

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

_____	:	
RANDY SQUIRES, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C. A. No.1:05cv1120 (JR)
	:	
ROBERT ATCHESON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
_____	:	

**DEFENDANT DISTRICT OF COLUMBIA’S ANSWER  
TO THE SECOND AMENDED COMPLAINT**

Defendant District of Columbia (hereinafter “the District”), by and through counsel, responds to the second amended complaint with particularity and in like-numbered paragraphs as follows:

1. The District denies all allegations of any wrongdoing as set forth in Plaintiffs’ first amended complaint.
2. Paragraph 2 of the second amended complaint contains conclusions of the Plaintiffs and, therefore, no answer is required.
81. The District incorporates its answers to paragraphs 1 through 80 to plaintiffs’ first amended complaint as if separately set forth herein.
82. The District admits that it reinstated defendant Atcheson to a supervisory position. The remaining allegations contained in paragraph 82 of the second amended complaint are the conclusions of the pleader to which no response is required.

83. The District denies the allegations contained in paragraph 83 of the second amended complaint.

84. The District denies the allegations contained in paragraph 84 of the second amended complaint.

85. Paragraph 85 does not pertain to the Defendant District of Columbia and therefore, no answer is required. To the extent that the District is required to answer this paragraph the District denies any and all wrongdoing.

86. Paragraph 86 does not pertain to the Defendant District of Columbia and therefore, no answer is required. To the extent that the District is required to answer this paragraph the District denies any and all wrongdoing.

87. The District lacks sufficient information to either admit or deny the allegations in paragraph 87 of the complaint, and they contain conclusions of law. Therefore, no answer is required. To the extent a response is required, this defendant denies the allegations.

88. Paragraph 88 contains conclusions of law and, therefore, no answer is required.

89. The District denies the allegations contained in paragraph 89 of the second amended complaint.

#### **COUNT VI**

##### **42 U.S.C. § 1983-Equal Protection (Against Atcheson Individually and District)**

87.(Sic) The District incorporates its answers to paragraphs 1 through 89 as if separately set forth herein.

88.(Sic) The District denies the allegations contained in paragraph 88 of the second amended complaint.

89.(Sic) The District denies the allegations contained in paragraph 89 of the second amended complaint.

90.(Sic) The District denies the allegations contained in paragraph 90 of the second amended complaint.

## COUNT VII

### **42 U.S.C. § 1981 (Against Atcheson Individually and District)**

91.(Sic) The District incorporates its answers to paragraphs 1 through 90 as if separately set forth herein.

92.(Sic) The District denies the allegations contained in paragraph 92 of the second amended complaint.

93.(Sic) The District denies the allegations contained in paragraph 93 of the second amended complaint.

### Affirmative Defenses

The District denies any allegation in the complaint not specifically responded to above and reserves the right to amend its answer.

### First Defense

Plaintiffs have failed to state a claim upon which relief may be granted.

### Second Defense

The District is not liable to plaintiffs under 42 U.S.C. § 1981, and/or 42 U.S.C. § 1983.

### Third Defense

Plaintiffs may have failed to exhaust their administrative remedies and/or failed to comply with other mandatory filing requirements.

Fourth Defense

All actions taken by District relating to Plaintiffs were necessary, reasonable, pursuant to lawful authority, and based on legitimate, non-discriminatory reasons.

Fifth Defense

Plaintiffs were not subjected to an adverse employment action.

Sixth Defense

The District has a bona fide EEO policy and procedures and, therefore, the District cannot be held liable to plaintiff.

Seventh Defense

The District denies that any District policymaker adopted, approved, condoned and/or maintained an unconstitutional policy, practice or custom of unlawful employment practices.

Eighth Defense

Plaintiffs cannot prove invidious discrimination by the District of Columbia, or that any District custom, policy or practice was the moving force behind any claimed invidious discrimination.

Ninth Defense

Plaintiffs cannot prove intentional discrimination by the District of Columbia, or that any District custom, policy or practice was the moving force behind any claimed intentional discrimination.

Tenth Defense

Absolute and/or qualified immunity may bar plaintiffs' claims.

SET-OFF

The District claims a set-off for any debts Plaintiffs owe to it and for any benefits it may have given or conferred upon Plaintiffs, including, without limitation, unpaid taxes, health and hospital care, the cost of any care or treatment of Plaintiffs rendered or paid for by the District through any means, Medicare or Medicaid, AFDC, GPF or any other benefit.

JURY DEMAND

The District hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

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District of Columbia

GEORGE VALENTINE  
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