

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|-------------------------------------|---|-----------------------------------|
| CINDY L. KIROUAC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. 2:11-cv-00423-JAW |
| PATRICK R. DONAHOE, |) | |
| |) | |
| Postmaster General, |) | |
| United States Postal Service |) | |
| Defendant. |) | |

ANSWER

The Defendant, by undersigned counsel, hereby answers the Complaint in the above-captioned action.

1. The Defendant neither admits nor denies the allegations of Paragraph 1, inasmuch as this paragraph merely recites a general description of the Plaintiff's claims and, as such, requires no response. To the extent that Paragraph 1 explicitly or implicitly alleges any violation of law by the Defendant, the Defendant denies all such allegations.

I. Parties

- 2. The Defendant admits the allegations of Paragraph 2.
- 3. The Defendant admits the allegations of Paragraph 3.
- 4. The Defendant denies the allegations of Paragraph 4.
- 5. The Defendant admits the allegations of Paragraph 5.

II. Jurisdiction and Venue

- 6. (a) The Defendant admits that Plaintiff made contact with an EEO counselor on August 16, 2007. The Defendant denies the remaining allegations of Paragraph 6 and Paragraph 6 (a).
- (b) The Defendant admits the allegations of Paragraph 6(b).

(c) The Defendant admits the allegations of Paragraph 6(c).

(d) The Defendant admits that the Plaintiff made contact with an EEO counselor on or about June 5, 2008. The Defendant denies the remaining allegations of Paragraph 6(d).

(e) The Defendant admits the allegations of Paragraph 6(e).

(f) The Defendant admits the allegations of Paragraph 6(f).

(g) The Defendant admits that the Plaintiff filed requests for hearing with the EEOC on or about the dates set forth in the Complaint. The Defendant denies the remaining allegations of Paragraph 6(g).

(h) The Defendant admits the allegations of Paragraph 6(h).

(i) The Defendant admits the allegations of Paragraph 6(i).

(j) The Defendant admits the allegations of Paragraph (j).

7. The Defendant admits the allegations of Paragraph 7.

8. The Defendant admits the allegations of Paragraph 8.

9. No response by the Defendant is required to Paragraph 9.

10. The Defendant admits the allegations of Paragraph 10

III. Factual Allegations

11. The Defendant admits that Plaintiff initiated an EEO complaint relative to alleged harassment while she worked at the Auburn, ME Post Office and that this claim was ultimately settled. The Defendant denies the remaining allegations of Paragraph 11.

12. The Defendant denies the allegations of Paragraph 12.

13. The Defendant admits that the Plaintiff transferred from the Auburn, ME Post Office to the Lewiston, ME Post Office and that the then-Maine District was involved in this transfer process. The Defendant denies the remaining allegations of Paragraph 13.

14. The Defendant admits the generic description of a “stand up talk” contained in Paragraph 14 but denies the remaining allegations of Paragraph 14.

15. The Defendant denies the allegations of Paragraph 15.

16. The Defendant admits that David St. Andre was appointed to the position of Postmaster, Lewiston, ME Post Office and that, although Mr. St. Andre has been on details in the Labor Relations Office of the Northern New England District for several years, he still holds the title of Postmaster for the Lewiston, ME Post Office.

17. The Defendant admits that Mr. St. Andre testified in his deposition in accordance with the allegations of Paragraph 17. The Defendant denies that Paragraph 17 is Mr. St. Andre’s entire testimony on the incident described in Paragraph 17.

18. The Defendant admits that Mr. St. Andre testified in his deposition in accordance with certain of the allegations of Paragraph 17. The Defendant denies that Paragraph 18 is Mr. St. Andre’s entire testimony on the incident described in Paragraph 18.

19. The Defendant admits that Mr. St. Andre testified in his deposition in accordance with certain of the allegations of Paragraph 19. The Defendant denies that Paragraph 19 is Mr. St. Andre’s entire testimony on the incident described in Paragraph 19 and that Mr. St. Andre’s testimony makes clear that his recollection on this topic was not fully clear.

20. The Defendant denies the allegations of Paragraph 20 as stated therein.

21. The Defendant admits that the quote from Mr. St. Andre’s deposition transcript contained in Paragraph 21 accurately reflects the wording in the transcript. The Defendant denies the remaining allegations of Paragraph 21.

22. The Defendant admits so much of Paragraph 21 as alleges that the Plaintiff filed formal complaints of discrimination and retaliation against the Postal Service in 2000, 2005 and 2007

and named Mr. St. Andre as an alleged discriminating official in certain of those complaints.

The Defendant denies the remaining allegations of Paragraph 22.

23. The Defendant admits that the Plaintiff filed EEO complaints, as noted earlier in the Complaint and this answer. The Defendant denies the remaining allegations of Paragraph 23.

24. The Defendant admits that Mr. St. Andre, generally, testified consistent with allegations contained in Paragraph 24. The Defendant denies that Paragraph 24 contains all of the testimony on the issue described therein.

25. The Complaint does not contain a Paragraph 25. Between Paragraphs 24 and 26 is an unnumbered, bold-faced underlined statement, which the Defendant denies.

26. The Defendant admits that Mr. St. Andre, generally, testified consistent with allegations contained in Paragraph 26. The Defendant denies that Paragraph 26 contains all of the testimony on the issue described therein.

27. The Defendant admits the allegations of Paragraph 27.

28. The Defendant is admits that some of the statements quoted in Paragraph 28 are contained in the Report of Investigation and the litigation file in an EEOC complaint made by an employee with the initials "L.G." The Defendant denies that the allegations made in the quoted sections are fully and accurately quoted and further denies the allegations of improper conduct by Mr. St. Andre. The Defendant further answers by stating that the complaint brought by "L.G." was dismissed by an Administrative Judge at the EEOC and that said dismissal was affirmed on appeal to the EEOC's Office of Federal Operations.

29. The Defendant admits that some of the statements quoted in Paragraph 29 are contained in the Report of Investigation and the litigation file in an EEOC complaint made by an employee with the initials "L.G." The Defendant denies that the allegations made in the quoted sections

are fully and accurately quoted and further denies the allegations of improper conduct by Mr. St. Andre. The Defendant further answers by stating that the complaint brought by "L.G." was dismissed by an Administrative Judge at the EEOC and that said dismissal was affirmed on appeal to the EEOC's Office of Federal Operations.

30. The Defendant admits so much of Paragraph 30 as alleges that "L.G." initiated contact with the requisite Postal Service EEO office on March 11, 2002 and alleged gender discrimination in connection with incidents alleged to have occurred in February and March 2002 and that "L.G." named two male and 1 female Postal Service management officials in her complaint. The Defendant admits that the EEO complaint was investigated and subsequently dismissed by an EEOC Administrative Judge and that said dismissal was affirmed on appeal to the EEOC's Office of Federal Operations. The Defendant denies the remaining allegations of Paragraph 30.

31. The Defendant denies that the EEO complaint referenced in Paragraphs 28, 29 and 30 of this Answer contained a retaliation claim. The Defendant admits so much of Paragraph 31 as alleges that "L.G." made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of "L.G.'s" claims and the remaining allegations of Paragraph 31.

32. The Defendant admits so much of Paragraph 32 as alleges that "L.G." made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of "L.G.'s" claims and the remaining allegations of Paragraph 32.

33. The Defendant admits so much of Paragraph 33 as alleges that "L.G." made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of "L.G.'s" claims and the remaining allegations of Paragraph 33.

