



6. Defendant denies the allegations in this Paragraph.
7. Defendant admits the allegations in this Paragraph.
8. Defendant denies the allegations in this Paragraph.
9. This Paragraph contains conclusions of law to which a response is not necessary. To the extent that a response is necessary, Defendant denies the allegations.
10. This Paragraph contains a statement on venue to which a response is not necessary.
11. Defendant lacks sufficient information or knowledge to admit or deny this Paragraph and, therefore, denies it.
12. Defendant admits the allegations in this Paragraph.
13. Defendant admits the allegations in this Paragraph.
14. Defendant admits the allegations in this Paragraph.
15. Defendant admits the allegations in this Paragraph.
16. Defendant admits the allegations in this Paragraph.
17. Defendant incorporates by reference its answers to Paragraphs 1-16 herein.
18. Defendant denies this Paragraph.

With regard to Plaintiff's Prayer for Relief, a response is not necessary. However, to the extent that a response is necessary, Defendant denies these allegations. Defendant further avers that Plaintiff is not entitled to any relief.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

The Court lacks subject matter jurisdiction over the Complaint or a portion thereof.

**SECOND DEFENSE**

The Plaintiff has not properly exhausted his administrative remedies.

**THIRD DEFENSE**

The Complaint or a portion thereof fails to state a claim upon which relief may be granted.

Defendant expressly denies all allegations to which no specific response has been made.

Defendant prays that the Court enters judgment in favor of Defendant and dismisses the above-captioned action with prejudice.

Dated: August 10, 2005

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/s/  
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/s/  
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