

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>MICHELLE FISHER,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PLANNED PARENTHOOD OF NORTHERN, CENTRAL, AND SOUTHERN NEW JERSEY, INC.</p> <p style="text-align: center;">Defendant.</p>	<p>CIVIL ACTION NO. 1:22-CV-02877-RBK- SAK</p>
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DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Planned Parenthood of Northern, Central and Southern New Jersey, Inc., (“Defendant”), by and through its undersigned counsel, hereby answers the Complaint filed by Plaintiff Michelle Fisher and asserts affirmative defenses as follows:

I. PARTIES

1. Admitted, upon information and belief.
2. Admitted in part; denied in part. Admitted that Defendant has its principal place of business at 196 Speedwell Ave., Morristown, NJ 07960. The remaining allegations of this paragraph are denied. By way of further response, Defendant is affiliated with Planned Parenthood Federation of America, Inc.
3. The allegations of this paragraph constitute conclusions of law, to which no response is required. By way of further answer, however, admitted.

4. The allegations of this paragraph constitute conclusions of law, to which no response is required.

5. The allegations of this paragraph constitute conclusions of law, to which no response is required. By way of further answer, however, admitted.

6. Admitted in part; denied in part. Admitted that Plaintiff so alleges. Denied to the extent alleged that Defendant violated the statutes cited therein.

7. The allegations of this paragraph constitute conclusions of law, to which no response is required. By way of further answer, however, admitted.

8. The allegations of this paragraph constitute conclusions of law, to which no response is required.

II. FACTS

9. Admitted in part; denied in part. Admitted that Defendant terminated Plaintiff's employment on June 1, 2021. The remaining allegations of this paragraph are denied.

10. Admitted that Defendant hired Plaintiff to work as a Clinician/Nurse. The remaining allegations of this paragraph are admitted, upon information and belief.

11. Defendant is without sufficient information or belief as to the truth of the allegations of this paragraph of the Complaint, and therefore, Defendant leaves Plaintiff to her proofs.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Admitted in part; denied in part. Admitted only that Defendant terminated the employment of the employee identified in Paragraph 18 of the Complaint. The remaining allegations of this paragraph are denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Admitted in part; denied in part. Admitted only that Plaintiff's work hours were modified, at times, including during the COVID-19 pandemic. The remaining allegations of this paragraph are denied.

24. Denied to the extent of any alleged wrongful or discriminatory conduct on the part of Defendant. Defendant is without sufficient information or belief as to the truth of the allegations of this paragraph of the Complaint, given Plaintiff's failure to identify the alleged employee, such that Defendant leaves Plaintiff to her proofs as to such allegations.

25. Denied.

26. Denied to the extent of any alleged wrongful or discriminatory conduct on the part of Defendant. Defendant is without sufficient information or belief as to the truth of the allegations of this paragraph of the Complaint, given Plaintiff's failure to identify the alleged employee, such that Defendant leaves Plaintiff to her proofs as to such allegations.

27. Denied.

28. Admitted in part; denied in part. Admitted that Plaintiff was advised that a prior patient had complained of her refusal to perform a papanicolaou test (“PAP test”) on her. Denied to the extent alleged that such a decision would have been clinically irresponsible. Defendant is without sufficient information or belief as to the truth of the remaining allegations of this paragraph of the Complaint, such that Defendant leaves Plaintiff to her proofs as to such allegations.

29. Admitted in part; denied in part. Admitted that Plaintiff did confer with Mellanie Woods and Erica Tsakiri. The remaining allegations of this paragraph are denied as stated.

30. Admitted in part; denied in part. Admitted that Plaintiff was placed on administrative leave for discussing a patient’s medical situation with various employees. The remaining allegations of this paragraph are denied.

31. Defendant is without sufficient information and belief as to the truth of these statements; therefore, Defendant denies this averment.

32. Admitted in part; denied in part. Admitted that Defendant terminated Plaintiff’s employment due to Plaintiff’s performance. The remaining allegations of this paragraph are denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. The allegations of this paragraph constitute conclusions of law, to which no response is required. By way of further answer, however, admitted.

38. The allegations of this paragraph constitute conclusions of law, to which no response is required. By way of further answer, however, admitted.

III. CAUSES OF ACTION

COUNT I

39. Defendant incorporates its answer to the preceding paragraphs as if set forth in full herein.

40. The allegations set forth in Paragraph 40 are legal conclusions to which no response is required.

41. The allegations set forth in Paragraph 41 are legal conclusions to which no response is required.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 50 are legal conclusions to which no response is required.

51. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 51 are legal conclusions to which no response is required.

52. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 52 are legal conclusions to which no response is required.

COUNT II

53. Defendant incorporates its answer to the preceding paragraphs as if set forth in full herein.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 60 are legal conclusions to which no response is required.

61. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 61 are legal conclusions to which no response is required.

62. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 62 are legal conclusions to which no response is required.

COUNT III

63. Defendant incorporates all of the proceeding paragraphs as if they were set forth at length herein.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 68 are legal conclusions to which no response is required.

69. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 69 are legal conclusions to which no response is required.

70. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 70 are legal conclusions to which no response is required.

COUNT IV

71. Defendant incorporates all of the proceeding paragraphs as if they were set forth at length herein.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 79 are legal conclusions to which no response is required.

COUNT V

80. Defendant incorporates all of the proceeding paragraphs as if they were set forth at length herein.

81. The allegations set forth in Paragraph 81 are legal conclusions to which no response is required.

82. The allegations set forth in Paragraph 81 are legal conclusions to which no response is required. By way of further answer, admitted.

83. Denied.

84. Denied.

85. Defendant admits upon information and belief.

86. Denied.

87. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 87 are legal conclusions to which no response is required.

88. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 88 are legal conclusions to which no response is required.

COUNT VI

89. Defendant incorporates all of the proceeding paragraphs as if they were set forth at length herein.

90. The allegations set forth in Paragraph 90 are legal conclusions to which no response is required.

91. The allegations set forth in Paragraph 87 are legal conclusions to which no response is required. By way of further answer, admitted.

92. Denied.

93. Denied.

94. Denied.

95. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 95 are legal conclusions to which no response is required.

96. Denied as to any alleged wrongful conduct on the part of Defendant. The remaining allegations set forth in Paragraph 96 are legal conclusions to which no response is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff's claims are barred in whole or in part because she comes to this Court with unclean hands.

Third Affirmative Defense

Plaintiff's claims are barred in whole or in part because she has failed to mitigate her damages.

Fourth Affirmative Defense

Defendant is not liable for punitive damages because it is unconstitutional to apply them to Defendant under the facts alleged.

Fifth Affirmative Defense

Plaintiff's Complaint is barred, in whole or in part, based upon the applicable statutes of limitations and/or repose, or by the doctrine of laches.

ARCHER & GREINER, P.C.

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Dated: July 12, 2022

CERTIFICATE OF SERVICE

The undersigned counsel for Defendant certifies that, on July 12, 2022, the foregoing Answer and Certification were filed electronically with the Court using the Electronic Filing System, which will electronically transmit and serve such filings, to all counsel of record and addressed as follows:

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