34. The Defendant admits so much of Paragraph 34 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 34.

35. The Defendant admits so much of Paragraph 35 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 35.

36. The Defendant admits so much of Paragraph 36 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 36.

37. The Defendant admits so much of Paragraph 37 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 37.

38. The Defendant admits so much of Paragraph 38 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 38.

39. The Defendant admits so much of Paragraph 39 as alleges that “L.G.” made the claims described in this paragraph, in connection with her EEOC claim. The Defendant denies the truth of “L.G.”’s claims and the remaining allegations of Paragraph 39.

40. The Defendant admits that some of the statements quoted in Paragraph 40 are contained in the Report of Investigation and the litigation file in an EEOC complaint made by an employee with the initials “L.G.” The Defendant denies that the allegations made in the quoted sections are fully and accurately quoted and further denies the allegations of improper conduct by Mr. St. Andre.

41. The Defendant admits the allegations of Paragraph 41.
42. The Defendant admits that Paragraph 42 accurately recites certain of the wording of the transcript of Robbie Brackett's deposition. The Defendant denies that Paragraph 42 contains the entire transcript of Mr. Brackett's testimony.
43. The Defendant admits that Paragraph 43 accurately recites certain of the wording of the transcript of Wendy Blouin's deposition. The Defendant denies that Paragraph 43 contains the entire transcript of Ms. Blouin's testimony.
44. The Defendant admits that Paragraph 44 accurately recites certain of the wording of the transcript of David St. Andre's deposition. The Defendant denies that Paragraph 44 contains the entire transcript of Mr. St. Andre's testimony.
45. The Defendant admits that Paragraph 45 accurately recites certain of the wording of the transcript of David St. Andre's deposition. The Defendant denies that Paragraph 45 contains the entire transcript of Mr. St. Andre's testimony.
46. The Defendant denies the allegations of Paragraph 46.
47. The Defendant denies the allegations of Paragraph 47.
48. The Defendant denies the allegations of Paragraph 48.
49. The Defendant denies the allegations of Paragraph 49.
50. The Defendant denies the allegations of Paragraph 50.
51. The Defendant denies the allegations of Paragraph 51.
52. The Defendant denies the allegations of Paragraph 52.
53. The Defendant denies the allegations of Paragraph 53.
54. The Defendant denies the allegations of Paragraph 54.
55. The Defendant denies the allegations of Paragraph 55.

56. The Defendant admits so much of Paragraph 56 as alleges that the Plaintiff has alleged that Plaintiff suffers from the conditions described in Paragraph 56. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy of the alleged diagnoses.

57. The Defendant admits so much of Paragraph 57 as alleges that the Plaintiff has alleged that Plaintiff manifests the symptoms or behaviors described in Paragraph 57. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged behavioral manifestations.

58. The Defendant admits so much of Paragraph 58 as alleges that the Plaintiff has alleged that Plaintiff manifests the symptoms or behaviors described in Paragraph 58. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged behavioral manifestations.

59. The Defendant admits so much of Paragraph 59 as alleges that the Plaintiff has alleged that Plaintiff manifests the symptoms or behaviors described in Paragraph 59. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged behavioral manifestations.

60. The Defendant admits so much of Paragraph 60 as alleges that the Plaintiff has alleged that Plaintiff manifests the symptoms or behaviors described in Paragraph 60. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged behavioral manifestations.

61. The Defendant admits so much of Paragraph 61 as alleges that the Plaintiff has alleged that Plaintiff manifests the symptoms or behaviors described in Paragraph 61. The Defendant is

without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged behavioral manifestations.

62. The Defendant is without knowledge or information sufficient to form as belief as to the medical accuracy and nexus, relative to the alleged medical conditions.

63. The Defendant denies the allegations of Paragraph 63.

64. The Defendant denies the allegations of Paragraph 64.

65. The Defendant denies the allegations of Paragraph 65.

66. The Defendant admits the allegations of Paragraph 66.

67. The Defendant admits that Paragraph 67 describes generally the language of Article 16 of the subject collective bargaining agreement. The Defendant denies that Paragraph 67 contains the complete text of Article 16.

68. The Defendant admits that Paragraph 68 describes generally the language of Article 16 of the subject collective bargaining agreement. The Defendant denies that Paragraph 68 contains the complete text of Article 16.

69. The Defendant admits so much of Paragraph 69 as generally describes the “predisciplinary interview” (“PDI”) component of discipline of bargaining unit employees in the Postal Service. The Defendant denies the remaining allegations of Paragraph 69.

70. The Defendant admits that David St. Andre is conversant concerning the subject collective bargaining agreement.

71. The Defendant admits the allegations of Paragraph 71.

72. The Defendant admits that the Plaintiff was issued discipline in June 2004. The Defendant denies the remaining allegations of Paragraph 72.

73. The Defendant admits that the Plaintiff was issued discipline in March 2005. The Defendant denies the remaining allegations of Paragraph 73 as drafted in the Complaint.

74. The Defendant admits so much of Paragraph 74 as accurately and fully represents the text of the cited sections of the collective bargaining agreement and the ELM. The Defendant denies the allegations of Paragraph 74 to the extent that they do not accurately and fully represent the text of the cited sections of the collective bargaining agreement and the ELM. The Defendant denies the remaining allegations of Paragraph 74.

75. The Defendant denies the allegations of Paragraph 75 as drafted in the Complaint.

76. The Defendant admits so much of Paragraph 76 as alleges that the Plaintiff received discipline in May 2005 for failing to properly perform her duties/unacceptable conduct. The Defendant denies the remaining allegations of Paragraph 76.

77. The Defendant denies the allegations of Paragraph 77.

78. The Defendant admits so much of Paragraph 78 as alleges that the Plaintiff's supervisor wished to have an "official discussion" with the Plaintiff. The Defendant admits that the Plaintiff did not comply with the supervisor's request and subsequently alleged that she required sick leave. The Defendant denies the remaining allegations of Paragraph 78.

79. The Defendant admits that the Plaintiff was absent from work during the period described in Paragraph 79. The Defendant denies the remaining allegations of Paragraph 79.

80. The Defendant admits the existence of a copy of a note addressed "To Whom It May Concern", dated July 11, 2005, from Pamela Ross, M.D., concerning the Plaintiff, alleging that the Plaintiff was suffering from work stress-related panic attacks. The Defendant denies the remaining allegations of Paragraph 80.

81. The Defendant admits the existence of a copy of note dated July 27, 2005, concerning the Plaintiff and purportedly addressed to "Postmaster, Lewiston". The Defendant admits so much of Paragraph 81 as alleges that the note states that the Plaintiff is under the care of Ronald R.

Campbell, M.D. of Auburn, ME for: "...depression, anxiety panic attacks and sx of Adult A.D.D.

82. The Defendant admits that the Plaintiff was scheduled for a PDI on or about July 27, 2005.

83. The Defendant admits so much of Paragraph 83 as alleges that Plaintiff was issued disciplinary action on or about August 8, 2005 in connection with Plaintiff's unacceptable work performance.

84. The Defendant denies the allegations of Paragraph 84 inasmuch as it misstates and mischaracterizes the basis for the discipline issued to Plaintiff and alleges that such discipline was not proper.

