

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 MELLEN STEPP THOMAS)
)
 Defendants.)
)

**ANSWER TO PLAINTIFF'S
AMENDMENT TO
COMPLAINT
Fed. R. Civ. P. 8, 15**

Defendants respond to Plaintiff's Amended Complaint as follows:

FIRST DEFENSE

Plaintiff's Amendment should be stricken for failure to comply with Federal Rule of Civil Procedure Rule 15 in that the amendment was filed after the Defendants filed a responsive pleading and the Plaintiff neither obtained the Defendants consent nor the Courts leave to file an amended complaint.

SECOND DEFENSE

Elizabeth Townsend and Larry McGougan are not Defendants in this case and their names should be stricken from the case caption of the Complaint as they have not been served with process in this matter and upon the information and belief no summons has been issued to them.

THIRD DEFENSE

Without waiving any of the foregoing defenses, as a third defense Defendants respond to the numbered allegations of the Plaintiff's Amendment to the Complaint as follows:

1. Paragraph 4(D): It is again admitted that the Plaintiff has brought action regarding the termination of her employment. It is denied that any of the Defendants violated the Americans with Disabilities Act, any other State or Federal law or that they retaliated against the Plaintiff or that they harassed the Plaintiff. Except as expressly admitted or denied the remaining allegations of paragraph 4(D) as amended are denied.

2. Paragraph 6(E): The allegations of Paragraph 2 of the Amended Complaint (Paragraph 6 of the original Complaint) are denied. The allegations of Paragraph 6(E) as amended are specifically denied.

3. Paragraph 9: Any change in Plaintiff's job position or duties, was not based upon nor was a result of any disability she may have suffered except to the extent changes were made to accommodate her workers compensation injury. Except as expressly admitted or denied the remaining allegations in Paragraph 3 of the Amended Complaint and Paragraph 9 of the original Complaint as amended are denied.

4. Paragraph 4 of the Amended Complaint appears to be a prayer for relief but to the extent it purports to assert claims against the Defendants, the allegations of Paragraph 4 of the Amended Complaint are denied. It is specifically denied that there was any conduct by which the Defendants intentionally or unintentionally violated any Federal or State law. It is specifically denied that there is any basis or grounds for the

Plaintiff to receive punitive damages. It is specifically denied that the Defendants failed to reasonably accommodate any alleged disability that they were aware of, or that Plaintiff asked them to accommodate. It is specifically denied that the Defendants acted with malice and reckless indifference causing the Plaintiff to suffer any mental anguish or inconvenience. Except as otherwise expressly admitted or denied the remaining allegations of paragraph 4 of the Amended Complaint are denied.

FOURTH DEFENSE

The Defendants incorporate their original Answer of the defenses and responds to the numbered allegations of the original Complaint as if fully repleaded.

WHEREFORE, Defendants having fully responded to the Amended 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 27th day of April, 2012.

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

CERTIFICATE OF SERVICE

I herby 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 27th day of April, 2012

/s/ William R. Purcell, II
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