

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

AMANDA L. MCCORMICK,

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Plaintiff,

)

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v.

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Case No.: 5:24-cv-00820-HNJ

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**CULLMAN REGIONAL
MEDICAL CENTER,**

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Defendant.

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ANSWER

COMES NOW the Defendant designated as Cullman Regional Medical Center (to be properly named as the Cullman Regional Medical Center, Inc.), by and through undersigned counsel, and for answer to the complaint states the following:

NATURE OF CASE

1. Defendant admits that Plaintiff attempts to pursue a claim under the Age Discrimination in Employment Act of 1967, 29 U.S.C §§621-634 (“ADEA”). Any other material allegations of paragraph 1 are denied.

JURISDICTION AND VENUE

2. Defendant admits that this Court possesses subject matter jurisdiction.

3. Defendant admits that Plaintiff filed a timely EEOC charge and timely filed this action after receiving a Determination and Notice of Rights.

4. Defendant admits that it does business within this judicial district and division. Any other material allegations of paragraph 4 are denied.

PARTIES

5. Defendant admits that Plaintiff previously was an employee of Defendant. Any other material allegations of paragraph 5 are denied.

6. Admitted.

STATEMENT OF FACTS

7. Defendant admits that Plaintiff is a fifty-four year-old female who it previously employed. Any other material allegations of paragraph 7 are denied.

8. Defendant admits that Plaintiff worked at its Cardiovascular Clinic. Any other material allegations of paragraph 8 are denied.

9. Defendant lacks sufficient information to admit or deny what representatives from third-parties may have told Plaintiff. Any other material allegations of paragraph 9 are denied.

10. Defendant admits that Plaintiff was given a memorandum regarding elimination of a Clinic RN position. Any other material allegations of paragraph 10 are denied.

11. Defendant denies the material allegations of paragraph 11.

COUNT I

AGE DISCRIMINATION

12. Defendant adopts its answers to the previous allegations of the complaint.

13. Defendant admits that Plaintiff attempts to assert a claim under the ADEA. Any other material allegations of paragraph 13 are denied.

14. Defendant denies the material allegations of paragraph 14.

15. Defendant denies that Plaintiff is entitled to any relief whatsoever in this action.

AFFIRMATIVE DEFENSES

First Defense

Plaintiff fails to state a claim upon which relief can be granted.

Second Defense

Defendant's employment practices are job-related and consistent with business necessity.

Third Defense

Any employment actions taken by Defendant were based on legitimate, non-discriminatory factors.

Fourth Defense

Defendant has and had in a policy against discrimination to prevent and promptly correct any such behavior. Thus, to the extent Plaintiff is able to prove that she was subjected to discrimination, which Defendant denies, Defendant cannot be held vicariously liable because of its good-faith efforts to ensure compliance with the anti-discrimination and anti-retaliation laws.

Fifth Defense

To the extent that Plaintiff is able to show that she suffered damages, Plaintiff failed to mitigate those damages.

Sixth Defense

Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of unclean hands, waiver, estoppel, and/or laches.

Seventh Defense

To the extent that Plaintiff has suffered any damages, any actions by Defendant were neither the actual nor proximate cause of those claimed damages.

Eighth Defense

Plaintiff's employment with Defendant was at-will and was subject to termination at any time by either Defendant or Plaintiff.

Ninth Defense

Plaintiff's claims are barred to the extent they exceed the scope of her administrative charge of discrimination.

Tenth Defense

Plaintiff's claims are barred to the extent they are based on alleged acts or occurrences that took place more than 180 days prior to Plaintiff filing her charge with the EEOC.

Eleventh Defense

Plaintiff's claims are barred to the extent they involve alleged discrimination occurring before the applicable statute of limitations period.

Twelfth Defense

Defendant denies that age was a factor in any of the employment decisions at issue and further denies that it discriminated against Plaintiff in any manner whatsoever; however, to the extent that the fact finder determines otherwise, Defendant states that it would have made the same decisions absent the alleged impermissible motive.

Thirteenth Defense

Plaintiff's age was not the "but for" cause of any alleged employment action.

Fourteenth Defense

Plaintiff's claims are barred, in whole or in part, by the doctrine of judicial estoppel to the extent Plaintiff has taken any inconsistent position in any other judicial or quasi-judicial proceeding.

Fifteenth Defense

Plaintiff cannot establish a prima facie case of discrimination, or establish that Defendant's articulated reason for terminating her employment was a pretext for an intent to discriminate against her on the basis of her age.

Sixteenth Defense

Defendant asserts all applicable statutory damages caps and limitations and limitations afforded by applicable law.

Sevnteenth Defense

Defendant's conduct toward Plaintiff was at all times in good faith and was not willful, intentional, reckless or discriminatory.

Respectfully Submitted this the 27th day of August, 2024.

LOCKWOOD & ASSOCIATES, INC.

By: /s/ Robert C. Lockwood
Robert C. Lockwood

527 Fountain Row
Huntsville, Alabama 35801
(256) 400-4522
Robert@LockwoodLawyers.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served by the Court's ECF system upon:

John D. Saxon, Esq.
JOHN D. SAXON, P.C.
2119 3rd Avenue North
Birmingham, AL 35203

/s/ Robert C. Lockwood

Robert C. Lockwood