85. The Defendant admits the allegations of Paragraph 85.

86. The Defendant denies the allegations of Paragraph 86.

87. The Defendant admits the allegations of Paragraph 85 to the extent that it correctly recites the date of Plaintiff's initial contact with an EEO Counselor and accurately quotes from Plaintiff's statement in her informal EEO complaint. The Defendant denies the allegations made in the statement contained in Paragraph 87.

88. The Defendant admits that the Plaintiff was spoken to in the context of an "Official Discussion" on or about August 24, 2005, due to Plaintiff's excessive talking on the workroom floor, on Postal Service time. The Defendant denies the remaining allegations of Paragraph 88.

89. The Defendant denies the allegations of Paragraph 89.

90. The Defendant denies the allegations of Paragraph 90.

91. The Defendant admits the existence of a copy of an August 29, 2005 letter from Dr. Campbell to “Postmaster, Lewiston, ME 04240”, suggesting that the Plaintiff be out of work on medical leave from August 26 to September 6, 2005. The Defendant denies the remaining allegations of Paragraph 91.

92. The Defendant admits so much of Paragraph 92 as alleges that, on or about September 6, 2005, the Plaintiff filed an informal discrimination complaint with the Postal Service, alleging retaliation for protected activity by Mr. St. Andre and Supervisor Michael Anderson. The Defendant denies the allegations made by Plaintiff.

93. The Defendant admits so much of Paragraph 93 as alleges that Darin Baker authored a statement in which he alluded to a conversation with Dr. Campbell. The Defendant is without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 93, due to fact that Mr. Baker does not have a solid memory of the alleged conversations with Dr. Campbell and Lewiston, ME Post Office management officials.

94. The Defendant admits that the Plaintiff was scheduled for a PDI on September 25, 2005.

95. The Defendant admits so much of Paragraph 95 as alleges that Supervisor Anderson observed the Plaintiff in her work activities, as he did with other employees of the Lewiston, ME Post Office. The Defendant denies the remaining allegations of Paragraph 95.

96. The Defendant admits that the Plaintiff was the subject of an Official Discussion due to her expansion of her street time performance. The Defendant admits that Plaintiff was advised concerning the acceptable parameters of her performance.

97. The Defendant denies the allegations of Paragraph 97.

98. The Defendant admits that the Plaintiff was issued a notice of a suspension on or about September 26, 2005, in connection with Plaintiff's unacceptable conduct in the workplace on or about August 25, 2005.

99. The Defendant denies the allegations that the Plaintiff was did not engage in loud and disruptive conduct on the day in question. The Defendant admits that the Plaintiff was approved for certain periods of coverage under the Family and Medical Leave Act during 2005.

100. The Defendant admits that Mr. St. Andre's EEO affidavit states, in relevant part as follows: "I have not issued discipline to other employees for the same charge within the last six months. I did issue discipline for the same charge to another carrier approximately eighteen months ago." The Defendant denies the allegations of Paragraph 100, as drafted in the Complaint.

101. The Defendant admits so much of Paragraph 101 as alleges that Mr. St. Andre issued discipline to a Postal Service employee for conduct such as described in Paragraph 101. The Defendant denies the remaining allegations of Paragraph 101, as drafted in the Complaint.

102. The Defendant admits that an Official Discussion was held with the Plaintiff on or about October 6, 2005, relative to Plaintiff's unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 101.

100. The Defendant denies the allegations of Paragraph 100.

101. The Defendant admits the allegations of Paragraph 101.

102. The Defendant denies the allegations of Paragraph 102 as drafted in the Complaint. The Defendant admits that Lewiston, ME Post Office management may have instructed all employees, including the Plaintiff and Mr. Harrison, to not engage in excessive non-work related talking while on work time.

103. The Defendant admits that, on or about, October 20, 2005, Lewiston, ME Post Office management conducted a PDI with the Plaintiff, in connection with Plaintiff's unacceptable work performance.

104. The Defendant denies the allegations of Paragraph 104 as drafted in the Complaint. The Defendant admits that Mr. St. Andre properly instructed the Plaintiff that she was to remain in her case and continue working. When the Plaintiff did not follow Mr. St. Andre's instructions, he instructed her to leave the building and when she refused to comply with this instruction, he informed her that he would summon the police if necessary. The Defendant denies the remaining allegations of Paragraph 104.

105. The Defendant admits that the Plaintiff was placed on administrative leave on or about October 21, 2005.

106. The Defendant denies the allegations of Paragraph 106.

107. The Defendant admits that Paragraph 107 accurately quotes from the described statement. The Defendant denies that the statement accurately describes the subject incident.

108. The Defendant admits that Paragraph 108 accurately quotes from the described statement. The Defendant denies that the statement accurately describes the subject incident or that the statement is truthful, relative to the alleged mistreatment of the Plaintiff.

109. The Defendant admits that the NALC filed a grievance, which was subsequently settled and that Paragraph 109 contains an accurate quotation from the Postal Service's statement on workplace violence.

110. The Defendant admits that the Plaintiff filed an EEO complaint on or about October 31, 2005, in which she claimed that Mr. St. Andre was vindictive and appeared angry with her. The Defendant denies the allegations in that complaint.

111. The Defendant admits that the Plaintiff was absent from work on the dates set forth in Paragraph 111 and that Plaintiff claimed that said absence was the result of work-related conditions. The Defendant denies that her work environment caused or contributed to the conditions described or her absence from work.

112. The Defendant admits that Paragraph 112 accurately quotes from the medical note described therein.

113. The Defendant admits that Paragraph 113 accurately quotes from the medical note described therein.

114. The Defendant admits that Paragraph 114 accurately quotes from the medical note described therein.

115. The Defendant admits the existence of the note described in Paragraph 115.

116. The Defendant admits that Lewiston, ME Post Office management conducted an Official Discussion with Plaintiff on or about December 7, 2005, in connection with Plaintiff's unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 116, as drafted.

117. The Defendant denies the allegations of Paragraph 117.

118. The Defendant admits that Lewiston, ME Post Office management conducted an Official Discussion with Plaintiff on or about December 8, 2005, in connection with Plaintiff's unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 118, as drafted.

119. The Defendant admits that Lewiston, ME Post Office management conducted an Official Discussion with Plaintiff on or about December 9, 2005, in connection with Plaintiff's

unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 119, as drafted.

120. The Defendant admits that Lewiston, ME Post Office management conducted a PDI with Plaintiff on or about December 10, 2005, in connection with Plaintiff's unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 120, as drafted.

121. The Defendant admits that Paragraph 121 accurately states the quotation from Darin Baker. The Defendant denies the allegations in Mr. Baker's statement.

122. The Defendant admits that Plaintiff was absent from work for the period stated in Paragraph 122. The Defendant denies that the absence was caused by, or contributed to, by the Plaintiff's workplace environment.

123. The Defendant admits the existence of the medical report described in Paragraph 123 and that: Paragraph 123 accurately quotes from the said report.

124. The Defendant admits that Plaintiff submitted the claim described in Paragraph 123.

125. The Defendant admits the allegations of Paragraph 125.

126. The Defendant admits the allegations of Paragraph 126.

127. The Defendant admits that Lewiston, ME Post Office management conducted a PDI with the Plaintiff on or about February 16, 2006, in connection with Plaintiff's unacceptable workplace performance. The Defendant further admits that the Paragraph 127 describes in a general manner some of the Plaintiff's unacceptable workplace performance. The Defendant denies the remaining allegations of Paragraph 127.

