

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STEPHANIE DICKENS,

Plaintiff,

v.

Case No. 19-cv-02529

PEPPERIDGE FARM INCORPORATED,

Defendant.

**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO COUNT I
OF PLAINTIFF'S THIRD AMENDED COMPLAINT**

Defendant, Pepperidge Farm Incorporated ("Defendant"), by and through its undersigned counsel, hereby responds to Count I of Plaintiff, Stephanie Dickens ("Plaintiff")'s Third Amended Complaint filed March 8, 2021 as follows:

JURISDICTION AND VENUE

1. Defendant admits the allegations made in Paragraph 1 of the Third Amended Complaint for jurisdictional purposes only. The remaining allegations of Paragraph 1 of the Third Amended Complaint are denied.

2. Defendant admits the allegations made in Paragraph 2 of the Third Amended Complaint for jurisdictional purposes only.

3. Defendant admits the allegations made in Paragraph 3 of the Third Amended Complaint for purposes of venue only. The remaining allegations of Paragraph 3 of the Third Amended Complaint are denied.

PARTIES

4. Defendant admits the allegations made in Paragraph 4 of the Third Amended Complaint.

5. Defendant admits the allegations made in Paragraph 5 of the Third Amended Complaint.

6. Defendant admits that it is incorporated in Connecticut and that it operates a manufacturing plant in Lakeland, Florida. The remaining allegations of Paragraph 6 of the Third Amended Complaint are admitted for jurisdictional purposes only.

ADMINISTRATIVE PREREQUISITES

5. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 5¹ of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her

¹ Paragraph "5" of the Third Amended Complaint, along with all subsequently numbered paragraphs, are incorrectly numbered. However, for the purposes of consistency, this Answer will respond to the paragraphs as numbered in Plaintiff's Third Amended Complaint.

administrative remedies with respect to Counts II and III of the Third Amended Complaint.

6. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 6 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

7. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 7 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

8. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 8 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

9. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 9 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

10. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 10 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

11. Defendant has moved to dismiss Counts II and III of the Third Amended Complaint. Accordingly, Defendant is not required to respond to the allegations of Paragraph 11 of the Third Amended Complaint. To the extent a response is required, Defendant specifically denies that Plaintiff exhausted her administrative remedies with respect to Counts II and III of the Third Amended Complaint.

GENERAL ALLEGATIONS

12. Defendant admits that Plaintiff was hired by Defendant on March 2, 2009 and remains employed by Defendant as of the date of this Answer and Affirmative Defenses. The remaining allegations made in Paragraph 12 of the Third Amended Complaint purport to state a legal conclusion; therefore, no response is required. To the extent a response is required, the allegations are denied.

13. Defendant admits the allegations made in the first sentence of Paragraph 13 of the Third Amended Complaint. The remaining allegations made in Paragraph 13 of the Third Amended Complaint purport to state a legal conclusion; therefore, no response is required. To the extent a response is required, the allegations are denied.

14. Defendant admits that Plaintiff was hired by Defendant on March 2, 2009 and remains employed by Defendant as of the date of this Answer and Affirmative Defenses. The remaining allegations made in Paragraph 14 of the Third Amended Complaint purport to state a legal conclusion; therefore, no response is required. To the extent a response is required, the allegations are denied.

15. Defendant admits that Plaintiff was employed by Defendant on March 2, 2009 and remains employed by Defendant as of the date of this Answer

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