

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

DR. PRESTON BOLES,
Plaintiff

v.

GREENWOOD LEFLORE HOSPITAL
Defendant.

DOCKET NO. 4:21-cv-088-DMB-JMV

**DEFENDANT GREENWOOD LEFLORE HOSPITAL'S ANSWER
TO PLAINTIFF'S COMPLAINT**

Defendant Greenwood Leflore Hospital (hereinafter "GLH" or "Defendant") files this Answer and Defenses (collectively, "Answer") to the ("Complaint") filed by Plaintiff Dr. Preston Boles ("Plaintiff" or "Boles").

GENERAL DENIALS

Except as expressly admitted below, Defendant denies each and every allegation against it and denies liability to Plaintiff.

In addition to its limited general denial, Defendant specifically responds to the Plaintiff's allegations as follows:

JURISDICTION, PARTIES AND VENUE

Defendant admits that Plaintiff purports to bring this claim under 42 U.S.C. § 1981 ("§1981"), 42 U.S.C. § 1983 ("§1983"), and Title VII of the Civil Rights Act, as amended ("Title VII"), and that this Court has jurisdiction over claims properly asserted under §1981, §1983, and Title VII pursuant to 28 U.S.C. § 1331. Defendant denies any liability under any law, however, including §1981, §1983 or Title VII. No admission or denial is required in response to Plaintiff's jury trial demand.

PARTIES

1. Defendant admits that Plaintiff, Dr. Preston Boles, is an adult resident of Mississippi and an employee of Defendant.
2. Defendant admits that Dr. Boles is African-American.
3. Defendant admits that Dr. Boles is an employee of GLH and is a person protected by Title VII of the Civil Rights Act of 1964.
4. Defendant admits that Dr. Boles is a person protected by the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.
5. Defendant admits that Dr. Boles is a person who has entered contracts with the Defendant covered by 42 U.S.C. 1981.
6. Defendant admits that it is an employer subject to Title VII.
7. Defendant admits that it is a person subject to Section 1981.
8. Defendant admits that it is a person as defined by Section 1983, but a state as defined by the Fourteenth Amendment, and therefore subject to a 1983 action for violations of the Fourteenth Amendment under color of law.
9. Defendant admits that sovereign immunity has been waived pursuant to Section 5 of the Fourteenth Amendment, and by entering a contract with the Plaintiff.

FACTS

10. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 13, and therefore denies those allegations.
11. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 14, and therefore denies those allegations.

12. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 15, and therefore denies those allegations.
13. Defendant admits entering into a contract with Dr. Boles in 2006. Defendant denies the remaining factual allegations in Paragraph 16 of the Complaint.
14. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 17, and therefore denies those allegations.
15. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 18, and therefore denies those allegations.
16. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 19, and therefore denies those allegations.
17. Defendant admits the factual allegations in Paragraph 20 of the Complaint.
18. Defendant admits the factual allegations in Paragraph 21 of the Complaint.
19. Defendant admits the factual allegations in Paragraph 22 of the Complaint.
20. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 23, and therefore denies those allegations.
21. Defendant admits that Dr. Assani saw patients as a physician at GLH. Defendant denies the remaining allegations in Paragraph 24 of the Complaint.
22. Defendant denies the factual allegations in Paragraph 25 of the Complaint.
23. Defendant denies the factual allegations in Paragraph 26 of the Complaint.
24. No admission or denial is required in response to the allegations in Paragraph 27. To the extent a response is required, Defendant denies the factual allegations in Paragraph 27 of the Complaint.
25. Defendant denies the factual allegations in Paragraph 28 of the Complaint.

26. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 29, and therefore denies those allegations.
27. Defendant admits the factual allegations in Paragraph 30 of the Complaint.
28. Defendant admits the factual allegations in Paragraph 31 of the Complaint.
29. Defendant admits the factual allegations in Paragraph 32 of the Complaint.
30. No admission or denial is required in response to the allegations in Paragraph 33. To the extent a response is required, Defendant denies the factual allegations in Paragraph 33 of the Complaint.
31. No admission or denial is required in response to the allegations in Paragraph 34. To the extent a response is required, Defendant denies the factual allegations in Paragraph 34 of the Complaint.
32. Defendant denies the factual allegations in Paragraph 35 of the Complaint.
33. Defendant denies the factual allegations in Paragraph 36 of the Complaint.
34. Defendant denies the factual allegations in Paragraph 37 of the Complaint.
35. Defendant admits the factual allegations in Paragraph 38 of the Complaint.
36. Defendant denies the factual allegations in Paragraph 39 of the Complaint.
37. Defendant admits the factual allegations in Paragraph 40 of the Complaint.
38. Defendant admits the factual allegations in Paragraph 41 of the Complaint.
39. Defendant denies the factual allegations in Paragraph 42 of the Complaint.
40. Defendant admits the factual allegations in Paragraph 43 of the Complaint.
41. Defendant denies the factual allegations in Paragraph 44 of the Complaint.
42. Defendant denies the factual allegations in Paragraph 45 of the Complaint.
43. Defendant admits the factual allegations in Paragraph 46 of the Complaint.

