

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIANE GRIMES,	:	
	:	
Plaintiff,	:	Civil Action No. 2:23-cv-03357-KNS
	:	
v.	:	
	:	
IMMACULATA UNIVERSITY,	:	
	:	
Defendant.	:	
	:	

**DEFENDANT IMMACULATA UNIVERSITY’S ANSWER TO PLAINTIFF’S
COMPLAINT WITH AFFIRMATIVE DEFENSES**

Defendant Immaculata University, by and through its counsel, Kaufman Dolowich & Voluck LLP, answers Plaintiff’s Complaint and asserts affirmative defenses as follows:

INTRODUCTION

There are no allegations in this paragraph of the Complaint as it is an introductory paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, it is admitted only that upon information and belief, Plaintiff initiated this action. The remaining allegations in this paragraph of the Complaint are denied.

PARTIES

1. Admitted in part and denied in part. It is admitted only that Plaintiff is currently employed by Defendant and has been employed by Defendant since 2005. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph of the Complaint, which are therefore denied.

2. Denied as stated. It is admitted only that Defendant is an institution of higher education with an address located at 1145 West King Road, Immaculata, PA 19345. The remaining allegations in this paragraph of the Complaint are denied.

3. It is denied that Defendant “has received federal financial assistance.” The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

4. Admitted in part and denied in part. It is admitted only that Defendant employs more than 20 employees. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

5. Admitted in part and denied in part. It is admitted only that Plaintiff is an employee of Defendant. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

6. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. By way of further response, all allegations of agency are specifically denied.

7. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. By way of further response, all allegations of agency are specifically denied.

JURISDICTION AND VENUE

8. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

9. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

10. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

11. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

12. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

13. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

14. Admitted in part and denied in part. It is admitted only that upon information and belief, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”). The remaining allegations in this paragraph of the Complaint refer to a document, the terms of which speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein.

15. Admitted.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, which are therefore denied.

17. The allegations in this paragraph of the Complaint refer to a document, the terms of which speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein.

18. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

FACTS

19. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations in the Complaint as though fully set forth at length herein.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint regarding Plaintiff's alleged age, which are therefore denied. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

21. Admitted in part and denied in part. It is admitted only that Plaintiff is a tenured art professor who has been employed by Defendant since 2005. The remaining allegations in this paragraph of the Complaint are denied.

22. Admitted in part and denied in part. It is admitted only that Plaintiff is the former chair of Immaculata's Art Department. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph of the Complaint, which are therefore denied.

23. Admitted.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint regarding Plaintiff's alleged recognition "by others in the field," which are therefore denied. The remaining allegations in this paragraph of the Complaint are denied.

25. The allegations in this paragraph of the Complaint refer to documents, the terms of which speak for themselves. Defendant denies the allegations in this paragraph of the Complaint

to the extent that they mischaracterize or contradict the language of the documents referenced therein. It is specifically denied that Defendant breached any alleged agreement with Plaintiff or failed to comply with any applicable policies or procedures. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

26. Admitted in part and denied in part. It is admitted only that in February 2020, Defendant removed Plaintiff from the position of Art Program Director. The remaining allegations in this paragraph of the Complaint are denied.

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

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

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

30. The allegations in this paragraph of the Complaint are denied. It is further denied that Defendant discriminated against Plaintiff based on her gender, age, or any other basis.

31. The allegations in this paragraph of the Complaint are denied.

32. The allegations in this paragraph of the Complaint are denied.

33. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint regarding what “multiple witnesses reported,” which are therefore denied. It is specifically denied that Plaintiff’s office was desecrated.

35. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint as to what “witnesses” allegedly heard, which are therefore denied. It is specifically denied that Sister Glanz harassed Plaintiff or called her a

“hoarder.” It is further specifically denied that Sister Glanz referred to any “valuable work” as “trash.”

36. Admitted in part and denied in part. It is admitted only that Defendant did not create an inventory of items removed from the office. The remaining allegations in this paragraph of the Complaint are denied. It is further denied that Defendant violated any alleged contractual or legal rights of Plaintiff or any applicable University policies.

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

38. Admitted in part and denied it part. It is admitted only that Plaintiff contacted Defendant about her office. The remaining allegations in this paragraph of the Complaint are denied. It is further specifically denied that Defendant infringed upon any alleged privacy rights, interfered with any alleged property rights, breached any alleged contract with Plaintiff, or made disparaging comments about Plaintiff or her work.