128. The Defendant denies the allegations of Paragraph 128.

129. The Defendant denies the allegations of Paragraph 129.

130. The Defendant admits that Paragraph 130 accurately quotes from the statement described therein. The Defendant denies that the statement or the quoted portion is an accurate depiction of the events of February 17, 2006.

131. The Defendant admits the allegations of Paragraph 131.

132. The Defendant admits the allegations of Paragraph 132.

133. The Defendant admits that the NALC filed a grievance on behalf of the Plaintiff and that the union's allegations are generally described in Paragraph 133. The Defendant denies that the union's allegations are true.

134. The Defendant admits that the then-Maine District conducted an investigation concerning the workplace environment in the Lewiston, ME Post Office and that the two Postmasters conducted the investigation.

135. The Defendant admits the allegations of Paragraph 135.

136. The Defendant admits the allegations of Paragraph 136.

137. The Defendant admits that Paragraph 137 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

138. The Defendant admits that Paragraph 138 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

139. The Defendant admits that Paragraph 139 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

140. The Defendant admits that Paragraph 140 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

141. The Defendant admits that Paragraph 141 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

142. The Defendant admits that Paragraph 142 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

143. The Defendant admits that Paragraph 143 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

144. The Defendant admits that Paragraph 144 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

145. The Defendant admits that Paragraph 145 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

146. The Defendant admits that Paragraph 146 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

147. The Defendant admits that Paragraph 147 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

148. The Defendant admits that Paragraph 148 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true.

149. The Defendant admits that Paragraph 149 accurately quotes from the statement described therein. The Defendant denies that the quoted statement's negative allegations and characterizations are true or that they represent Ms. Blouin's view of the Plaintiff in light of her more recent experience with the Plaintiff.

150. The Defendant admits that Ms. Blouin testified that her statement, quoted in Paragraph 149, was based on a single incident that occurred when she was a new carrier and had asked the Plaintiff a question about a delivery address. The Defendant denies that the supervisor "reprimanded" the Plaintiff relative to this communication. The Defendant admits that the Plaintiff testified to the events described in the last sentence of Paragraph 150.

151. The Defendant admits the allegations of Paragraph 151.

152. The Defendant admits that Ms. Blouin testified substantially as alleged in Paragraph 152. The Defendant denies that the quoted statement's negative allegations and characterizations are true or that they represent Ms. Blouin's view of the Plaintiff in light of her more recent experience with the Plaintiff.

153. The Defendant denies the allegations of Paragraph 153.

154. The Defendant admits the allegations of Paragraph 154

155. The Defendant admits that Paragraph 155 contains a general, but not exhaustive, description of Mr. Donahue's duties for the Postal Service.
156. The Defendant admits the allegations of Paragraph 156.
157. The Defendant denies the allegations of Paragraph 157.
158. The Defendant denies the allegations of Paragraph 158.
159. The Defendant admits the allegations of Paragraph 159.
160. The Defendant denies the allegations of Paragraph 160.
161. The Defendant admits the allegations of Paragraph 161.
162. The Defendant denies the allegations of Paragraph 162.
163. The Defendant denies the allegations of Paragraph 163.
164. The Defendant admits the allegations of Paragraph 164.
165. The Defendant denies the allegations of Paragraph 165, inasmuch as Mr. St. Andre testified that he was not certain of who initiated the subject investigation.
166. The Defendant admits the allegations of Paragraph 166.
167. The Defendant admits the allegations of Paragraph 167.
168. The Defendant denies the allegations of Paragraph 168 as drafted, inasmuch as they do not accurately state Mr. St. Andre's entire testimony on the specific issue described in Paragraph 168.
169. The Defendant denies the allegations of Paragraph 169.
170. The Defendant admits the allegations of Paragraph 170.
171. The Defendant admits that the Postal Service, in responding to the Plaintiff's FOIA request, did not provide copies of the management investigation.
172. The Defendant denies the allegations of Paragraph 172 as drafted.

173. The Defendant admits that Paragraph 173 accurately quotes the note described therein. The Defendant denies that the note sets forth an accurate account of the alleged conversation described therein.

174. The Defendant denies the allegations of Paragraph 174.

175. The Defendant denies the allegations of Paragraph 175.

176. The Defendant denies the allegations of Paragraph 176.

177. The Defendant admits that Lewiston, ME Post Office management conducted a PDI with the Plaintiff, on or about April 18, 2006, in connection with unacceptable workplace performance by the Plaintiff.

178. The Defendant admits that the Plaintiff was issued a Letter of Warning on or about April 25, 2006, in connection with unacceptable workplace performance. The Defendant admits that Paragraph 178 accurately quotes from the Letter of Warning.

179. The Defendant admits that the Plaintiff was absent from work from April 18, 2006 to June 9, 2006. The Defendant denies that this absence was caused by, or contributed to, by work related stress improperly created by Lewiston, ME Post Office management officials.

180. The Defendant admits that the Plaintiff returned to work on or about June 12, 2006. The Defendant admits that Paragraph 180 accurately quotes from the medical report described therein.

181. The Defendant admits the allegations of Paragraph 181.

182. The Defendant admits so much of Paragraph 182 as alleges that the Plaintiff was issued a 14-day suspension on or about July 8, 2006, in connection with Plaintiff's unacceptable work performance. The Defendant admits that suspension was resolved in the grievance process. The Defendant denies the remaining allegations of Paragraph 182

183. The Defendant admits so much of Paragraph 183 as alleges that Mr. Dalessandro was an acting supervisor in the Lewiston, ME Post Office and that he performed a variety of duties in his acting supervisor role.

184. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 184, relative to Plaintiff's feelings. The Defendant denies any alleged punitive and harassing conduct by Lewiston, ME Post Office management.

185. The Defendant denies the allegations of Paragraph 185. The Defendant further answers by stating that he never observed Mr. St. Andre "unfairly target" any employee, including the Plaintiff, that the Plaintiff made choices to not always follow management's instructions and that he may have advised her, as a courtesy, that the Postmaster was on the workroom floor. The Defendant further answers that Mr. Anderson's supervisory duties involved checking the cases for all letter carriers, including Plaintiff, for "sleepers". The Defendant denies that such supervisory activity constitutes "snooping" or that Mr. Dalessandro so characterized Mr. Anderson's activity.

186. The Defendant so much of Paragraph 186 as alleges that Mr. Dalessandro thought Plaintiff to be a good carrier and that he would have accepted her into an office in which he supervised. The Defendant denies the remaining allegations of Paragraph 186.

187. The Defendant admits so much of Paragraph 187 as alleges that the Plaintiff's claims for FECA benefits were accepted by OWCP. The Defendant denies that the Plaintiff was subjected to mistreatment such as that described in Paragraph 187.

188. The Defendant admits that the Plaintiff was issued discipline by Lewiston, ME Post Office management, on or about February 12, 2007, in connection with Plaintiff's unacceptable performance.

189. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 189.

190. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 190.

191. The Defendant denies the allegations of Paragraph 191.

192. The Defendant admits so much of Paragraph 192 as alleges that Plaintiff was out of work from on or about February 13, 2007 to on or about February 27, 2007. The Defendant denies the remaining allegations of Paragraph 192.

193. The Defendant admits so much of Paragraph 193 as alleges that Lewiston, ME Post Office management conducted a PDI with the Plaintiff on or about February 27, 2007.

