

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPHINE ROBINSON,

Plaintiff,

-against-

GUCCI AMERICA, STAN SHERWOOD,
MATTEO MASCAZZINI, and CHRISTY
LELECK

Defendants.

ECF CASE

Index No. 11-CV-3742 (JPO)

ANSWER

Defendant Matteo Mascazzini (“Defendant”), by his attorneys Kauff McGuire & Margolis LLP, as and for his Answer to the Complaint, pleads as follows:

1. Paragraph 1 of the Complaint purports to describe the nature of Plaintiff’s claims and appears to contain no allegations of fact to which an answer is required. To the extent paragraph 1 of the Complaint may be deemed to set forth any allegations of fact, Defendant denies those allegations.
2. Paragraph 2 of the Complaint sets forth legal conclusions as to the Court’s jurisdiction and appears to contain no allegations of fact to which an answer is required. To the extent paragraph 2 of the Complaint may be deemed to set forth any allegations of fact, Defendant denies those allegations.
3. Paragraph 3 of the Complaint sets forth legal conclusions as to venue and appears to contain no allegations of fact to which an answer is required. To the extent paragraph 3 of the Complaint may be deemed to set forth any allegations of fact, Defendant denies those allegations.
4. Paragraph 4 of the Complaint sets forth legal conclusions and appears to contain no allegations of fact to which an answer is required. To the extent paragraph 4

of the Complaint may be deemed to set forth any allegations of fact, Defendant denies those allegations, except admits that Plaintiff filed a charge with the Equal Employment Opportunity Commission and that Plaintiff received a Notice of Right to Sue, but denies knowledge or information sufficient to form a belief as to the date when the Notice of Right to Sue was issued.

5. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 5 of the Complaint.

6. Defendant admits the allegations set forth in paragraph 6 of the Complaint.

7. Defendant denies the allegations set forth in paragraph 7 of the Complaint, except admits that Sherwood is an employee of Gucci and that Sherwood was Robinson's supervisor.

8. Defendant denies the allegations set forth in paragraph 8 of the Complaint, except admits that Leleck is employed by Gucci as the Director of Human Resources.

9. Defendant denies the allegations set forth in paragraph 9 of the Complaint, except admits that Defendant is an employee of Gucci.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 10 of the Complaint, except admits that Robinson is female.

11. Defendant denies the allegations set forth in paragraph 11 of the Complaint.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 12 of the Complaint.

13. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 13 of the Complaint.

14. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 14 of the Complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 15 of the Complaint.

16. Defendant denies the allegations set forth in paragraph 16 of the Complaint.

17. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 17 of the Complaint.

18. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 18 of the Complaint.

19. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 19 of the Complaint.

20. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 20 of the Complaint.

21. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 21 of the Complaint.

22. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 22 of the Complaint.

23. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 23 of the Complaint.

24. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 24 of the Complaint.

25. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 25 of the Complaint.

26. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 26 of the Complaint.

27. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 27 of the Complaint.

28. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 28 of the Complaint.

29. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 29 of the Complaint.

30. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 30 of the Complaint.

31. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 31 of the Complaint.

32. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 32 of the Complaint.

33. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 33 of the Complaint.

34. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 34 of the Complaint.

35. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 35 of the Complaint.

36. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 36 of the Complaint.

37. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 37 of the Complaint.

38. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 38 of the Complaint.

39. Defendant denies the allegations set forth in paragraph 39 of the Complaint, and, further answering, avers that Plaintiff was on paid administrative leave from July 26, 2010 to September 16, 2010.

40. Defendant denies the allegations set forth in paragraph 40 of the Complaint.

41. Defendant denies the allegations set forth in paragraph 41 of the Complaint.

42. Defendant denies the allegations set forth in paragraph 42 of the Complaint.

43. Defendant denies the allegations set forth in paragraph 43 of the Complaint.

44. Defendant denies the allegations set forth in the first sentence of paragraph 44 of the Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in the second sentence of paragraph 44 of the Complaint.

45. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 45 of the Complaint.

46. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 46 of the Complaint.

47. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 47 of the Complaint.

48. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 48 of the Complaint.

49. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 49 of the Complaint.

50. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 50 of the Complaint.

51. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 51 of the Complaint.

52. Defendant denies the knowledge or information sufficient to form a belief as to the truth of, and therefore denies, allegations set forth in paragraph 52 of the Complaint.

53. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 53 of the Complaint.

54. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 54 of the Complaint.

55. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 55 of the Complaint.

56. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 56 of the Complaint.

57. Defendants denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 57 of the Complaint.

58. Defendant denies knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations set forth in paragraph 58 of the Complaint.

59. Defendant denies the allegations set forth in paragraph 59 of the Complaint.

60. Defendant denies the allegations set forth in paragraph 60 of the Complaint.

61. Defendant denies the allegations of the “Wherefore” section of the Complaint and denies that Plaintiff is entitled to any of the relief prayed for therein.

DEFENSES

The statement of any defense hereafter does not assume the burden of proof for any issue as to which applicable law places the burden on Plaintiff.

AS AND FOR A FIRST DEFENSE:

The Complaint fails to state a cause of action.

AS AND FOR A SECOND DEFENSE:

Plaintiff's claims, in whole or in part, are barred by the applicable statutes of limitations.

AS AND FOR A THIRD DEFENSE:

Plaintiff's claims are barred to the extent the applicable administrative procedures and conditions precedent to her claims were not properly effected or complied with prior to the commencement of this action.

AS AND FOR A FOURTH DEFENSE:

All actions taken with regard to Plaintiff's employment were taken for legitimate, nondiscriminatory reasons.

AS AND FOR A FIFTH DEFENSE:

The employment actions at issue were taken in good faith, and without malice.

AS AND FOR A SIXTH DEFENSE:

Plaintiff has not suffered any damages as a result of the alleged wrongful conduct.

AS AND FOR A SEVENTH DEFENSE:

Upon information and belief, Plaintiff has failed to mitigate her alleged damages, any entitlement to which is expressly denied.

AS AND FOR AN EIGHTH DEFENSE:

Plaintiff is barred from asserting the claims in the Complaint by the doctrine of laches.

AS AND FOR A NINTH DEFENSE:

If any damages or losses were sustained by Plaintiff, such damages or losses were caused or contributed to by Plaintiff's own actions, inactions, fault, lack of diligence or failure to mitigate any of her alleged damages, and not by actions or inactions of Defendant.

AS AND FOR A TENTH DEFENSE:

The claims asserted against Defendant in the Complaint are barred, in whole or in part, because Defendant and Gucci America, Inc. ("GAI") have established and complied with policies, programs and procedures for the prevention and detection of unlawful discriminatory and harassing practices.

AS AND FOR AN ELEVENTH DEFENSE:

Defendant did not acquiesce in or condone the complained of acts.

AS AND FOR A TWELFTH DEFENSE:

Plaintiff unreasonably failed to invoke the available procedures and avenues to reduce or avoid the harm she allegedly suffered.

AS AND FOR A THIRTEENTH DEFENSE:

Defendant and GAI took prompt and effective remedial action with respect to Plaintiff's internal complaints of alleged inappropriate conduct.

AS AND FOR A FOURTEENTH DEFENSE:

Plaintiff was a faithless servant to GAI and therefore forfeits her right to compensation following her disloyal conduct.

AS AND FOR A FIFTEENTH DEFENSE:

The Complaint or any relief sought by Plaintiff is barred, in whole or in part, by such additional defenses as Defendant may have that cannot now be articulated due to the generality of Plaintiff's pleadings and the fact that discovery has not been completed. Accordingly, Defendant reserves the right to supplement the foregoing and to raise additional defenses as may appear as the case progresses.

WHEREFORE, Defendant respectfully requests this Court to enter an Order: (a) dismissing the Complaint in its entirety with prejudice; (b) awarding Defendant his costs and expenses incurred herein, including reasonable attorneys' fees; and (c) granting such other relief as to the Court deems just and proper.

Dated: New York, New York
February 10, 2012

Respectfully submitted,

KAUFF McGUIRE & MARGOLIS LLP

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