

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

JENNIFER ELLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 18-cv-03649-TDC
	)	
PRINCE GEORGE’S COUNTY	)	
PUBLIC SCHOOLS, ET AL.,	)	
	)	
Defendants.	)	
_____	)	

**ANSWER TO FIRST AMENDED COMPLAINT AND JURY DEMAND**

Defendants Prince George’s County Public Schools, Board of Education of Prince George’s County, and Monica Goldson (“Defendants”), by and through undersigned counsel, hereby file their Answer to the Complaint and state as follows:

**I. NATURE OF THE ACTION**

1. The averments contained in Paragraph 1 of the First Amended Complaint do not require a response; therefore, deny.
2. The averments contained in the first sentence of Paragraph 2 of the First Amended Complaint do not require a response; therefore, deny. Otherwise, deny
3. Admit that Plaintiff was employed as an English teacher by Defendant Board of Education from 2008 until 2017. Otherwise, deny.
4. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.
5. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.
6. Deny.

7. Admit that Plaintiff filed an Incident Report and an EEOC Charge. Otherwise, deny.

8. Any document speaks for itself. Otherwise, deny.

9. Deny.

10. The averments contained in Paragraph 10 of the First Amended Complaint do not require a response; therefore, deny.

## **II. JURISDICTION AND VENUE**

11. The averments contained in Paragraph 11 of the First Amended Complaint do not require a response; therefore, deny.

12. The averments contained in Paragraph 12 of the First Amended Complaint do not require a response; therefore, deny.

13. The averments contained in Paragraph 13 of the First Amended Complaint do not require a response; therefore, deny.

14. The averments contained in Paragraph 14 of the First Amended Complaint do not require a response; therefore, deny.

## **III. PARTIES**

15. Admit that Plaintiff was employed as an English teacher by Defendant Board of Education from 2008 until 2017. Otherwise, deny.

16. The averments contained in Paragraph 16 of the First Amended Complaint do not require a response; therefore, deny.

17. Admit.

18. Admit that Defendant Board of Education is a corporate body that may sue and be sued, that Defendant controls the education policies of Prince George's County, and that it has

control over matters of personnel, including the right to establish qualifications for employees and the right to dismiss employees for cause pursuant to Maryland law. Otherwise, deny.

19. The averments contained in Paragraph 19 of the First Amended Complaint do not require a response; therefore, deny.

20. Admit.

21. The averments contained in Paragraph 21 of the First Amended Complaint do not require a response; therefore, deny.

**IV. ADMINISTRATIVE EXHAUSTION**

22. Any document speaks for itself. Otherwise, deny.

23. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

24. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

25. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

26. Any document speaks for itself. Otherwise, deny.

27. Any document speaks for itself. Otherwise, deny.

28. Admit.

29. Any document speaks for itself. Otherwise, deny.

**V. STATEMENT OF CLAIMS**

30. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

31. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

32. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

33. Admit.

34. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

35. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

36. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

37. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

38. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

39. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

40. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

41. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

42. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

43. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

44. Admit first and second sentences. Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining averments; therefore, deny.

45. Deny.

46. Deny.

47. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

48. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

49. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

50. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

51. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

52. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

53. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

54. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

55. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

56. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

57. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

58. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

59. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

60. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

61. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

62. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

63. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

64. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

65. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

66. Deny.

67. Deny.

68. Deny.

69. Deny.

70. Deny.

71. Admit that Plaintiff filed an Incident Report. Otherwise, deny.

72. Deny.

73. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

74. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

75. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

76. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

77. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

78. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

79. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

80. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

81. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

82. Any document speaks for itself. Otherwise, deny.

83. Deny.

84. Deny.

85. Deny.

86. Deny.

87. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

88. Deny.

89. Deny.

90. Admit that Plaintiff filed an Incident Report. Otherwise, deny.

91. Deny.

92. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

93. Admit that Plaintiff filed an EEOC Charge. Otherwise, deny.

94. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

95. Deny.

96. Deny.

97. Admit that Plaintiff intentionally threw a pen and struck a student on March 17, 2015, and was issued a letter of professional counsel of March 19, 2015. Admit that Plaintiff interrupted a staff meeting yelling and threatening the Principal, which resulted in Plaintiff being

issued a formal letter of reprimand on September 3, 2015. Admit that Plaintiff received a letter of professional counsel on November 3, 2015 for inappropriate behavior that she displayed in confronting another employee respecting a student's personal concerns. Otherwise, deny.