194. The Defendant admits so much of Paragraph 194 as alleges that the Plaintiff was issued a 7-day suspension on or about February 28, 2007, for the reasons cited in disciplinary notice. The Defendant denies the remaining allegations of Paragraph 194.

195. The Defendant admits so much of Paragraph 195 as alleges that Plaintiff was absent from work from on or about February 28, 2007 through March 20, 2007 and that Paragraph accurately quotes from a note by Plaintiff's medical provider. The Defendant denies the remaining allegations of Paragraph 195.

196. The Defendant admits that Paragraph 196 accurately quotes from a note by Plaintiff's medical provider.

197. The Defendant admits so much of Paragraph 197 as alleges that Plaintiff submitted a note from her medical provider on or about May 1, 2007. The Defendant denies that the Plaintiff's medical conditions described in said note were the result of any illegal conduct by management officials of the Postal Service.

198. The Defendant admits so much of Paragraph 198 as alleges that Lewiston, ME Post Office management conducted a PDI with the Plaintiff on or about June 13, 2007, in connection with Plaintiff's unacceptable work performance.

199. The Defendant admits so much of Paragraph 199 as alleges that the Plaintiff was issued two 7-day suspensions on or about June 19, 2007, for the reasons cited in the disciplinary notices.

200. The Defendant admits so much of Paragraph 200 as alleges that the Plaintiff was issued a 7-day suspension for the reasons cited in the disciplinary notice. The Defendant denies the remaining allegations of Paragraph 200.

201. The Defendant admits so much of Paragraph 201 as alleges that the Plaintiff was issued a 7-day suspension for the reasons cited in the disciplinary notice. The Defendant denies the remaining allegations of Paragraph 201.

202. The Defendant admits so much of Paragraph 202 as alleges that Lewiston, ME Post Office management conducted a PDI with the Plaintiff on or about June 25, 2007, in connection with Plaintiff's unacceptable work performance.

203. The Defendant admits so much of Paragraph 203 as alleges that the Plaintiff was issued two 14-day suspensions on or about June 19, 2007, for the reasons cited in the disciplinary notices.

204. The Defendant admits so much of Paragraph 204 as alleges that the Plaintiff was issued a 14-day suspension for the reasons cited in the disciplinary notice. The Defendant denies the remaining allegations of Paragraph 204.

205. The Defendant admits so much of Paragraph 205 as alleges that the Plaintiff was issued a 14-day suspension for the reasons cited in the disciplinary notice. The Defendant denies the remaining allegations of Paragraph 205.

206. The Defendant denies the allegations of Paragraph 206.

207. The Defendant admits that Plaintiff went to the public area outside of the Lewiston, ME Post Office with her union steward. The Defendant denies the Plaintiff's accuracy and characterization of the events described in Paragraph 207. The Defendant denies the remaining allegations of Paragraph 207.

208. The Defendant admits so much of Paragraph 208 as alleges that the Plaintiff was placed in a paid, administrative leave status on or about June 28, 2007 and that she was instructed to not enter the work area of the Lewiston, ME Post Office without prior authorization. The Defendant denies the remaining allegations of Paragraph 208.

209. The Defendant admits so much of Paragraph 209 as alleges that Lewiston, ME Post Office management conducted a PDI with the Plaintiff on or about July 17, 2007, in connection with Plaintiff's unacceptable work performance.

210. The Defendant admits so much of Paragraph 210 as alleges that the Plaintiff was issued a notice of removal for the reasons cited in the disciplinary notice.

211. The Defendant denies the allegations of Paragraph 211.

212. The Defendant admits that Ms. Blouin testified as described in Paragraph 212.

213. The Defendant is without knowledge or information concerning the details of the Plaintiff's engagement of legal counsel. The Defendant is without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 213.

214. The Defendant admits so much of Paragraph 214 as alleges that the subject notice of removal was rescinded by David St. Andre.
215. The Defendant admits the allegations of Paragraph 215.
216. The Defendant admits so much of Paragraph 216 as alleges that the Plaintiff contacted an EEO counselor in August 2007, in connection with her allegations of retaliation and disability discrimination. The Defendant denies that this contact occurred on August 27, 2007 and denies the allegations in made in connection with Plaintiff's contact with the EEO counselor.
217. The Defendant denies the allegations of Paragraph 217.
218. The Defendant denies the allegations of Paragraph 218.
219. The Defendant denies the allegations of Paragraph 219.
220. The Defendant denies the allegations of Paragraph 220.
221. The Defendant admits so much of Paragraph 221 as generally alleges that the Plaintiff was approved for FMLA coverage during her tenure with the Postal Service. The Defendant admits that Paragraph 221 accurately quotes from a medical certification provided by Plaintiff's medical provider. The Defendant denies that the allegations of "...unrelenting scrutiny and unusual levels of harassing type supervision..." alleged in Paragraph 221.
222. The Defendant admits that Paragraph 222 accurately quotes from note from Plaintiff's medical provider. The Defendant denies the remaining allegations of Paragraph 222.
223. The Defendant admits so much of Paragraph 223 as alleges that Plaintiff returned to work on or about March 5, 2008. The Defendant denies the remaining allegations of Paragraph 223.
224. The Defendant denies the allegations of Paragraph 224.
225. The Defendant admits the allegations of Paragraph 225.
226. The Defendant admits the allegations of Paragraph 226.

227. The Defendant admits the allegations of Paragraph 227.
228. The Defendant admits the allegations of Paragraph 228.
229. The Defendant admits so much of Paragraph 229 as alleges that Mr. Curtis received some medical information concerning the Plaintiff.
230. The Defendant admits so much of Paragraph 230 as accurately quotes Mr. St. Andre. The Defendant denies the remaining allegations of Paragraph 230.
231. The Defendant denies so much of Paragraph 231 as alleges that such accommodation requests were made.
232. The Defendant denies so much of Paragraph 232 as alleges that such accommodation requests were made.
233. The Defendant admits so much of Paragraph 233 as alleges that Mr. Curtis was not privy to the management investigation report at the time that he commenced his OIC position in the Lewiston, ME Post Office.
234. The Defendant admits so much of Paragraph 234 as alleges that Mr. Curtis learned that the Plaintiff had filed prior EEO complaints against David St. Andre. The Defendant admits that Mr. Curtis testified that he may have been told "...to be careful, watch out."
235. The Defendant denies the allegations of Paragraph 235.
236. The Defendant admits so much of Paragraph 236 as alleges that Mr. Curtis was advised to document his dealings with all of his employees, including the Plaintiff. The Defendant denies the remaining allegations of Paragraph 236.
237. The Defendant admits so much of Paragraph 237 as alleges that Mr. Curtis was advised to go over his expectations with the Plaintiff upon her return to work. The Defendant denies the remaining allegations of Paragraph 237.

238. The Defendant admits so much of Paragraph 238 as alleges that Mr. Curtis prepared a list of expectations to be shared with the Plaintiff. The Defendant admits that Mr. Curtis discussed this topic with Mr. St. Andre and asked St. Andre for suggestions concerning appropriate expectations.

239. The Defendant admits so much of Paragraph 239 as alleges that Mr. Curtis sent the Plaintiff to the “carrier academy” upon her return to duty. The Defendant denies the remaining allegations of Paragraph 239.

240. The Defendant admits that Ms. Blouin supervised the Plaintiff in March, April and May 2008. The Defendant denies that Ms. Blouin was the only management official that supervised the Plaintiff during this period.