44. Defendant denies the factual allegations in Paragraph 47 of the Complaint.
45. Defendant denies the factual allegations in Paragraph 48 of the Complaint.
46. Defendant admits the factual allegations in Paragraph 49 of the Complaint.
47. Defendant denies the factual allegations in Paragraph 50 of the Complaint.
48. Defendant denies the factual allegations in Paragraph 51 of the Complaint.
49. Defendant admits the factual allegations in Paragraph 52 of the Complaint.
50. Defendant denies the factual allegations in Paragraph 53 of the Complaint.
51. Defendant denies the factual allegations in Paragraph 54 of the Complaint.
52. Defendant admits the factual allegations in Paragraph 55 of the Complaint.
53. Defendant admits the factual allegations in Paragraph 56 of the Complaint.
54. No admission or denial is required in response to the allegations in Paragraph 57. To the extent a response is required, Defendant denies the factual allegations in Paragraph 57 of the Complaint.
55. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 58, and therefore denies those allegations.
56. Defendant denies the factual allegations in Paragraph 59 of the Complaint.
57. No admission or denial is required in response to the allegations in Paragraph 60. To the extent a response is required, Defendant denies the factual allegations in Paragraph 60 of the Complaint.
58. No admission or denial is required in response to the allegations in Paragraph 61. To the extent a response is required, Defendant denies the factual allegations in Paragraph 61 of the Complaint.

59. Defendant is without knowledge or sufficient information to admit or deny the factual allegations in Paragraph 62, and therefore denies those allegations.
60. Defendant admits the factual allegations in Paragraph 63 of the Complaint.
61. No admission or denial is required in response to the allegations in Paragraph 64. To the extent a response is required, Defendant denies the factual allegations in Paragraph 64 of the Complaint.
62. Defendant admits that it submitted a position statement to the EEOC in response to Dr. Boles' discrimination charge on March 11, 2020. Defendant denies the remaining allegations in Paragraph 65 of the Complaint.
63. No admission or denial is required in response to the allegations in Paragraph 66. To the extent a response is required, Defendant denies the factual allegations in Paragraph 66 of the Complaint.
64. No admission or denial is required in response to the allegations in Paragraph 67. To the extent a response is required, Defendant denies the factual allegations in Paragraph 67 of the Complaint.
65. No admission or denial is required in response to the allegations in Paragraph 68. To the extent a response is required, Defendant denies the factual allegations in Paragraph 68 of the Complaint.
66. No admission or denial is required in response to the allegations in Paragraph 69. To the extent a response is required, Defendant denies the factual allegations in Paragraph 69 of the Complaint.

67. No admission or denial is required in response to the allegations in Paragraph 70. To the extent a response is required, Defendant denies the factual allegations in Paragraph 70 of the Complaint.
68. No admission or denial is required in response to the allegations in Paragraph 71. To the extent a response is required, Defendant denies the factual allegations in Paragraph 71 of the Complaint.
69. Defendant denies the factual allegations in Paragraph 72 of the Complaint.
70. Defendant denies the factual allegations in Paragraph 73 of the Complaint.
71. Defendant admits the factual allegations in Paragraph 74 of the Complaint.
72. Defendant denies the factual allegations in Paragraph 75 of the Complaint.
73. No admission or denial is required in response to the allegations in Paragraph 76. To the extent a response is required, Defendant denies the factual allegations in Paragraph 76 of the Complaint.
74. Defendant denies the factual allegations in Paragraph 77 of the Complaint.
75. Defendant denies the factual allegations in Paragraph 78 of the Complaint
76. No admission or denial is required in response to the allegations in Paragraph 79. To the extent a response is required, Defendant denies the factual allegations in Paragraph 79 of the Complaint.
77. Defendant denies the factual allegations in Paragraph 80 of the Complaint.
78. No admission or denial is required in response to the allegations in Paragraph 81. To the extent a response is required, Defendant denies the factual allegations in Paragraph 81 of the Complaint.
79. Defendant denies the factual allegations in Paragraph 82 of the Complaint

80. Defendant denies the factual allegations in Paragraph 83 of the Complaint
81. Defendant denies the factual allegations in Paragraph 84 of the Complaint.
82. No admission or denial is required in response to the allegations in Paragraph 85. To the extent a response is required, Defendant denies the factual allegations in Paragraph 85 of the Complaint.
83. Defendant admits the factual allegations in Paragraph 86 of the Complaint
84. Defendant admits the factual allegations in Paragraph 87 of the Complaint
85. Defendant admits the factual allegations in Paragraph 88 of the Complaint
86. Defendant admits the factual allegations in Paragraph 89 of the Complaint
87. Defendant admits the factual allegations in Paragraph 90 of the Complaint.