98. Admit that Plaintiff exercised FMLA leave. Otherwise, deny.

99. Admit that Plaintiff requested a transfer. Otherwise, deny.

100. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

101. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

102. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

103. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

104. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

105. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

106. Deny.

107. Admit that Plaintiff took a leave of absence. Otherwise, deny.

108. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

109. Admit.

110. Admit that Plaintiff voluntarily resigned from her employment in August of 2017. Otherwise, deny.

111. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

112. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

113. Deny.

114. Deny.

115. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

116. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

117. Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

**CLAIMS FOR RELIEF**

**COUNT I – DEPRIVATION OF EQUAL PROTECTION  
IN VIOLATION OF THE FOURTEENTH AMENDMENT  
(Hostile Work Environment)  
(Against Defendant Monica Goldson)**

118. The averments contained in Paragraph 118 of the First Amended Complaint do not require a response; therefore, deny.

119. The averments contained in Paragraph 119 of the First Amended Complaint do not require a response; therefore, deny.

120. The averments contained in Paragraph 120 of the First Amended Complaint do not require a response; therefore, deny.

121. The averments contained in Paragraph 121 of the First Amended Complaint do not require a response; therefore, deny.

122. The averments contained in Paragraph 122 of the First Amended Complaint do not require a response; therefore, deny.

123. The averments contained in Paragraph 123 of the First Amended Complaint do not require a response; therefore, deny.

124. Deny.

125. Deny.

126. Deny.

127. Deny.

128. Deny,

129. Deny.

130. Deny,

131. Deny.

132. Deny.

133. Deny.

134. Deny.

135. Deny.

136. Deny.

137. The averments contained in Paragraph 137 of the First Amended Complaint do not require a response; therefore, deny.

138. Deny.

**COUNT II – DISCRIMINATION BECAUSE OF SEX  
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT**

**(Hostile Work Environment)  
(Against County Defendants)**

139. The averments contained in Paragraph 139 of the First Amended Complaint do not require a response; therefore, deny.

140. The averments contained in Paragraph 140 of the First Amended Complaint do not require a response; therefore, deny.

141. The averments contained in Paragraph 141 of the First Amended Complaint do not require a response; therefore, deny.

142. The averments contained in Paragraph 142 of the First Amended Complaint do not require a response; therefore, deny.

143. Deny.

144. Deny.

145. Deny.

146. Deny.

147. Deny.

148. Deny.

149. Deny.

150. Deny.

151. Deny.

152. Deny.

**COUNT III – DISCRIMINATION ON THE BASIS OF SEX  
IN VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972  
(Hostile Work Environment)  
(Against County Defendants)**

153. The averments contained in Paragraph 153 of the First Amended Complaint do not require a response; therefore, deny.

154. The averments contained in Paragraph 154 of the First Amended Complaint do not require a response; therefore, deny.

155. The averments contained in Paragraph 155 of the First Amended Complaint do not require a response; therefore, deny.

156. The averments contained in Paragraph 156 of the First Amended Complaint do not require a response; therefore, deny.

157. Admit that the Defendant Board of Education receives federal assistance. Otherwise, deny.

158. The averments contained in Paragraph 158 of the First Amended Complaint do not require a response; therefore, deny.

159. Deny.

160. Deny.

161. Deny.

162. Deny.

163. Deny.

164. Deny.

165. Deny.

166. Deny.

167. Deny.

168. Deny.

**COUNT IV – DISCRIMINATION BECAUSE OF SEX AND GENDER IDENTITY  
IN VIOLATION OF THE MARYLAND FEPA**

**(Hostile Work Environment)  
(Against County Defendants)**

169. The averments contained in Paragraph 169 of the First Amended Complaint do not require a response; therefore, deny.

170. The averments contained in Paragraph 170 of the First Amended Complaint do not require a response; therefore, deny.

171. The averments contained in Paragraph 171 of the First Amended Complaint do not require a response; therefore, deny.

172. The averments contained in Paragraph 172 of the First Amended Complaint do not require a response; therefore, deny.

173. Deny.

174. Deny.

175. Deny.

176. Deny.

177. Deny.

178. Deny.

179. Deny.

180. Deny.

181. Deny.

182. Deny.

**COUNT V – DISCRIMINATION BECAUSE OF SEX  
IN VIOLATION OF PRINCE GEORGE’S COUNTY CODE  
(Hostile Work Environment)  
(Against County Defendants)**