241. The Defendant denies the allegations of Paragraph 241 as drafted.

242. The Defendant admits so much of Paragraph 242 as alleges that, at a certain point in Ms. Blouin’s supervision in the Lewiston, ME Post Office, Ms. Blouin was not aware of the Plaintiff’s alleged psychological conditions. The Defendant denies the remaining allegations of Paragraph 242.

243. The Defendant admits so much of Paragraph 243 as alleges that Ms. Blouin testified in deposition that a union official stated to her that the Plaintiff “..had like psychological issues...” The Defendant denies the remaining allegations of Paragraph 243.

244. The Defendant denies the allegations of Paragraph 244.

245. The Defendant denies the allegations of Paragraph 245.

246. The Defendant denies the allegations of Paragraph 246.

247. The Defendant denies the allegations of Paragraph 247.

248. The Defendant admits so much of Paragraph 248 as alleges that Mr. Curtis met with the Plaintiff upon her return to work, to discuss expectations. The Defendant denies the remaining allegations of Paragraph 248.

249. The Defendant admits so much of Paragraph 249 as alleges that Mr. Curtis testified that there is no ELM policy that suggests a meeting with employees upon a return to work. The Defendant also admits that Mr. Curtis testified that he had never encountered a situation identical to that presented by the Plaintiff. The Defendant denies the remaining allegations of Paragraph 249.

250. The Defendant admits that the “performance expectations” are as listed in Exhibit B in the deposition of Mr. Curtis on October 27, 2010. The Defendant denies the remaining allegations of Paragraph 250.

251. The Defendant admits that Paragraph 251 accurately describes a portion of Ms. Blouin’s deposition testimony.

252. The Defendant admits that Paragraph 252 accurately quotes from a portion of Mr. Curtis’ deposition testimony and that Mr. Curtis decided not to pursue discipline of the Plaintiff subsequent to the March 18, 2008 PDI.

253. The Defendant denies the allegations of Paragraph 253.

254. The Defendant denies that Paragraph 254 accurately represents Mr. Curtis’ deposition testimony.

255. The Defendant admits the existence of the e-mail message referenced in Paragraph 255 but denies that Paragraph 255 fully and accurately represents Mr. Curtis’s statements in the e-mail message.

256. The Defendant admits so much of Paragraph 256 as alleges that Mr. Curtis included the quote contained in this Paragraph in his March 27, 2008 memo. The Defendant admits that Mr. Curtis described the Plaintiff's performance on a single day, March 21, 2008, as being "safe" and "professional." The Defendant denies the remaining allegations of Paragraph 256.

257. The Defendant admits so much of Paragraph 257 as correctly quotes from Mr. Curtis' April 22, 2008 memo. The Defendant denies that Paragraph 257 fully quotes from the said memo. The Defendant denies the remaining allegations of Paragraph 257.

258. The Defendant admits so much of Paragraph 258 as alleges that Ms. Blouin testified that in the period from mid-march 2008 through the end of May 2008, the Plaintiff's performance "went well", that Plaintiff was "basically pretty timely"- "meeting her times" and that Ms. Blouin could not recall problems with the Plaintiff during this period. The Defendant denies the remaining allegations of Paragraph 258.

259. The Defendant admits so much of Paragraph 259 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 259 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

260. The Defendant admits so much of Paragraph 260 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 260 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

261. The Defendant admits so much of Paragraph 261 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 261 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

262. The Defendant admits so much of Paragraph 262 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 262 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

263. The Defendant admits so much of Paragraph 263 as accurately and fully quotes Mr. Curtis' deposition testimony. The Defendant denies the allegations of Paragraph 263 to the extent that they do not fully and accurately quote Mr. Curtis' deposition testimony.

264. The Defendant denies the allegations of Paragraph 264.

265. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 265.

266. The Defendant admits so much of Paragraph 266 as accurately and fully quotes Mr. Curtis' deposition testimony. The Defendant denies the allegations of Paragraph 266 to the extent that they do not fully and accurately quote Mr. Curtis' deposition testimony.

267. The Defendant denies the allegations of Paragraph 267.

268. The Defendant denies the allegations of Paragraph 268.

269. The Defendant denies that Plaintiff was entitled to any "notice" relative to Supervisor Anderson or that any such notice was provided.

270. The Defendant admits so much of Paragraph 270 as alleges that Supervisor Anderson attempted to provide the Plaintiff with her daily expectations. The Defendant denies that this attempt caused, or could reasonably have caused, the alleged panic attack.

271. The Defendant admits so much of Paragraph 271 as accurately quotes from the statement described therein. The Defendant denies that the quoted statement is itself true or accurate. The Defendant denies the remaining allegations of Paragraph 271.

272. The Defendant denies the allegations of Paragraph 272.

273. The Defendant denies the allegations of Paragraph 273.

274. The Defendant admits so much of Paragraph 274 as alleges that Lewiston, ME Post Office management conducted a PDI with the Plaintiff and her union representative on or about June 3, 2008.

275. The Defendant admits so much of Paragraph 275 as alleges that Lewiston, ME Post Office management issued discipline to the Plaintiff on or about June 4, 2008 in connection with Plaintiff's unacceptable work performance, as described in the disciplinary notice. The Defendant denies the remaining allegations of Paragraph 275.

276. The Defendant admits so much of Paragraph 276 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant admits that Ms. Blouin testified that, during a certain period, the Lewiston, ME Post Office experienced problems with MSP scans. The Defendant denies the allegations of Paragraph 276 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

277. The Defendant admits so much of Paragraph 277 as accurately quotes from the quoted correspondence. The Defendant denies the allegations contained in the quote contained in Paragraph 277. The Defendant denies the remaining allegations of Paragraph 277.

278. The Defendant admits so much of Paragraph 278 as alleges that the Plaintiff was absent from work and returned to work on or about June 10, 2008. The Defendant denies the remaining allegations of Paragraph 278.

279. The Defendant denies the allegations of Paragraph 279.

280. The Defendant admits so much of Paragraph 280 as alleges Mr. Curtis' provision to Plaintiff of the fax number for the District OHNA. The Defendant denies the remaining allegations of Paragraph 280.

281. The Defendant admits so much of Paragraph 281 as alleges that Lewiston, ME Post Office management conducted a PDI with Plaintiff on or about June 12, 2008 in connection with Plaintiff's unacceptable work performance. The Defendant denies the remaining allegations of Paragraph 281.

282. The Defendant denies the allegations of Paragraph 282.

283. The Defendant denies the allegations of Paragraph 283.

284. The Defendant admits so much of Paragraph 284 as alleges that Ms. Blouin did not instruct the Plaintiff to submit updated medical information if her medical condition had changed. The Defendant further answers by stating that Ms. Blouin testified that this instruction was conveyed to the Plaintiff by Mr. Curtis.

285. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 285.

286. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 286.

287. The Defendant denies the allegations of Paragraph 287.

288. The Defendant admits so much of Paragraph 288 as alleges that Ms. Blouin instructed the Plaintiff to complete her assigned deliveries. The Defendant denies the remaining allegations of Paragraph 288.

289. The Defendant denies the allegations of Paragraph 289.

290. The Defendant admits so much of Paragraph 290 as alleges that Mr. Curtis, when unable to reach a Labor Relations Specialist, instructed Ms. Blouin to try to reach A/Labor Relations Specialist David St. Andre.

