

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

JULIE WOODWARD

PLAINTIFF

VS.

NO. 4:17-cv-679-JM

SHEILA BELLOT, in her official capacity as Director of the Office of Emergency Management of Faulkner County, Arkansas; JIM BAKER, in his official capacity as County Judge of Faulkner County, Arkansas; TOM ANDERSON, in his capacity as County Administrator of Faulkner County, Arkansas; and FAULKNER COUNTY, ARKANSAS

DEFENDANTS

ANSWER TO AMENDED COMPLAINT

Comes now the Faulkner County Defendant, Sheila Bellot, Jim Baker, and Tom Anderson, in their official capacities, and Faulkner County, Arkansas (referred to collectively herein as the “Separate Faulkner County Defendant”), and for their Answer to Plaintiff’s Amended Complaint, state the following:

1. The Separate Faulkner County Defendant affirmatively plead that the Plaintiff is a resident of Faulkner County and a former Faulkner County employee, that Faulkner County is a political subdivision of the State of Arkansas, that personal jurisdiction and venue are proper in this Court, and that the laws of Arkansas, the laws of the United States, and the allegations in the Plaintiff’s Amended Complaint (the Separate Faulkner County Defendants deny the allegations in the Plaintiff’s Amended Complaint, as set forth herein), and the official EEOC files related to the Plaintiff’s 2017 charges (including the denials based on no finding of any violation) speak for themselves, but deny, as pleaded, the remainder of the allegations in paragraphs 1,2, 3, 4, 5, and 6 of the Plaintiff’s Amended Complaint.

2. The Separate Faulkner County Defendants admit that Defendant Bellott is the Faulkner County OEM director and that the Plaintiffs work in the OEM department and affirmatively plead that various conversations between and among Defendant Bellott and the Plaintiff have been reported (the Separate Faulkner County Defendant, as an inanimate entity, was not party to those

conversations and is, thus, without sufficient knowledge or information to admit or deny the substance of the conversations and, therefore, denies the same), that an investigation(s) was/were conducted in response to the reports, that corrective action was taken by the County Judge, including, but not limited to moving Defendant Bellott to other work locations, and that the officials records and results of said investigation(s), including any recommendations by counsel and the minutes and other official records of the County's Quorum Court meetings, speak for themselves, but deny, as pleaded, the remainder of the allegations in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Plaintiff's Amended Complaint.

3. The Separate Faulkner County Defendant admits that the Plaintiff is female and affirmatively pleads that the laws of Arkansas and the laws of the United States speak for themselves, but deny, as pleaded, the remainder of the allegations in paragraphs 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 of Plaintiff's Amended Complaint.

4. The Separate Faulkner County Defendants deny Plaintiff's entitlement to any relief, including, but not limited to the relief requested in the unnumbered "Wherefore clause" (including, but not limited to sub-clauses 1, 2, 3, 4, and 5) of Plaintiff's Amended Complaint.

5. The Separate Faulkner County Defendant specifically and expressly denies each and every allegation of Plaintiff's Amended Complaint not specifically and expressly admitted herein.

6. The Separate Faulkner County Defendant asserts and reserves the right to file an Amended Answer or other responsive pleading(s) and/or to assert additional affirmative and other defenses after it has had a chance to investigate the claims and allegations in Plaintiff's Amended Complaint.

7. The Separate Faulkner County Defendant respectfully demands a trial by jury on all genuine issues of material fact and joins in the Plaintiff's demand for the same.

AFFIRMATIVE DEFENSES

8. The Separate Faulkner County Defendant assert the following affirmative defenses:
- A. Punitive damages immunity, *see City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 69 L.Ed.2d 616, 101 S.Ct. 2748 (1981);

- B. Good faith & qualified immunity;
- C. Tort immunity and statutory tort immunity, *see* Ark. Code Ann. §21-9-301;
- D. Sovereign immunity;
- E. Statutory vicarious liability/*respondeat superior* immunity, *see* Ark. Code Ann. §21-9-301;
- F. The Defendants are not proper parties to a tort action in any event, *see* Ark. Code Ann. § 23-79-210
- G. Justification;
- H. Mootness, as applicable;
- I. Waiver/*Estoppel*/*Laches*;
- K. The Plaintiff has failed to state a claim upon which relief can be granted;
- L. The Defendants avail themselves of all statute of limitations defenses applicable to this claim, including, but not limited to Ark. Code Ann. 16-56-101, *et seq.*;
- M. The Defendants reserve and preserve the right to assert any available counterclaims and/or third-party claims under Ark. R. Civ. Proc. 13 & 14.
- N. No tangible adverse employment action;
- O. The *Ellerth/Faragher* Affirmative Defense (Separate Faulkner County Defendants exercised reasonable care to prevent and correct promptly any sexually harassing behavior and/or the Plaintiffs unreasonably failed to take advantage of any preventive or corrective opportunities by the employer or to avoid harm otherwise);
- P. No respondent superior/vicarious liability;
- Q. The Plaintiffs have failed to mitigate any alleged damages;
- R. The Defendants avail themselves of all applicable defenses under Rule 8(c) of the Federal Rules of Civil Procedure; and
- S. The Defendants avails themselves of all statute of limitations defenses

