

NO. 22-CI-000237

JEFFERSON CIRCUIT COURT  
DIVISION SIX (6)  
JUDGE OLU A. STEVENS

VINCENT WATKINS

PLAINTIFF

v.

**DEFENDANT’S ANSWER TO PLAINTIFF’S  
FIRST AMENDED COMPLAINT**

LOUISVILLE METRO GOVERNMENT

DEFENDANT

\* \* \* \* \*

Defendant, Louisville Metro Government, by counsel, for its Answer to the First Amended Complaint states as follows:

1. The allegation in Paragraph 1 of the First Amended Complaint is a legal conclusion to which no response is required. Defendant further denies that Plaintiff is entitled to any damages whatsoever pursuant to either count listed in his First Amended Complaint.

2. Defendant admits the allegation that Plaintiff is an African American male as alleged in Paragraph 2 of the First Amended Complaint.

3. Defendant admits that Plaintiff is employed in the Department of Parks and Recreation (the “Department”) as a Park Worker II. Defendants deny that Plaintiff’s only responsibility as a Park Worker II is driving a garbage truck.

4. Defendant admits that Plaintiff began working at the Department on approximately October 12, 2010.

5. Defendant denies the allegation in Paragraph 5 of the First Amended Complaint.

6. Defendant admits that Josh Wysor (“Wysor”) became Plaintiff’s supervisor in 2018.

7. Defendant admits that Wysor disciplined Plaintiff but denies the specific count of disciplinary actions alleged in Paragraph 7 of the First Amended Complaint.

8. Defendant denies the allegation in Paragraph 8 of the First Amended Complaint.

9. Defendant admits that Wysor collaborated with Jeffrey Abbott (“Abbott.”) on personnel and management issues as Wysor directly reported to Abbott. Defendant denies the remaining allegations in Paragraph 9 of the First Amended Complaint.

10. Defendant denies the allegation in Paragraph 10 of the First Amended Complaint.

11. Defendant admits that Plaintiff filed a complaint with the U.S. Equal Employment Opportunity Commission (“EEOC”) on June 27, 2018, which was administratively dismissed by the EEOC, on July 23, 2018, alleging race discrimination and retaliation for engaging in protected activity. Defendant denies any allegations contained within that EEOC complaint and denies that those allegations have any merit.

12. Defendant admits that Mesude Duyar (“Duyar”) promoted Abbott to Parks Manager. Defendant denies any remaining allegations in Paragraph 12 of the First Amended Complaint.

13. Defendant denies the allegations in Paragraph 13 of the First Amended Complaint.

14. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 14 of the First Amended Complaint and therefore denies same.

15. Defendant denies the allegation in Paragraph 15 of the First Amended Complaint.

16. Defendant denies the allegations in Paragraph 16 of the Complaint.

17. Defendant admits that Roger Meredith (“Meredith”) worked as a supervisor in Northeast Maintenance as alleged in Paragraph 16 of the First Amended Complaint.

18. Defendant denies the allegations in Paragraph 18 of the First Amended Complaint.

19. Defendant admits that Meredith resigned from his position as a supervisor in Northeast Maintenance. Defendant denies the remaining allegations in Paragraph 19 of the First Amended Complaint.

20. Defendant admits that Plaintiff has been placed on suspensions as disciplinary action by the Department management team.

21. Defendant denies the allegations in Paragraph 21 of the First Amended Complaint that Plaintiff had not done anything wrong to merit disciplinary action.

22. Defendant denies the allegation in Paragraph 22 of the First Amended Complaint.

23. Defendant denies the allegations in Paragraph 23 of the First Amended Complaint.

24. Defendant admits that Plaintiff has been suspended as disciplinary action on more than one (1) occasion.

25. Defendant admits that Mahlon Morton (“Morton”) supervised Plaintiff at Northeast Maintenance for a short period of time until he was terminated from employment. Defendant denies any remaining allegations in Paragraph 25 of the First Amended Complaint.

26. Defendant admits that meetings take place during the disciplinary process.

27. Defendant admits that Morton raised concerns about the discipline imposed on Plaintiff but denies that Morton connected those concerns to Plaintiff’s race. Defendant denies any remaining allegations in Paragraph 27 of the First Amended Complaint.

