

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:12-CV-20-FL

SHERRYL LYNN JACOBS,)
)
Plaintiff,)
)
v.)
)
ROBESON COUNTY PUBLIC LIBRARY,)
BOARD OF DIRECTORY FOR ROBESON)
COUNTY PUBLIC LIBRARY, ROBERT F.)
FISHER, HORACE STACY, GAYLE MCLEAN,)
and TINA MELLEEN STEPP THOMAS)
)
Defendants.)

ANSWER
Fed. R. Civ. P. 8

Defendants respond to the allegations of the Complaint as follows:

FIRST DEFENSE

As a first defense the Defendants respond to the numbered allegations of the Complaint.

1. The allegations in Paragraph 1 of the Complaint are admitted upon information and belief.

2. It is admitted that the persons listed by the Plaintiff are alleged to be Defendants in this case, although Robeson County is not listed as a Defendant in the caption or pacer system. It is admitted that the principal office of Robeson County Public Library is in the City of Lumberton, Robeson County, North Carolina. It is admitted that the nature of Robeson County Public Library's business is to provide library services in the listed cities and that the Board of Directors of the Robeson County Public Library

oversee the Director who is responsible for all financial and personnel expenditures. It is admitted that Robert F. Fisher and Tina Mellon Stepp Thomas are former Directors of the Robeson County Public Library and that Tina Mellon Stepp Thomas was the Director at the time the Plaintiff was discharged from her employment by the Robeson County Public Library, Mr. Fisher having retired. It is admitted that Horace Stacy and Gail McLean were members of the Board of Directors of Robeson County Public Library. It is admitted that Robeson County Public Library has twelve (12) full time employees and fourteen (14) part time employees. Except as expressly admitted, the remaining allegations in Paragraph 2 are denied.

3. It is admitted that the Court has jurisdiction over Plaintiff's claims, but it is denied that all of individual Defendants are proper Defendants under applicable law.

4. It is admitted that the Plaintiff has brought an action regarding the termination of her employment. It is denied that any of the Defendants violated the Americans with Disabilities Act, or any other State or Federal law or retaliated against her.

5. Defendants are without knowledge as to whether or not the Plaintiff is currently unemployed and therefore are unable to admit or deny that allegation. It is admitted that Plaintiff was employed roughly from January 19, 1999 through September 9, 2009 and that her employment was terminated.

6. The allegations of paragraph 6 of the Complaint are specifically denied.

7. It is specifically denied that any persons named in paragraph 7 of the Complaint discriminated against the Plaintiff. The allegations as to race of the persons

involved is admitted, however the Robeson County Public Library Board of Directors consists of persons of many diverse backgrounds including Native American and African American and White. Except as expressly admitted, the remaining allegations in Paragraph 7 are also denied.

8. It is specifically denied that there was any discrimination against the Plaintiff from January 2007 through September 2009.

9. The allegations of paragraph 9 of the Complaint are specifically denied.

10. It is specifically denied that any illegal activity took place at the Robeson County Public Library in Lumberton, North Carolina or the Fairmont, North Carolina branch of the Robeson County Public Library.

11. It is admitted that the Plaintiff filed an Equal Employment Opportunity Commission Complaint and that the Equal Employment Opportunity Commission did not find any violation of law.

SECOND DEFENSE
(Not Disabled)

Upon information and belief, Plaintiff was not disabled as defined by the Americans with Disabilities Act while she was employed by Defendant, Robeson County Public Library, and has not alleged or plead in her Complaint any disability. Plaintiff claims she was suffering while employed by Defendant Robeson County Public Library.

THIRD DEFENSE
(No Request for Reasonable Accommodations)

At no time while employed by Defendant, Robeson County Public Library, did the Plaintiff request reasonable accommodations for any disability she suffered, Plaintiff knew or should have known that Robeson County Public Library would have made reasonable accommodations since it had previously accommodated work restrictions related to a workers compensation claim.

FOURTH DEFENSE
(Employment Terminated for Legitimate Non-Discriminatory Reasons)

As a fourth defense Defendants plead as follows:

1. Plaintiff's employment was terminated for insubordination, misrepresenting work restrictions when no restrictions were necessary, giving false information to her supervisor, making and concealing unauthorized purchases and a violation of public records law.
2. On August 3, 2009, Plaintiff received a written warning for insubordination, violation of policy and procedures and work quality as a result of spending time on the computer playing games, etc. instead of working.
3. On August 5, 2009, Plaintiff was with her supervisor and a Board member during which meeting she demonstrated much insubordination and called her supervisor names.

4. On August 12, 2009, Plaintiff received written warning for walking around the library with a tape recorder recording other workers when she should have been working.

5. Following eye surgery on or about August 21, 2009, Plaintiff presented a note from a physician restricting her to work only in the Fairmont office and not at the main library in Lumberton. When the physician was contacted, he stated that there were no work restrictions.

6. Plaintiff was advised that Library computer records were subject to the public records laws and that she was not to alter or delete any information or history. On August 21, 2009 it was discovered that she was deleting history and other records from her computer in violation of North Carolina's public records law.

7. On August 21, 2009 it was determined that Plaintiff was purchasing goods or services for the Library and incurring financial obligations for the Library without authorization.

8. It was for the reasons set forth above that Plaintiff was terminated and not as a result of any unknown disability for which no request for accommodations was made.

WHEREFORE, Defendants having fully responded to the Complaint, pray the Court:

1. Dismiss the Plaintiff's Complaint and that she have and recover nothing of them;

2. That they recover their costs and reasonable attorney fees; and
3. That they have such other and further relief to which they may be entitled under the facts and applicable law.

This the 3rd day of April, 2012.

/s/ William R. Purcell, II
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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Plaintiff by depositing a copy thereof in the United States mail, first-class, postage prepaid, addressed as follows:

Ms. Sherryl Lynn Jacobs
Post Office Box 175
Orrum, North Carolina 28369

This the 3rd day of April, 2012

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