291. The Defendant denies the allegations of Paragraph 291.

292. The Defendant admits so much of Paragraph 292 as alleges that the Plaintiff was placed off-duty on or about June 17, 2008 for the reasons set for in the notice to the Plaintiff. The Defendant denies the remaining allegations of Paragraph 292.

293. The Defendant admits so much of Paragraph 293 as accurately quotes from Exhibit 30 in Ms. Blouin's deposition. The Defendant denies that Paragraph 293 contains the full text of the subject exhibit.

294. The Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 294.

295. The Defendant admits so much of Paragraph 295 as alleges that Lewiston, ME Post Office management issued Plaintiff a notice of removal from her employment dated June 24, 2008 and effective or not about July 28, 2008.

296. The Defendant denies the allegations of Paragraph 296.

297. The Defendant denies the allegations of Paragraph 297.

298. The Defendant denies the allegations of Paragraph 298.

299. The Defendant admits that Paragraph 299 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 299.

300. The Defendant admits that Paragraph 300 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 300.

301. The Defendant admits that Paragraph 301 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 301.

302. The Defendant admits that Paragraph 302 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 302.

303. The Defendant admits that Paragraph 303 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 303.

304. The Defendant admits that Paragraph 304 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 304.

305. The Defendant admits that Paragraph 305 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 305.

306. The Defendant admits that Paragraph 306 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 306.

307. The Defendant admits that Paragraph 307 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 307.

308. The Defendant admits that Paragraph 308 quotes from the described statement. The Defendant denies that the statement is true or accurate. The Defendant denies the remaining allegations of Paragraph 308.

309. The Defendant admits so much of Paragraph 309 as alleges that other Lewiston, ME Post Office employees have been terminated. The Defendant denies the remaining allegations of Paragraph 309.

310. The Defendant admits so much of Paragraph 310 as generally describes the circumstances surrounding the termination of a Lewiston, ME Post Office employee.

311. The Defendant admits so much of Paragraph 311 as generally describes the circumstances surrounding the termination of a Lewiston, ME Post Office employee.

312. The Defendant denies the allegations of Paragraph 312.

313. The Defendant admits so much of Paragraph 313 as alleges that Ms. Blouin testified that she issued 7-day suspensions to other Postal Service employees. The Defendant denies the remaining allegations of Paragraph 313.

314. The Defendant admits so much of Paragraph 314 as describes the basis for certain discipline issued by Ms. Blouin in connection with Plaintiff's unacceptable work performance.

315. The Defendant admits so much of Paragraph 315 as correctly alleges the discipline and basis therefore described in Paragraph 315. The Defendant admits so much of Paragraph 315 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 315 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

316. The Defendant admits so much of Paragraph 316 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 316 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

317. The Defendant admits the allegations of Paragraph 317.

318. The Defendant admits so much of Paragraph 318 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 318 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

319. The Defendant admits so much of Paragraph 319 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 319 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

320. The Defendant admits so much of Paragraph 320 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 320 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

321. The Defendant admits so much of Paragraph 321 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 321 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

322. The Defendant admits so much of Paragraph 322 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 322 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

323. The Defendant admits so much of Paragraph 323 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 323 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

324. The Defendant admits so much of Paragraph 324 as accurately and fully quotes Mr. St. Andre's deposition testimony. The Defendant denies the allegations of Paragraph 324 to the extent that they do not fully and accurately quote Mr. St. Andre's deposition testimony.

325. The Defendant admits so much of Paragraph 325 as accurately and fully quotes Mr. St. Andre's deposition testimony. The Defendant denies the allegations of Paragraph 325 to the extent that they do not fully and accurately quote Mr. St. Andre's deposition testimony.

326. The Defendant admits so much of Paragraph 326 as contains a citation to, and an accurate quote from, the Postal Service regulation cited in connection with the Plaintiff's removal from the Postal Service.

327. The Defendant admits so much of Paragraph 327 as alleges that Kathleen Walker conducted an investigation into time-recording practices at the Lewiston, ME Post Office. The Defendant denies the remaining allegations of Paragraph 327.

328. The Defendant denies the allegations of Paragraph 328.

329. The Defendant denies the allegations of Paragraph 329.

330. The Defendant denies the allegations of Paragraph 330.

331. The Defendant denies the allegations of Paragraph 331.

332. The Defendant denies the allegations of Paragraph 332.

333. The Defendant admits so much of Paragraph 333 as alleges that Mr. Anderson was issued a Letter of Warning in Lieu of a Fourteen Day Suspension on or about February 16, 2010. The Defendant denies the remaining allegations of Paragraph 333.

334. The Defendant admits that Paragraph 334 accurately quotes from the Letter of Warning in Lieu of a Fourteen Day Suspension.

335. The Defendant admits the allegations of Paragraph 335.

336. The Defendant admits so much of Paragraph 336 as alleges that Mr. St. Andre had been made aware of Supervisor Anderson not adhering to the proper procedure regarding "clock

rings” and that on each occasion, Mr. St. Andre took the necessary action to address the reported deviations from procedure. The Defendant denies the remaining allegations of Paragraph 336.

337. The Defendant admits so much of Paragraph 337 as accurately quotes from the investigator’s notes of her conversation with Mr. St. Andre. The Defendant denies the remaining allegations of Paragraph 337.

338. The Defendant admits so much of Paragraph 338 as alleges that Mr. St. Andre did not discipline Mr. Anderson. The Defendant admits so much of Paragraph 338 as contains an accurate recitation of Mr. Anderson’s alleged statements to Mr. St. Andre. The Defendant denies the remaining allegations of Paragraph 338.

339. The Defendant admits so much of Paragraph 339 as alleges that Mr. St. Andre informed Mr. Anderson of the potential discipline associated with improper time recording practices. The Defendant admits so much of Paragraph 339 as contains an accurate recitation of Mr. Anderson’s alleged statement to Mr. St. Andre. The Defendant denies the remaining allegations of Paragraph 339.

340. The Defendant denies the allegations of Paragraph 340.

341. The Defendant admits so much of Paragraph 341 as alleges that Mr. St. Andre was not disciplined in connection with Mr. Anderson’s time recording practices. The Defendant denies that any discipline of Mr. Anderson was warranted. The Defendant denies the remaining allegations of Paragraph 341.

342. The Defendant admits so much of Paragraph 342 as alleges that Mr. Anderson received the position of Postmaster, Greene, ME in or about August 2010. The Defendant denies the remaining allegations of Paragraph 342.

343. The Defendant denies the allegations of Paragraph 343.

344. The Defendant admits so much of Paragraph 344 as accurately and fully quotes Mr. Donahue's deposition testimony. The Defendant denies the allegations of Paragraph 344 to the extent that they do not fully and accurately quote Mr. Donahue's deposition testimony.

345. The Defendant admits so much of Paragraph 345 as accurately and fully quotes Mr. Donahue's deposition testimony. The Defendant denies the allegations of Paragraph 345 to the extent that they do not fully and accurately quote Mr. Donahue's deposition testimony.

346. The Defendant admits so much of Paragraph 346 as accurately and fully quotes Mr. Donahue's deposition testimony. The Defendant denies the allegations of Paragraph 346 to the extent that they do not fully and accurately quote Mr. Donahue's deposition testimony.

347. The Defendant admits so much of Paragraph 347 as accurately and fully quotes Mr. Donahue's deposition testimony. The Defendant denies the allegations of Paragraph 347 to the extent that they do not fully and accurately quote Mr. Donahue's deposition testimony.

