

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

**PATRICIA DAWSON**

**PLAINTIFF**

v.

**Civil No. 4:14 cv 583 SWW**

**H & H ELECTRIC, INC.**

**DEFENDANT**

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**ANSWER**

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For its Answer to the Complaint filed against it by plaintiff in this matter, defendant H & H Electric, Inc. states:

1. The allegations contained in paragraph 1 of the Complaint are denied.
2. The allegations contained in paragraph 2 of the Complaint are denied.
3. With regard to the allegations contained in paragraph 3 of the Complaint, it appears that plaintiff has attempted to plead facts in support of raising a federal question under the cited statutes. However, these statutes do not provide a cause of action for these allegations, and no federal question has been presented.
4. The allegations contained in paragraph 4 of the Complaint are denied.
5. The allegations contained in paragraph 5 of the Complaint are admitted.
6. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 6 of the Complaint, those allegations are denied.
7. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 7 of the Complaint, those allegations are denied.

8. With regard to the allegations contained in paragraph 8 of the Complaint, it is admitted that plaintiff formerly was employed by defendant and is believed to have been a licensed electrician in the State of Arkansas. It is unknown where plaintiff resides. Except as specifically admitted, all other allegations are denied.

9. The allegations contained in paragraph 9 of the Complaint are admitted.

10. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 10 of the Complaint, those allegations are denied.

11. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 11 of the Complaint, those allegations are denied.

12. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 12 of the Complaint, those allegations are denied.

13. With regard to the allegations contained in paragraph 13 of the Complaint, it is admitted that plaintiff was employed by defendant and worked at several different job sites. Except as specifically admitted, all other allegations are denied.

14. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 14 of the Complaint, those allegations are denied although it is admitted that when hired, plaintiff completed her application process and paperwork in the name Steve Dawson.

15. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 15 of the Complaint, those allegations are denied.

16. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 16 of the Complaint, those allegations are denied.

17. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 17 of the Complaint, those allegations are denied.

18. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 18 of the Complaint, those allegations are denied.

19. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 19 of the Complaint, those allegations are denied although it is admitted that plaintiff provided defendant with a document entitled Order For Name Change which appears to have been signed on 6/19/12.

20. With regard to the allegations contained in paragraph 20 of the Complaint, it is admitted that plaintiff informed Mr. Holloway that she had changed her name. Except as specifically admitted, all other allegations are denied.

21. With regard to the allegations contained in paragraph 21 of the Complaint, it is admitted that employment related documents maintained by defendant were completed and re-signed by plaintiff in the name of Patricia Yvette Dawson, and that plaintiff was working at the Remington Arms Co. at that time. Except as specifically admitted, all other allegations are denied.

22. The allegations contained in paragraph 22 of the Complaint are denied.

23. With regard to the allegations contained in paragraph 23 of the Complaint, it is admitted that plaintiff advised Mr. Holloway that previous work done by her apparently had been modified. For lack of information sufficient to form a belief concerning the remaining allegations, those allegations are denied.

24. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 24 of the Complaint, those allegations are denied.

25. The allegations contained in paragraph 25 of the Complaint are denied.

26. The allegations contained in paragraph 26 of the Complaint are denied.

27. The allegations contained in paragraph 27 of the Complaint are denied.

28. The allegations contained in paragraph 28 of the Complaint are denied.

29. The allegations contained in paragraph 29 of the Complaint are denied.

30. For lack of information sufficient to form a belief concerning the allegations contained in paragraph 30 of the Complaint, those allegations are denied.

31. With regard to the allegations contained in paragraph 31 of the Complaint, it is admitted that plaintiff was terminated from employment with defendant. Except as specifically admitted, all other allegations are denied.

32. With regard to the allegations contained in paragraph 32 of the Complaint, it is admitted that plaintiff was asked if she had threatened to sue Remington; she admitted that she had, and admitted that she had used a poor choice of words in her conversations with other individuals at the Remington plant. Except as specifically admitted, all other allegations are denied.

33. With regard to the allegations contained in paragraph 33 of the Complaint, defendant incorporates by reference all statements, defenses, and averments in all preceding paragraphs.

34. With regard to the allegations contained in paragraph 34 of the Complaint, it is admitted that plaintiff held a position as an electrical apprentice and was subject to all of the employment requirements applicable to that job. Except as specifically admitted, all other allegations are denied.

35. The allegations contained in paragraph 35 of the Complaint are denied.

36. The allegations contained in paragraph 36 of the Complaint are denied.

37. The allegations contained in paragraph 37 of the Complaint are denied.

38. The allegations contained in paragraph 38 of the Complaint amount to a legal conclusion for which no response is required.

39. The allegations contained in paragraph 39 of the Complaint are denied.

40. The allegations contained in paragraph 40 of the Complaint are denied.

41. The allegations contained in paragraph 41 of the Complaint are denied.

42. Any allegation contained in the Complaint which has not been specifically admitted is denied.

43. DEFENDANT RESPECTFULLY REQUESTS A JURY TRIAL.

Affirmative Defenses

44. The Complaint fails to state a claim for which relief can be afforded this plaintiff pursuant to FRCP 12(b)(6) and should be dismissed.

45. To the extent that plaintiff has failed to comply with applicable statutes of limitation and/or other jurisdictional or procedural prerequisites, this lawsuit is barred.

46. At all times regarding plaintiff, defendant acted in good faith and without discriminatory animus of any kind; all action which it took concerning plaintiff's employment was taken for lawful, bona fide, and legitimate business reasons and purposes.

47. To the extent that plaintiff has failed to exhaust any administrative remedies available to her, this lawsuit is barred.

48. To the extent that plaintiff has failed to mitigate any damage claim presented in the Complaint, such claim is barred.

WHEREFORE, defendant prays that the Complaint filed against it be dismissed, for its costs and attorneys' fees expended in defending this action, and for all other proper relief to which it is entitled.

H & H Electric, Inc.

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Certificate of Service

I certify that on October 21, 2014 I filed the foregoing using the court's CM/EMF filing system which sent notice thereof to all persons registered herein.

/s/ Sam Strange