

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 SECOND AMENDED COMPLAINT**

The Defendant, Hamilton East Public Library ("Library"), by counsel for its Answer to Plaintiff's Second 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 – Count I*, of Plaintiff's Amended Complaint.

19. The Defendant, Library, denies the allegations contained within rhetorical paragraph 18 of rhetorical *Section V – Legal Claims - Count I*, of Plaintiff's Amended Complaint.
20. The Defendant, Library, denies the allegations contained within rhetorical paragraph 19 of rhetorical *Section V – Legal Claims – Count I*, of Plaintiff's Amended Complaint.
21. The Defendant, Library, denies the allegations contained within rhetorical paragraph 20 of rhetorical *Section V – Legal Claims – Count I*, 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 – Count II*, 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 – Count II*, of Plaintiff's Amended Complaint.
24. The Defendant, Library, denies the allegations contained within rhetorical paragraph 23 of rhetorical *Section V – Legal Claims – Count II*, of Plaintiff's Amended Complaint.
25. The Defendant, Library, denies the allegations contained within rhetorical paragraph 24 of rhetorical *Section V – Legal Claims – Count II*, of Plaintiff's Amended Complaint.

26. The Defendant, Library, is without sufficient information to either admit or deny the allegations contained within rhetorical paragraph 25 of rhetorical *Section V – Legal Claims – Count III*, of Plaintiff’s Amended Complaint.

27. The Defendant, Library, denies the allegations contained within rhetorical paragraph 26 of rhetorical *Section V – Legal Claims – Count III*, 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

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**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 \_\_\_\_\_ day of January, 2011, addressed as follows, and also by electronically filing with the U.S. District Court, Southern District of Indiana:

Joel S. Paul  
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s/Jennifer L. Williams  
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