348. The Defendant admits so much of Paragraph 348 as accurately and fully quotes Mr. Donahue's deposition testimony. The Defendant denies the allegations of Paragraph 348 to the extent that they do not fully and accurately quote Mr. Donahue's deposition testimony.

349. The Defendant denies the allegations of "significant harassment" and "hostile work environment" contained in Paragraph 349 and denies that Mr. St. Andre harassed the Plaintiff. The Defendant denies the remaining allegations of Paragraph 349.

350. The Defendant denies the allegations of harassment contained in Paragraph 350. The Defendant further denies that any discipline or counseling of Postal Service management officials was warranted in connection with their supervision of the Plaintiff. The Defendant denies the remaining allegations of Paragraph 350.

351. The Defendant admits so much of Paragraph 351 as alleges that Mr. St. Andre has held the position of Acting Labor Relations Specialist in the former Maine District of the Postal Service and that this position involves providing guidance and assistance to Postal Service management clients on contractual and disciplinary matters.

352. The Defendant denies the allegations of Paragraph 352.

353. The Defendant denies the allegations of Paragraph 353.

354. The Defendant denies the allegations of Paragraph 354.

355. The Defendant denies the allegations of Paragraph 355.

356. The Defendant denies the allegations of Paragraph 356.

357. The Defendant denies the allegations of Paragraph 357.

358. The Defendant admits so much of Paragraph 358 as accurately and fully quotes Mr. Curtis' deposition testimony. The Defendant denies the allegations of Paragraph 358 to the extent that they do not fully and accurately quote Mr. Curtis' deposition testimony.

359. The Defendant denies the allegations of Paragraph 359.

360. The Defendant denies the allegations of Paragraph 360.

361. The Defendant denies the allegations of Paragraph 361.

362. The Defendant admits so much of Paragraph 362 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 362 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

363. The Defendant admits so much of Paragraph 363 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 363 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.

364. The Defendant admits so much of Paragraph 364 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 364 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.
365. The Defendant admits so much of Paragraph 365 as accurately and fully quotes Ms. Blouin's deposition testimony. The Defendant denies the allegations of Paragraph 365 to the extent that they do not fully and accurately quote Ms. Blouin's deposition testimony.
366. The Defendant denies the allegations of Paragraph 366.
367. The Defendant denies the allegations of Paragraph 367.
368. The Defendant denies the allegations of Paragraph 368.
369. The Defendant denies the allegations of Paragraph 369.
370. The Defendant hereby incorporates its responses to Paragraphs 1 through 369 inclusive.
371. The Defendant admits the allegation of Paragraph 371.
372. The Defendant admits so much of Paragraph 372 as alleges that Plaintiff has filed an EEO complaint with the Postal Service and the EEOC, alleging sexual harassment.
373. The Defendant admits so much of Paragraph 373 as alleges that Plaintiff has filed EEO complaints with the Postal Service and the EEOC, alleging retaliation.
374. The Defendant denies the allegations of Paragraph 374.
375. The Defendant denies the allegations of Paragraph 375.
376. The Defendant denies the allegations of Paragraph 376.
377. The Defendant denies the allegations of Paragraph 377.
378. The Defendant denies the allegations of Paragraph 378.
379. The Defendant hereby incorporates its responses to Paragraphs 1 through 378 inclusive.
380. The Defendant denies the allegations of Paragraph 380.

381. The Defendant denies the allegations of Paragraph 381.
382. The Defendant denies the allegations of Paragraph 382.
383. The Defendant denies the allegations of Paragraph 383.
384. The Defendant denies the allegations of Paragraph 384.
385. The Defendant denies the allegations of Paragraph 385.
386. The Defendant denies the allegations of Paragraph 386.
387. The Defendant denies the allegations of Paragraph 387.
388. The Defendant denies the allegations of Paragraph 388.
389. The Defendant hereby incorporates its responses to Paragraphs 1 through 388 inclusive.
390. The Defendant denies the allegations of Paragraph 390.
391. The Defendant denies the allegations of Paragraph 391.
392. The Defendant denies the allegations of Paragraph 392.
393. The Defendant denies the allegations of Paragraph 393.
394. The Defendant denies the allegations of Paragraph 394.
395. The Defendant denies the allegations of Paragraph 395.
396. The Defendant denies the allegations of Paragraph 396.
397. The Defendant denies the allegations of Paragraph 397.
398. The Defendant denies the allegations of Paragraph 398.
399. The Defendant hereby incorporates its responses to Paragraphs 1 through 398 inclusive.
400. The Defendant denies the allegations of Paragraph 400.
401. The Defendant denies the allegations of Paragraph 401.
402. The Defendant denies the allegations of Paragraph 402.
403. The Defendant denies the allegations of Paragraph 403.

404. The Defendant denies the allegations of Paragraph 404.
405. The Defendant denies the allegations of Paragraph 405.
406. The Defendant hereby incorporates its responses to Paragraphs 1 through 405 inclusive.
407. The Defendant denies the allegations of Paragraph 407
408. The Defendant denies the allegations of Paragraph 408.
409. The Defendant denies the allegations of Paragraph 409.
410. The Defendant denies the allegations of Paragraph 410.
411. The Defendant denies the allegations of Paragraph 411.
412. The Defendant denies the allegations of Paragraph 412.
413. The Defendant denies that the Plaintiff is entitled to the relief requested in Paragraph 413, parts A through K inclusive, or any other relief and requests that this Complaint be dismissed in its entirety, with the Defendant being awarded its costs of litigation.

The Defendant hereby denies all allegations of the Complaint claiming illegal treatment of the Plaintiff or illegal conduct by Postal Service employees and otherwise denies all allegations of the Complaint unless specifically admitted herein.

First Affirmative Defense

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

Second Affirmative Defense

The Plaintiff is barred by the doctrines of *res judicata* and collateral estoppel.

Third Affirmative Defense

The Plaintiff is not a “qualified disabled person” under the applicable law.

Fourth Affirmative Defense

Any employment actions taken by the Defendant were taken for legitimate, non-discriminatory reasons.

Fifth Affirmative Defense

To the extent that Plaintiff's complaint is based on allegations that were not timely presented in the administrative process, the Plaintiff's claims are untimely and should be dismissed.

Sixth Affirmative Defense

To the extent that Plaintiff has not properly presented her allegations to the agency, Plaintiff's claims should be dismissed for failure to exhaust administrative remedies.

Seventh Affirmative Defense

To the extent Plaintiff failed to mitigate her damages, her damage award should be reduced accordingly.

Eighth Affirmative Defense

The defendant is not vicariously liable for any alleged discrimination or retaliation or any statutory violation that may have occurred because (1) the employer exercised reasonable care to prevent and promptly correct any allegedly discriminatory or retaliatory behavior or any statutory violation and (2) the plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by the defendants or to avoid harm otherwise.

Ninth Affirmative Defense

The Plaintiff did not engage in any protected activity that caused the Defendant to take any adverse action against the Plaintiff.

Respectfully submitted,

Thomas E. Delahanty II
United States Attorney

Dated: February 29, 2012

/s/ Evan J. Roth, AUSA
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Certificate of Service

I hereby certify that on February 29, 2012, I caused the foregoing to be filed on the ECF system, which will provide electronic notice to:

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P.O. Box 15215
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/s/ Evan J. Roth, AUSA