183. The averments contained in Paragraph 183 of the First Amended Complaint do not require a response; therefore, deny.

184. The averments contained in Paragraph 184 of the First Amended Complaint do not require a response; therefore, deny.

185. The averments contained in Paragraph 185 of the First Amended Complaint do not require a response; therefore, deny.

186. The averments contained in Paragraph 186 of the First Amended Complaint do not require a response; therefore, deny.

187. The averments contained in Paragraph 187 of the First Amended Complaint do not require a response; therefore, deny.

188. Deny.

189. Deny.

190. Deny.

191. Deny.

192. Deny.

193. Deny.

194. Deny.

195. Deny.

196. Deny.

197. Deny.

**COUNT VI – DISCRIMINATION BECAUSE OF SEX  
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT  
(Retaliation)  
(Against County Defendants)**

198. The averments contained in Paragraph 198 of the First Amended Complaint do not require a response; therefore, deny.

199. Deny.

200. Deny.

201. Deny.

202. Deny.

**COUNT VII – DISCRIMINATION ON THE BASIS OF SEX  
IN VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972  
(Retaliation)  
(Against County Defendants)**

203. The averments contained in Paragraph 203 of the First Amended Complaint do not require a response; therefore, deny.

204. Admit that the Defendant Board of Education receives federal assistance. Otherwise, deny.

205. The averments contained in Paragraph 205 of the First Amended Complaint do not require a response; therefore, deny.

206. The averments contained in Paragraph 206 of the First Amended Complaint do not require a response; therefore, deny.

207. Deny.

208. Deny.

209. Deny.

210. Deny.

211. Deny.

**COUNT VIII – DISCRIMINATION BECAUSE OF SEX AND GENDER IDENTITY  
IN VIOLATION OF THE MARYLAND FEPA  
(Retaliation)**

**(Against County Defendants)**

212. The averments contained in Paragraph 212 of the First Amended Complaint do not require a response; therefore, deny.

213. Deny.

214. Deny.

215. Deny.

216. Deny.

217. Deny.

**COUNT IX – DISCRIMINATION BECAUSE OF SEX  
IN VIOLATION OF PRINCE GEORGE’S COUNTY CODE  
(Retaliation)  
(Against County Defendants)**

218. The averments contained in Paragraph 218 of the First Amended Complaint do not require a response; therefore, deny.

219. Deny.

220. Deny.

221. Deny.

222. Deny.

223. Deny.

Any and all allegations in the First Amended Complaint, which have not been expressly admitted hereinabove, are hereby denied.

**AFFIRMATIVE DEFENSES**

1. Defendants generally deny liability and demands strict proof thereof.
2. The First Amended Complaint, in whole or in part, may fail to state a claim upon which relief can be granted.

3. Plaintiff's claims, in whole or in part, may be barred by the statute of limitations.

4. Plaintiff's claims, in whole or in part, may be barred by her failure to exhaust and/or timely exhaust her administrative remedies.

5. Plaintiff's claims, in whole or in part, may be barred by the at-will doctrine.

6. Plaintiff's claims, in whole or in part, may be barred by her voluntary resignation of employment.

7. To the extent Plaintiff claims damages in excess of the limits set forth in § 5-518 of the *Courts and Judicial Proceedings* Article of the Maryland Code, Defendant has (and asserts) sovereign immunity.

8. The First Amended Complaint may be barred, in whole or in part, due to Plaintiff's failure to mitigate any alleged damages.

9. Defendants have adopted anti-discrimination and anti-retaliation policies, have made good faith efforts to educate its employees about these policies and statutory prohibitions, have made good faith efforts to enforce these policies, and have made good faith efforts to investigate and remedy any complaint of discrimination, hostile work environment, and/or retaliation.

10. Plaintiff is not entitled to recover any punitive damages because Plaintiff failed to plead facts sufficient support the recovery of punitive damages and Defendants committed no acts justifying an award of punitive damages.

Defendants reserve the right to supplement these affirmative defenses based upon information obtained through discovery.

WHEREFORE, having fully answered the First Amended Complaint, Defendants pray that the First Amended Complaint be dismissed in its entirety with prejudice, that judgment be

entered in favor of Defendants, that costs, including attorneys' fees, be awarded to Defendants, and that such other and further relief as the Court deems just and proper be granted to Defendants.

**DEMAND FOR TRIAL BY JURY**

Defendants request a trial by jury on any issue triable of right by a jury.

/s/ James E. McCollum, Jr.  
James E. McCollum, Jr.

Respectfully submitted,

/s/ James E. McCollum, Jr.  
James E. McCollum, Jr.  
Federal Bar No. 06448

/s/ Amit K. Sharma  
Amit K. Sharma  
Federal Bar No. 16660

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via the Court's CM/ECF system  
on this 11<sup>th</sup> day of February, 2019, to:

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*Attorneys for Plaintiff*

/s/ Amit K. Sharma  
Amit K. Sharma