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

40. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied. It is specifically denied that Defendant discriminated against Plaintiff based on her gender, age, or any other basis, or that Defendant engaged in any pretextual conduct toward Plaintiff. It is further specifically denied that there was any “assault” on Plaintiff’s office.

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

42. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required and that the allegations refer to documents, the terms of those documents speak for themselves.

Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the documents referenced therein. It is further denied that Plaintiff was “pressured to allow Sister Glanz and others to use and encroach upon” her office. It is further specifically denied that Defendant pressured any faculty member to share an office.

43. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, it is admitted only that Plaintiff agreed to allow others to store belongings in her office. The remaining allegations in this paragraph of the Complaint are denied. It is specifically denied that Defendant violated any applicable University policy or breached any alleged contract with Plaintiff. It is further specifically denied that Defendant made any “unjustifiable demands” of Plaintiff.

44. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

45. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

46. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

47. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

48. The allegations in this paragraph of the Complaint and its subparagraphs are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint and its subparagraphs are denied.

49. The allegations in this paragraph of the Complaint and its subparagraphs are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint and its subparagraphs are denied.

50. The allegations in this paragraph of the Complaint and its subparagraphs are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint and its subparagraphs are denied.

51. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied. It is specifically denied that Defendant prevented any investigation or action, or made any false or disparaging statements to law enforcement.

52. Admitted in part and denied in part. It is admitted only that a sign outside the door of Loyola 323 has Plaintiff's name on it. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or

contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied.

53. Admitted in part and denied in part. It is admitted only that Plaintiff allowed an adjunct professor to store supplies in her office. The remaining allegations in this paragraph of the Complaint are denied.

54. The allegations in this paragraph of the Complaint are denied.

55. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

56. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied.

57. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the remaining allegations in this paragraph of the Complaint are denied.

58. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in

this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the remaining allegations in this paragraph of the Complaint are denied.

59. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the remaining allegations in this paragraph of the Complaint are denied.

60. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the remaining allegations in this paragraph of the Complaint are denied.

61. To the extent that the allegations in this paragraph of the Complaint refer to a document, the terms of the document speak for themselves. Defendant denies the allegations in this paragraph of the Complaint to the extent that they mischaracterize or contradict the language of the document referenced therein. The remaining allegations in this paragraph of the Complaint

are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the remaining allegations in this paragraph of the Complaint are denied.

62. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

63. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

64. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

65. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

66. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

67. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

68. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

69. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

70. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

71. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied. It is specifically denied that Plaintiff sustained any alleged damages as a result of any alleged conduct on the part of Defendant.

BREACH OF CONTRACT

72. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

73. The allegation in this paragraph of the Complaint is not a complete sentence and Defendant is, therefore, unable to respond thereto. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

74. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

75. The allegations in this paragraph of the Complaint and its subparagraphs are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

76. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

77. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

78. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT II
For Age Discrimination in Violation of the Age Discrimination in Employment Act,
29 U.S.C. § 621, et seq.

79. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

80. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be

required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation regarding Plaintiff's age, which are therefore denied.

81. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

82. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

83. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

84. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

85. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

86. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

87. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT III
For Sex Discrimination in Violation of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*

88. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

89. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation regarding Plaintiff's sex, which are therefore denied.

90. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

91. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

92. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

93. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

94. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

95. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

96. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT IV
Sex Discrimination and Retaliation in Violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*

97. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

98. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

99. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

100. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

101. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

102. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

103. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT V

Unequal Pay in Violation of the Equal Pay Act, 29 U.S.C. § 206, *et seq.*

104. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

105. The allegations in this paragraph of the Complaint are denied.

106. The allegations in this paragraph of the Complaint are denied.

107. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

108. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT VI

Violations of the Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.*

109. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

110. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

111. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

112. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

113. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

114. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

115. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT VII
Conversion

116. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

117. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

118. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required.

119. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

120. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

121. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

122. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

123. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

COUNT VIII
Intentional Infliction of Emotional Distress

124. There are no allegations in this paragraph of the Complaint as it is an incorporation paragraph only and no response is therefore required. To the extent that a response may be deemed to be required, Defendant incorporates by reference its responses to the foregoing allegations as though fully set forth at length herein.

125. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

126. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

127. The allegations in this paragraph of the Complaint are denied as conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations in this paragraph of the Complaint are denied.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant acted lawfully and appropriately at all times herein and did not violate the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, the Equal Pay Act, 29 U.S.C. § 206, *et seq.*, the Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.*, or any other statute or law.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited because Plaintiff did not incur any damages as a result of any alleged conduct on the part of Defendant.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff cannot prove a causal connection between her alleged protected conduct and any alleged adverse action.

FIFTH AFFIRMATIVE DEFENSE

On information and belief, Plaintiff's claims are barred and/or limited by Plaintiff's failure to mitigate her damages, if any.

SIXTH AFFIRMATIVE DEFENSE

If Plaintiff was subjected to unlawful or retaliatory conduct, Defendant exercised reasonable care to prevent and promptly correct any purportedly unlawful behavior in the workplace.

SEVENTH AFFIRMATIVE DEFENSE

Defendant did not engage in any unlawful, discriminatory, or retaliatory conduct against Plaintiff.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are insufficient to entitle her to an award of attorneys' fees and costs.

NINTH AFFIRMATIVE DEFENSE

The Complaint as a whole and each count individually fails to state a claim for compensatory, liquidated or punitive or other damages, nor is Plaintiff entitled to any damages or relief under the governing law or the facts herein.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's demand for punitive damages fails as a matter of law because Plaintiff cannot establish any egregious conduct on the part of Defendant.

ELEVENTH AFFIRMATIVE DEFENSE

All actions taken with regard to Plaintiff's employment were for legitimate, non-discriminatory, non-pretextual, and non-retaliatory reasons and were not based on any protected classification.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff was not deprived of any rights created or recognized by any state, federal, or local laws at any time.

THIRTEENTH AFFIRMATIVE DEFENSE

If Plaintiff suffered any damages or losses, which Defendant specifically denies, such damages and/or losses were not proximately caused by any acts or omissions of Defendant, but rather were caused in whole or in part by Plaintiff's own acts, omissions or conduct, or by the acts,

omissions or conduct of third parties other than that of Defendant about which Defendant had no prior knowledge and for whom it is not legally responsible.

FOURTEENTH AFFIRMATIVE DEFENSE

In the event that Plaintiff is entitled to a recovery herein, the same being specifically denied, Defendant is entitled to a credit for any sums received from other sources for payment of any alleged damages and/or losses.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff was not subjected to a hostile work environment.

SIXTEENTH AFFIRMATIVE DEFENSE

The conduct alleged in Plaintiff's Complaint was not severe and/or pervasive.

SEVENTEENTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims may be barred and/or limited by the applicable statutes of limitation.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited by the terms of any alleged contract between Plaintiff and Defendant.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited because Defendant did not breach any alleged contract with Plaintiff.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited because Plaintiff did not incur any damages as a result of any alleged breach of contract by Defendant.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff did not breach any alleged implied duty of good faith and fair dealing allegedly owed to Plaintiff.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited because Defendant did not deprive Plaintiff of any right to property without her consent or legal justification.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Defendant reserves the right to assert additional defenses and/or supplement, alter, and change its Answer to Plaintiff's Complaint upon the revelation of more definite facts by the parties to this suit and/or third-party witnesses.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiff.

DEMAND FOR JURY TRIAL

Defendant Immaculata University hereby demands a trial by jury as to all issues.

KAUFMAN DOLOWICH & VOLUCK, LLP

By: /s/ Eileen Monaghan Ficaro

Gregory S. Hyman, Esq.

Eileen Monaghan Ficaro, Esq.

Frantz J. Duncan, Esq.

Counsel for Defendant,

Immaculata University

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIANE GRIMES,	:	
	:	
Plaintiff,	:	Civil Action No. 2:23-cv-03357-KNS
	:	
v.	:	
	:	
IMMACULATA UNIVERSITY,	:	
	:	
Defendant.	:	
	:	

CERTIFICATE OF SERVICE

I, Eileen M. Ficaro, Esquire, hereby certify that on September 28, 2023, I served a true and correct copy of the foregoing Defendant Immaculata University’s Answer to Plaintiff’s Complaint with Affirmative Defenses electronically via the Court’s CM/ECF system upon all counsel of record:

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