

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

GEORGE DULIN

PLAINTIFF

V.

CIVIL ACTION NO. 4:07CV194-A-B

**BOARD OF COMMISSIONERS OF THE
GREENWOOD LEFLORE HOSPITAL**

DEFENDANT

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW the defendant, Board of Commissioners of the Greenwood Leflore Hospital, by and through its attorneys of record, and answers plaintiff's Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint, in whole or in part, fails to state claims upon which relief may be granted.

SECOND DEFENSE

Plaintiff does not meet the definition of "employee" required for standing under Title VII.

THIRD DEFENSE

Plaintiff has failed to allege the requisite causation to support his causes of action.

FOURTH DEFENSE

Plaintiff's claims, in whole or in part, are barred by the applicable statute of limitations.

FIFTH DEFENSE

Plaintiff failed to reasonably mitigate his alleged damages.

SIXTH DEFENSE

At all times, defendant's actions were taken in good faith and for legitimate and non-discriminatory business reasons.

AND NOW, with regard to the specific allegations of plaintiff's Complaint, defendant answers as follows:

-1-

Defendant admits the allegations contained in paragraph 1 of plaintiff's Complaint.

-2-

Defendant admits the allegations contained in paragraph 2 of plaintiff's Complaint.

-3-

Defendant admits the jurisdictional allegations of paragraph 3 of plaintiff's Complaint, but denies plaintiff has a valid action authorized by 42 U.S.C. § 1983.

-4-

Defendant denies plaintiff was an employee of Greenwood Leflore Hospital. Defendant further denies there were no complaints about his job performance from members of the defendant Board. Defendant admits, however, that plaintiff served in the capacity of Board Attorney as an independent contractor since 1984.

-5-

Defendant denies the allegations contained in paragraph 5 of plaintiff's Complaint.

-6-

Defendant denies the allegations contained in paragraph 6 of plaintiff's Complaint.

-7-

Defendant denies the allegations contained in paragraph 7 of plaintiff's Complaint.

-8-

Defendant denies the allegations contained in paragraph 8 of plaintiff's Complaint.

-9-

Defendant denies the allegations contained in paragraph 9 of plaintiff's Complaint.

-10-

Defendant admits the allegations contained in paragraph 10 of plaintiff's Complaint.

-11-

Defendant denies the allegations contained in paragraph 11 of plaintiff's Complaint for lack of sufficient information to justify a belief therein.

AND NOW HAVING FULLY ANSWERED AND ASSERTED AFFIRMATIVE DEFENSES, defendant denies that plaintiff is entitled to any relief whatsoever and demands that this complaint be dismissed with prejudice with all costs and fees being assessed against plaintiff.

RESPECTFULLY SUBMITTED,

BOARD OF COMMISSIONS OF THE
GREENWOOD LEFLORE HOSPITAL
Defendant.

By: /s Susan Fahey Desmond
SUSAN FAHEY DESMOND (MSB 5116)
Attorney for Defendant

WATKINS LUDLAM WINTER & STENNIS, P.A.
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Gulfport, MS 39502
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CERTIFICATE OF SERVICE

I, Susan Fahey Desmond, do hereby certify that I have filed this Answer via the Court's electronic filing system and that a copy has been sent electronically by that system to:

Jim D. Waide, III, Esq.
WAIDE & ASSOCIATES, PA
P.O. Box 1357
Tupelo, MS 38804
waide@waidelaw.com

THIS, the 31 day of January, 2008.

s/ Susan Faheny Desmond

SUSAN FAHEY DESMOND