)
 Defendant.)

ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

The Defendant, Hamilton East Public Library ("Library"), by counsel, for its Answer to Plaintiff's Amended Complaint, alleges and states as follows:

1. The Defendant, Library, denies the allegations contained within rhetorical paragraph 1 of rhetorical *Section I – Introduction* of Plaintiff's Amended Complaint.
2. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 1 of rhetorical *Section II – Parties* of Plaintiff's Amended Complaint.
3. The Defendant, Library, admits the allegations contained within rhetorical paragraph 2 of rhetorical *Section II – Parties*, of Plaintiff's Amended Complaint.
4. The Defendant, Library, admits the allegations contained within rhetorical paragraph 3 of rhetorical *Section III – Jurisdiction and Venue*, of Plaintiff's Amended Complaint.

5. The Defendant, Library, admits the allegations contained within rhetorical paragraph 4 of rhetorical *Section III – Jurisdiction and Venue*, of Plaintiff's Amended Complaint.
6. The Defendant, Library, admits the allegations contained within rhetorical paragraph 5 of rhetorical *Section III – Jurisdiction and Venue*, of Plaintiff's Amended Complaint.
7. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 6 of rhetorical *Section III – Jurisdiction and Venue*, of Plaintiff's Amended Complaint.
8. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 7 of rhetorical *Section III – Jurisdiction and Venue*, of Plaintiff's Amended Complaint.
9. The Defendant, Library, admits the allegations contained within rhetorical paragraph 8 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
10. The Defendant, Library, denies the allegations contained within rhetorical paragraph 9 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
11. The Defendant, Library, denies the allegations contained within rhetorical paragraph 10 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.

12. The Defendant, Library, denies the allegations contained within rhetorical paragraph 11 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
13. The Defendant, Library, denies the allegations contained within rhetorical paragraph 12 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
14. The Defendant, Library, denies the allegations contained within rhetorical paragraph 13 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
15. The Defendant, Library, admits the allegations contained within rhetorical paragraph 14 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
16. The Defendant, Library, admits the allegations contained within rhetorical paragraph 15 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
17. The Defendant, Library, denies the allegations contained within rhetorical paragraph 16 of rhetorical *Section IV – Factual Allegations*, of Plaintiff's Amended Complaint.
18. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 17 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.

19. The Defendant, Library, denies the allegations contained within rhetorical paragraph 18 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
20. The Defendant, Library, denies the allegations contained within rhetorical paragraph 19 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
21. The Defendant, Library, denies the allegations contained within rhetorical paragraph 20 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
22. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 21 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
23. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 22 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
24. The Defendant, Library, denies the allegations contained within rhetorical paragraph 23 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.
25. The Defendant, Library, denies the allegations contained within rhetorical paragraph 24 of rhetorical *Section V – Legal Claims*, of Plaintiff's Amended Complaint.

WHEREFORE, the Defendant, Library, prays that Plaintiff take nothing by way of her Amended Complaint, that the Court enter judgment in favor of the Hamilton East

Public Library and against Plaintiff, that the Hamilton East Public Library be awarded its costs incurred in defending this action and for all other relief just and appropriate in the premises.

Respectfully Submitted,

s/Jennifer L. Williams
Jennifer L. Williams, #25365-29-A
CHURCH, CHURCH, HITTLE & ANTRIM
Attorney for Defendant

AFFIRMATIVE DEFENSES

Subject to further discovery, the Defendant, Library, asserts the following affirmative defenses:

1. The Plaintiff fails to state a claim upon which relief may be granted with regard to the Hamilton East Public Library.

WHEREFORE, the Hamilton East Public Library respectfully prays that the Plaintiff take nothing by way of her Complaint, that the Hamilton East Public Library be awarded its costs incurred in defending this action, and for all other relief just and proper in the premises.

Respectfully Submitted,

s/Jennifer L. Williams
Jennifer L. Williams, #25365-29-A
CHURCH, CHURCH, HITTLE & ANTRIM
Attorney for Defendant

CHURCH, CHURCH, HITTLE & ANTRIM
10765 Lantern Road
Suite 201
Fishers, IN 46038

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following by mailing via United States First Class mail, postage pre-paid, this 11th day of November, 2010, addressed as follows, and also by electronically filing with the U.S. District Court, Southern District of Indiana:

Joel S. Paul
Attorney for Plaintiff
RAMEY & HALEY
9333 N. Meridian Street, Suite 105
Indianapolis, IN 46260

s/Jennifer L. Williams
Jennifer L. Williams, #25365-29-A

CHURCH, CHURCH, HITTLE & ANTRIM
10765 Lantern Road
Suite 201
Fishers, IN 46038
Tel: (317)773-2190
Fax: (317)572-1609