

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BREE BOULAIS

Plaintiff,

vs.

CITY OF WARWICK and WARWICK
WATER DIVISION, by and through Mayor
Frank J. Picozzi, in his official capacity

Defendants

C.A. No. 1:24-cv-00236-JJM-LDA

DEFENDANTS' ANSWER

Now come Defendants, City of Warwick and Warwick Water Division, by and through Mayor Frank J. Picozzi, in his official capacity and hereby answer Plaintiff, Bree Boulais' Complaint as follows:

Defendants make no response to the unnumbered paragraph in that portion of the Plaintiff's Complaint, to the extent that this section attempts to introduce the various claims and counts to follow in the Complaint, and as such, no response is required. However, to the extent that any portion of this section if meant to allege facts, claims and/or counts not more specifically stated in the Complaint, and answered below, then said allegations are expressly denied.

As to "Parties"

1. Defendants admit the allegations contained in Paragraph Nos. 1-3 of that portion of the Plaintiff's Complaint entitled "Parties."

As to "Jurisdiction and Venue"

2. Plaintiff's allegations contained in Paragraph Nos 4-8 of that portion of the Plaintiff's Complaint entitled "Jurisdiction and Venue" state legal conclusions properly reserved for the Court. The allegations are, accordingly, denied and the Plaintiff is left to her proof thereof.

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As to “Administrative Procedures”

3. Defendants admit the allegations contained in Paragraph Nos. 9-12 of that portion of the Plaintiff’s Complaint entitled “Administrative Procedures.”

As to “Factual Allegations”

4. Defendants deny the allegations contained in Paragraph Nos. 13, 15, 17-19, 24-61, 63-66, 69-91, 93-99, 103-119, 123-128, 130-165, 167-209, 213-218, 221-234, 236-240, 244-260, 264-285, 288-344, 348-354, 360-365, 368-372, 376, 379-382, 384-413, 416, 417, 420-422, 424-441, 446, 448, 449, 457, 458, 463, 464, 467 of that portion of the Plaintiff’s Complaint entitled “Factual Allegations.”
5. Defendants admit the allegations contained in Paragraph Nos. 14, 16, 20-23, 62, 67, 68 92, 120-122, 166, 210, 212, 219, 220, 235, 241-243, 257, 286, 287, 345-347, 355-358, 366, 367, 373-375, 377, 378, 414, 415, 418, 419, 423, 442, 443, 447, 450-455, 465, 466 of that portion of the Plaintiff’s Complaint entitled “Factual Allegations.”
6. Defendants are without sufficient information and/or knowledge to admit or deny the allegations contained in Paragraph Nos. 100-102, 129, 211, 261-263, 383, 399, 444, 445, 456, 459 and 460-462 of that portion of the Plaintiff’s Complaint entitled “Factual Allegations” and therefore leaves Plaintiff to her proof of each and every allegations set forth in said paragraphs of the Complaint, thereby denying the same.
7. Defendants state that the Title VII provision referred to in Paragraph No. 359, speaks for itself, and therefore no answer or response to this said Paragraph is required. To the extent that this paragraph may be read to assert any factual allegations against these Defendants, all such allegations are expressly denied.

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As to “Count I – Gender and Sex Harassment/Discrimination – Discriminatory Terms and Conditions; Gender and Sex Harassment/Discrimination – Discriminatory Constructive Discharge; Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2; Violation of RI Fair Employment Practices Act, R.I. Gen. 1956 § 28-5-1 et seq. (FEPA); Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)”

8. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 467 as said allegations are incorporated in Paragraph No. 468.
9. Defendants admit the allegations contained in Paragraph No. 469 of that portion of the Plaintiff’s Complaint entitled “Count I.”
10. Defendant denies the allegations contained in Paragraph Nos. 470-479 of that portion of the Plaintiff’s Complaint entitled “Count I.”

As to “Count II – Gender and Sex Retaliation – Retaliatory Terms and Conditions; Gender and Sex Retaliation – Retaliatory Constructive Discharge; Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3; Violation of RI Fair Employment Practices Act, R.I. Gen. 1956 § 28-5-1 et seq. (FEPA); Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)”

11. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 479 as said allegations are incorporated in Paragraph No. 480.
12. Defendants admit the allegations contained in Paragraph No. 481 of that portion of the Plaintiff’s Complaint entitled “Count II.”
13. Defendants deny the allegations contained in Paragraph Nos. 482-490 of that portion of the Plaintiff’s Complaint entitled “Count II.”

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AFFIRMATIVE DEFENSES

Defendants affirmatively plead the following defenses:

FIRST AFFIRMATIVE DEFENSE

Defendants plead all applicable forms of statutory and common law immunity as a bar to the Complaint.

SECOND AFFIRMATIVE DEFENSE

Defendants plead absolute and qualified immunity as a bar to the within complaint.

THIRD AFFIRMATIVE DEFENSE

Defendants plead the statutory cap on damages as a bar and restriction of the amount of damages recoverable.

FOURTH AFFIRMATIVE DEFENSE

Defendant, Warwick Water Division is not the proper party since it is a department within the City of Warwick. *Peters v. Walter Door Sales of Tampa, Inc., et al.*, 525 A.2d 46.

Defendants demand a trial by jury.

Defendants,
By their Attorneys,

/s/ Marc DeSisto

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 13th of August 2024, and available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will effectuated by electronic means:

Paige Munro-Delotto, Esq.
paige@pmdlawoffices.com

/s/ Marc DeSisto