28. Defendant denies the allegation in Paragraph 28 of the First Amended Complaint.

29. Defendant admits that Morton was terminated from employment.

30. Defendant denies the allegations in Paragraph 30 of the First Amended Complaint.

31. Defendant denies the allegations in Paragraph 31 of the First Amended Complaint which alleges that Abbott was harassing African American employees.

32. Defendant denies the allegation in Paragraph 32 of the First Amended Complaint..

33. Defendant denies the allegation in Paragraph 33 of the First Amended Complaint.

34. Defendant denies the allegation in Paragraph 34 of the First Amended Complaint.

35. Defendant denies the allegation in Paragraph 35 of the First Amended Complaint.

36. The allegation in Paragraph 36 of the First Amended Complaint is a legal conclusion to which no response is required.

37. Defendant denies that the allegation in Paragraph 37 of the First Amended Complaint.

38. Defendant denies that Plaintiff is entitled to the relief requested in Paragraph 38 of the First Amended Complaint or to any other damages whatsoever for any cause of action listed in Plaintiff's First Amended Complaint.

39. Defendant denies that Plaintiff is entitled to the relief requested in Paragraph 39 of the First Amended Complaint or to any other form of relief available as a remedy under KRS Chapter 344.

40. The allegation in Paragraph 40 of the First Amended Complaint is a legal conclusion to which no response is required.

41. Defendant denies the allegation in Paragraph 41 of the First Amended Complaint.

42. Defendant denies that Plaintiff is entitled to the relief requested in Paragraph 42 of the First Amended Complaint or to any other damages whatsoever for any cause of action listed in Plaintiff's First Amended Complaint.

43. Defendant denies that Plaintiff is entitled to the relief requested in Paragraph 43 of the First Amended Complaint or to any other form of relief available as a remedy under KRS Chapter 344.

40. Defendant denies any allegation in Plaintiff's First Amended Complaint not specifically admitted.

#### **FIRST DEFENSE**

40. Plaintiff's First Amended Complaint fails to state a claim upon which relief may be granted.

#### **SECOND DEFENSE**

41. Punitive damages are not recoverable against Defendant.

#### **THIRD DEFENSE**

42. Defendant expressly reserves the right to file further pleadings and to assert additional defenses as the proof develops.

#### **FOURTH DEFENSE**

43. Punitive damages are not an available remedy under KRS Chapter 344.

#### **FIFTH DEFENSE**

44. Plaintiff cannot state a legally cognizable hostile work environment on the basis of race.

#### **SIXTH DEFENSE**

45. Defendant asserts sovereign immunity and/or qualified immunity to the extent Plaintiff purports to state claims where immunity has not been expressly waived.

**SEVENTH DEFENSE**

46. The above-styled action may be barred by arbitration and award, accord and satisfaction, estoppel, waiver, statute of limitations, release or any other matter constituting an avoidance or affirmative defense.

**EIGHTH DEFENSE**

47. To the extent Plaintiff has failed to mitigate damages, he is barred from recovering from Defendant.

**TENTH DEFENSE**

48. No tangible adverse employment action was taken against Plaintiff.

WHEREFORE, Defendant demands as follows:

1. That Plaintiff's First Amended Complaint be dismissed, with prejudice;
2. For its expenses incurred herein;
3. For a trial by jury on all issues properly so triable, and
4. Any and all other legal or equitable relief to which it may appear to be entitled.

Respectfully submitted,

MICHAEL J. O'CONNELL  
JEFFERSON COUNTY ATTORNEY

BY: /s/ Wendy C. Hyland \_\_\_\_\_

Wendy C. Hyland

Nicole Miller

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*Counsel for Louisville Metro Government*

**CERTIFICATE**

It is hereby certified that a copy of the foregoing was filed electronically (eFiling) on February 10, 2022. Further it is hereby certified that a copy of the foregoing was served on February 10, 2022, by electronic service pursuant to the Court's eFiling system, to: Thomas R. Coffey, 401 S. Fourth Street, Meidinger Tower, Suite 1200, Louisville, KY 40202.

/s/ Wendy C. Hyland  
Wendy C. Hyland