CAUSES OF ACTION

COUNT I: TITLE VII: RACE

88. No admission or denial is required in response to the allegations contained in Paragraph 91. To the extent that Paragraph 91 contains factual allegations, each factual allegation is denied and Defendant reaffirms and re-alleges its responses to the preceding Paragraphs of Plaintiff's Complaint.
89. Defendant denies the factual allegations in Paragraph 92 of the Complaint.
90. Defendant denies the factual allegations in Paragraph 93 of the Complaint.
91. No admission or denial is required in response to the allegations in Paragraph 94. To the extent a response is required, Defendant denies the factual allegations in Paragraph 94 of the Complaint.
92. Defendant denies the factual allegations in Paragraph 95 of the Complaint.
93. Defendant denies the factual allegations in Paragraph 96 of the Complaint.

94. No admission or denial is required in response to the allegations in Paragraph 97. To the extent a response is required, Defendant denies the factual allegations in Paragraph 97 of the Complaint.
95. Defendant denies the factual allegations in Paragraph 98 of the Complaint.
96. Defendant denies the factual allegations in Paragraph 99 of the Complaint.
97. No admission or denial is required in response to the allegations in Paragraph 100. To the extent a response is required, Defendant denies that it has violated any law, denies that Plaintiff is entitled to recover relief of any kind, including any of the relief requested in Plaintiff's Complaint.

COUNT II: 42 U.S.C. 1981: RACE

98. No admission or denial is required in response to the allegations contained in Paragraph 101. To the extent that Paragraph 101 contains factual allegations, each factual allegation is denied, and Defendant reaffirms and re-alleges its responses to the preceding Paragraphs of Plaintiff's Complaint.
99. Defendant denies the factual allegations in Paragraph 102 of the Complaint.
100. Defendant denies the factual allegations in Paragraph 103 of the Complaint.
101. No admission or denial is required in response to the allegations in Paragraph 104. To the extent a response is required, Defendant denies the factual allegations in Paragraph 104 of the Complaint.
102. Defendant denies the factual allegations in Paragraph 105 of the Complaint.
103. Defendant denies the factual allegations in Paragraph 106 of the Complaint.

104. No admission or denial is required in response to the allegations in Paragraph 107. To the extent a response is required, Defendant denies the factual allegations in Paragraph 107 of the Complaint.
105. Defendant denies the factual allegations in Paragraph 108 of the Complaint.
106. Defendant denies the factual allegations in Paragraph 109 of the Complaint.
107. No admission or denial is required in response to the allegations in Paragraph 110. To the extent a response is required, Defendant denies that it has violated any law, denies that Plaintiff is entitled to recover relief of any kind, including any of the relief requested in Plaintiff's Complaint.

COUNT III: Section 1983, Equal Protection, Fourteenth Amendment

108. No admission or denial is required in response to the allegations contained in Paragraph 111. To the extent that Paragraph 111 contains factual allegations, each factual allegation is denied and Defendant reaffirms and re-alleges its responses to the preceding Paragraphs of Plaintiff's Complaint.
109. Defendant denies the factual allegations in Paragraph 112 of the Complaint
110. Defendant denies the factual allegations in Paragraph 113 of the Complaint.
111. No admission or denial is required in response to the allegations in Paragraph 114. To the extent a response is required, Defendant denies the factual allegations in Paragraph 114 of the Complaint.
112. Defendant denies the factual allegations in Paragraph 115 of the Complaint.
113. Defendant denies the factual allegations in Paragraph 116 of the Complaint.

114. No admission or denial is required in response to the allegations in Paragraph 117. To the extent a response is required, Defendant denies the factual allegations in Paragraph 117 of the Complaint.
115. No admission or denial is required in response to the allegations in Paragraph 118. To the extent a response is required, Defendant denies the factual allegations in Paragraph 118 of the Complaint.
116. Defendant denies the factual allegations in Paragraph 119 of the Complaint.
117. Defendant denies the factual allegations in Paragraph 120 of the Complaint.
118. No admission or denial is required in response to the allegations in Paragraph 121. To the extent a response is required, Defendant denies that it has violated any law, denies that Plaintiff is entitled to recover relief of any kind, including any of the relief requested in Plaintiff's Complaint.

