

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

FILED
APR 17 2012
JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

SHERRYL LYNN JACOBS)

Plaintiff,)

vs.)

ROBESON COUNTY PUBLIC LIBRARY)

BOARD OF DIRECTORY FOR ROBESON)

COUNTY PUBLIC LIBRARY, ROBERT F.)

FISHER, HORACE STACY, GAYLE)

McLEAN, TINA MELLEN-STEPP-)

THOMAS, ELIZABETH TOWNSEND,)

LARRY McGOUGAN)

Defendants.)

REPLY

Fed. R. Civ. P. 12

This reply answers defendants Motion to Dismiss and requests a Motion for Summary Judgment.

Reference the defendants' answer the following information is provided:

1. First Defense, Paragraph 2: Robeson County is not and will not be named as a Defendant in this matter. See Attachment: Robeson County Human Resources Office, dated 12 February 2010.

2. Paragraph 6, Paragraph 7, and Paragraph 8 were based on the findings of the Fourth Circuit Court of Appeals cases, Baird v. Rose, 192 F.3d 462, 472 (4th Cir. 1999) and Lissau v. S. Food Serv., Inc., 159 F.3d 177, 181 (4th Cir. 1998) in their claim that the defendants were not liable under Title VII.

3. First Defense, Para 6 and 7: In accordance with SUBCHAPTER I [TITLE I] – EMPLOYMENT, Sec. 12111. (Section 101), Paragraph (5), (A) and Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, as it appears in volume 42 of the United States Code, beginning at Section 2000e [Section 701] Paragraph (b) “The term “employer” means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, **and any agent of such a person**. Defendants Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen-Stepp-Thomas, Elizabeth Townsend, and Larry McGougan do meet the definition of an employer; as, they do, on a regular basis, act as agents of the Robeson County Public Library.

4. First Defense, Paragraph 8: Copies of Federal Disability Letter and Local Disability Statements are on file with the Robeson County Public Library and since no actions were taken to accommodate the plaintiff’s disabilities from January 2007 through September 2009 the defendants cannot deny what their own records show.

5. First Defense, Paragraphs 9, 10, and 11: Verification can be found in the Personnel Files of the Robeson County Public Library or their Attorney’s files. On 26 October 2011 the

U.S. Equal Employment Opportunity Commission submitted its Dismissal and Notice of Rights Form Letter which included a Notice of Suit Rights, to the Plaintiff stating the following: The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This *does not certify that the respondent is in compliance with the statutes*. No finding is made as to any other issues that might be construed as having been raised by this charge.

6. Second Defense, (Not Disabled): Plaintiff advised the employer that she was a Disabled Veteran during her Employment Interview. Robeson County Public Library has documentation in their Personnel Files or the files of their Attorney stating that the Plaintiff is disabled and needs special workplace accommodations.

7. Third Defense, (No Request for Reasonable Accommodations): Two requests were submitted to the Robeson County Public Library:

(1) Southeastern Regional Medical Center, Work Injury Management and Prevention, Dated: 18 January 2008

(2) Department of Veteran Affairs Letter, Dated: 9 January 2008

8. Fourth Defense, (Employment Terminated for Legitimate Non-Discriminatory Reasons): Statement from North Carolina Employment Security Commission stating that Plaintiff was dismissed without just cause. This effectively nullifies Paragraphs 1 through 8 of the Fourth Defense.

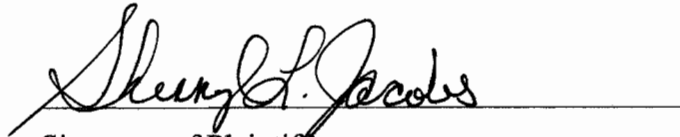
CONCLUSION

For the foregoing reasons, I, Sherryl Lynn Jacobs, Plaintiff request that the Defendants Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen-Stepp-Thomas, Elizabeth

Townsend, and Larry McGougan's Motion to Dismiss be denied in it's entirety and that each of the afore named defendants be held accountable for their actions through a Summary Judgment.

13 April 2012

Date

A handwritten signature in cursive script, appearing to read "Sheryl L. Jacobs", is written over a horizontal line.

Signature of Plaintiff

Post Office Box 175, Orrum, NC 28369

Phone: 910-740-3683/628-6334

Address and Phone Number of Plaintiff

Attachment:

Robeson County Human Resources Director,

Letter, Dated: 12 February 2010