

ARCHER & GREINER
A Professional Corporation
33 East Euclid Avenue
Haddonfield, NJ 08033-0968
(856) 795-2121 (tel)
(856) 673-7132 (fax)
Attorneys for Defendant

By: **DOUGLAS DIAZ, ESQUIRE**
ddiaz@archerlaw.com

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

KATHERINE DEVINE and LAVAR
TURNER,

Plaintiffs,

v.

NORTHEAST TREATMENT CENTERS,
INC.

Defendant.

Civil Action No. 20-cv-02417

ANSWER OF DEFENDANT TO COMPLAINT

Northeast Treatment Centers, Inc. (“Defendant” or “NET”) hereby answers the
Complaint in this matter as follows:

JURISDICTION AND VENUE

1. The averments of this paragraph state a legal conclusion to which no response is required.
2. The averments of this paragraph state a legal conclusion to which no response is required.

3. The averments of this paragraph state a legal conclusion to which no response is required.

PARTIES

4. Defendant is without sufficient information to form a belief as to the truth of the averment of this paragraph.

5. Defendant is without sufficient information to form a belief as to the truth of the averment of this paragraph.

6. Admitted.

7. The allegations of this paragraph state a conclusion of law to which no responsive pleading is required. To the extent a response is required, they are denied.

8. The allegations of this paragraph state a conclusion of law to which no responsive pleading is required. To the extent a response is required, they are denied.

FACTS

9. Admitted.

10. Denied as stated.

11. Denied.

12. Denied.

13. Denied.

14. Denied as stated.

15. Denied as stated.

16. Denied.

17. Denied as stated.

18. Denied.

19. Denied.
20. Denied.
21. Denied.
22. Denied as stated.
23. Denied.
24. Denied.
25. Denied as stated.
26. Denied.
27. Denied.

CLASS/COLLECTIVE ACTION ALLEGATIONS

28. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

29. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

30. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

31. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

32. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

33. Defendant is without sufficient information to form a belief as to the truth of the averment of this paragraph.

34. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

35. The allegations of this paragraph state conclusions of law to which no responsive pleading is required. To the extent a response is required, they are denied.

COUNT ONE

36. The averments of this paragraph state conclusions of law to which no responsive pleading is required.

37. Denied.

38. Denied.

COUNT TWO

39. The averments of this paragraph state conclusions of law to which no responsive pleading is required.

40. Denied

41. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state any claims upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred to the extent they cover time periods outside of the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to some or all of the relief requested because Defendant's actions were not malicious, egregious, in bad faith, or in willful or reckless indifference or disregard of any legal rights of Plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs were exempt from overtime under the Fair Labor Standards Act (“FLSA”) and/or Pennsylvania Minimum Wage Act (“PMWA”).

FIFTH AFFIRMATIVE DEFENSE

The Complaint fails to state a claim for penalties for any alleged wage violations under the FLSA and/or PMWA because there is a good faith dispute as to Defendant’s obligation to pay any wages which may be found to be due.

SIXTH AFFIRMATIVE DEFENSE

The Complaint fails in whole or in part because Defendant had a reasonable, honest, good faith belief that acts and omissions, if any, affecting Plaintiffs and the proposed class members were made by Defendant solely for legitimate, business-related reasons that were neither arbitrary, capricious, nor unlawful and were reasonably based upon the facts as understood.

SEVENTH AFFIRMATIVE DEFENSE

Defendant acted at all times in good faith in an attempt to comply with the FLSA and PMWA, and to the extent there was any failure to comply fully with the FLSA or PMWA, this failure was not willful.

EIGHTH AFFIRMATIVE DEFENSE

Defendant had no knowledge or reason to know of any overtime work claimed and performed by Plaintiffs.

NINTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff’s claims are in whole or in part de minimis because the amount of any time at issue is negligible, or of insubstantial or insignificant periods of time.

TENTH AFFIRMATIVE DEFENSE

The Complaint fails in whole or in part because Plaintiffs have failed to adequately plead and establish the necessary elements for a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

ELEVENTH AFFIRMATIVE DEFENSE

The Complaint fails in whole or in part because Plaintiffs have failed to adequately plead and establish the necessary elements for a collective action under the FLSA.

TWELFTH AFFIRMATIVE DEFENSE

The Plaintiffs' putative class and representative action claims fail because Plaintiffs are not proper representatives of the putative class they purport to represent in that they do not share common issues of fact or law with the putative class members.

THIRTEENTH AFFIRMATIVE DEFENSE

The Plaintiffs' putative class action claims fail because the question of law and fact presented are not common to the proposed class.

RESERVATION OF RIGHTS

Defendant reserves the right to assert additional defenses as they become known.

WHEREFORE, Defendant demands judgment in its favor along with recovery of its attorneys' fees and costs and such other relief as the Court may deem appropriate.

ARCHER & GREINER, P.C.
33 East Euclid Avenue
Haddonfield, NJ 08033
(856) 795-2121
Attorneys for Defendant
BY: /s/Douglas Diaz
Douglas Diaz, Esq.

Dated: August 21, 2020

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