COUNT IV: BREACH OF CONTRACT

119. No admission or denial is required in response to the allegations contained in Paragraph 122. To the extent that Paragraph 122 contains factual allegations, each factual allegation is denied and Defendant reaffirms and re-alleges its responses to the preceding Paragraphs of Plaintiff's Complaint.
120. Defendant admits the factual allegations in Paragraph 123 of the Complaint.
121. Defendant denies the factual allegations in Paragraph 124 of the Complaint.
122. Defendant denies the factual allegations in Paragraph 125 of the Complaint.
123. Defendant denies the factual allegations in Paragraph 126 of the Complaint.
124. No admission or denial is required in response to the allegations in Paragraph 127. To the extent a response is required, Defendant denies that it has violated any law, denies that

Plaintiff is entitled to recover relief of any kind, including any of the relief requested in Plaintiff's Complaint.

DEFENSES AND AFFIRMATIVE DEFENSES

125. Defendant GLH advances the following defenses to Plaintiff's Complaint. By setting forth these defenses, GLH does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiff. Nothing stated herein is intended or shall be construed as an admission that any particular issue or subject matter is relevant to Plaintiffs' allegations.
126. Plaintiff's Complaint fails to state a claim in whole or in part upon which relief can be granted against Defendant.
127. Plaintiff's Complaint fails to state facts sufficient to support an award of any actual, compensatory, punitive or consequential monetary damages.
128. GLH acted reasonably and in good faith at all material times to this proceeding based on the facts and circumstances available and known to Defendant at the time.
129. GLH did not act intentionally, willfully, maliciously or recklessly to commit any alleged violation of law.
130. All actions taken by GLH concerning Plaintiff were for legitimate, nondiscriminatory business reasons, based on reasonable factors unrelated to Plaintiff's protected status.
131. Plaintiff cannot demonstrate the requisite causal connection between his protected status and any adverse employment action taken by GLH.
132. Any and all damages claimed by Plaintiff, whether, actual, compensatory, punitive, liquidated, attorneys' fees, costs, or otherwise are unsupported by law and unavailable, but

nevertheless subject to all applicable statutory and common-law exclusions, limitations and caps.

133. GLH has an equal employment opportunity policy that prohibits discrimination, harassment and retaliation, and has made good faith efforts to comply with all anti-discrimination laws. To the extent any person discriminated against Plaintiff, GLH is not vicariously liable for such actions because any such actions would have been contrary to GLH's good faith efforts and reasonable care taken to comply with all applicable anti-discrimination laws.
134. Plaintiff's claims are barred by the equitable doctrines of laches, estoppel, payment, unclean hands, accord and satisfaction, and/or payment or set off to the extent that he has been fully compensated for any owed "wages" and, by accepting the payments made to him, effectuated an accord and satisfaction of his claims.
135. To the extent Plaintiff's claims or damages are barred by the applicable statutes of limitations, filing deadlines, or by laches, GLH asserts those defenses.
136. If Plaintiff has been damaged as alleged, such damages were caused by his own acts or omissions, by the acts or omissions of third parties beyond GLH's control, or by the acts or omissions for which GLH is not responsible.

RESERVATION OF RIGHTS

137. GLH hereby gives notice that it intends to rely upon such other and further defenses as may become available or apparent during pre-trial proceedings in this case and hereby reserve all rights to amend their answer to assert such defenses.

PRAYER FOR RELIEF

138. GLH respectfully requests that Plaintiff take nothing in this suit; that Plaintiff's claims be dismissed *with prejudice*; that all relief prayed for by Plaintiff be denied; and that the Court enter final judgment in favor of GLH and against Plaintiff on all claims. Defendant further requests that this Court award GLH its attorneys' fees, costs of court and litigation expenses incurred in connection with the defense of this matter as well as any other additional relief as the Court deems just and equitable.

Dated: September 27, 2021

Respectfully submitted

/s/ Michael B. Taylor

Susan Fahey Desmond (#5119)

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Michael B. Taylor (LA Bar # 39081) (Admitted *Pro Hac Vice*)

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**COUNSEL FOR DEFENDANT,
GREENWOOD LEFLORE HOSPITAL**

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the parties. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to any non-CM/ECF participants.

/s/ Michael B. Taylor

Michael B. Taylor