


UNITED STATES BANKRUPTCY COURT <u>EASTERN</u> DISTRICT OF <u>MICHIGAN</u>		PROOF OF CLAIM
Name of Debtor <u>OXFORD AUTOMOTIVE, INC. ET AL.</u>		Case Number <u>04-74377</u>
NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property) <u>TERESA MILLER</u>		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Name and address where notices should be sent <u>TERESA MILLER</u> <u>c/o JEFFREY B HALBERT</u> <u>HASKIN LAUREN LARUE GIBBONS</u> <u>255 NORTH ALABAMA STREET</u> <u>INDIANAPOLIS IN 46204</u> Telephone number <u>(317) 955-9500</u>		
Account or other number by which creditor identifies debtor		Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim dated _____
<b>1 Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <u>EMPLOYMENT DISCRIMINATION, TITLE VII, AMERICANS WITH DISABILITIES ACT, FAMILY MEDICAL LEAVE ACT</u> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input checked="" type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS # <u>0324</u> Unpaid compensation for services performed from <u>FEBRUARY 9, 2004</u> to <u>PRESENT</u> (date) (date)		
<b>2 Date debt was incurred</b> <u>FEBRUARY 9, 2004</u>		<b>3 If court judgment, date obtained</b>
<b>4 Total Amount of Claim at Time Case Filed</b> \$ <u>300,000</u> (unsecured) \$ <u>4,925</u> (priority) \$ <u>304,925</u> (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>5 Secured Claim</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral \$ _____ Amount of arrearage and other charges at time case filed included in secured claim if any \$ _____		<b>7 Unsecured Priority Claim</b> <input checked="" type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$ <u>4,925</u> Specify the priority of the claim: <input checked="" type="checkbox"/> Wages, salaries, or commissions (up to \$4,925) * earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal family or household use. 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse or child. 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other. Specify applicable paragraph of 11 U.S.C. § 507(a)(____) *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
<b>6 Unsecured Nonpriority Claim</b> \$ _____ <input type="checkbox"/> Check this box if a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		THIS SPACE IS FOR COURT USE ONLY  <b>FILED</b>  <b>JAN 04 2005</b>  <b>BMC</b>  Oxford Automotive, Inc.  00139
<b>8 Credits</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		
<b>9 Supporting Documents</b> Attach copies of supporting documents such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
<b>10 Date-Stamped Copy</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date <u>12/30/04</u>	Sign and print the name and title if any of the creditor or other person authorized to file this claim (attach copy of power of attorney if any). <u>Jeffrey B Halbert</u> ATTORNEY FOR TERESA MILLER	

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances such as bankruptcy cases that are not filed voluntarily by a debtor there may be exceptions to these general rules.

### — DEFINITIONS —

#### **Debtor**

The person, corporation or other entity that has filed a bankruptcy case is called the debtor.

#### **Creditor**

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

#### **Proof of Claim**

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

#### **Secured Claim**

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began, in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

#### **Unsecured Claim**

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

#### **Unsecured Priority Claim**

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

### Items to be completed in Proof of Claim form (if not already filled in)

#### **Court, Name of Debtor, and Case Number**

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

#### **Information about Creditor**

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

#### **1 Basis for Claim**

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in the last four digits of your social security number and the dates of work for which you were not paid.

#### **2 Date Debt Incurred**

Fill in the date when the debt first was owed by the debtor.

#### **3 Court Judgments**

If you have a court judgment for this debt, state the date the court entered the judgment.

#### **4 Total Amount of Claim at Time Case Filed**

Fill in the applicable amounts, including the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

#### **5 Secured Claim**

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above.)

#### **6 Unsecured Nonpriority Claim**

Check the appropriate place if you have an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim." (See DEFINITIONS, above.) If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount **not** entitled to priority.

#### **7 Unsecured Priority Claim**

Check the appropriate place if you have an unsecured priority claim and state the amount entitled to priority. (See DEFINITIONS, above.) A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

#### **8 Credits**

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

#### **9 Supporting Documents**

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

TERESA MILLER,

Plaintiff,

v.

OXFORD AUTOMOTIVE, INC.,

Defendant

CAUSE NO

4:04-CV-0214DFH - WGH

**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

**I Nature of Case**

Plaintiff, Teresa Miller (hereinafter "Miller") brings this action against Defendant, Oxford Automotive, Inc (hereinafter "Defendant") pursuant to Title VII of the Civil Rights Act of 1964, 42 U S C § 2000e, *et seq*, as amended, the Americans with Disabilities Act of 1990 ("ADA"), 42 U S C § 12101 *et seq*, as amended and pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), 29 U S C §§ 2601 *et seq*. In support of her causes of action, Miller alleges and states as follows

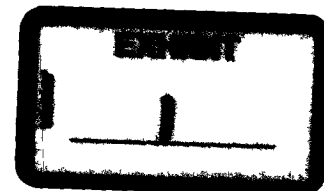
**II Parties**

1 Miller, at all times relevant to this action has resided within the geographical boundaries of the Southern District of Indiana

2 Defendant is a corporation which at all times relevant to this action maintained offices and conducted business within the geographical boundaries of the Southern District of Indiana

**III. Jurisdiction and Venue**

3 This Court has jurisdiction over Miller's Title VII claim pursuant to 42 U S C § 2000e-(5), over her ADA claim pursuant to 42 U S C § 12117 and over her FMLA claim



pursuant to 29 U S C § 2617(a)(2), and over each of her claims pursuant to 28 U S C § 1331 and 28 U S C §1343

4 Miller satisfied her statutory obligation to exhaust her administrative remedies by filing a timely charge of discrimination and retaliation pursuant to Title VII and the ADA, against Defendant ( EEOC Charge No 240-2004-04064) Miller having received the appropriate *Dismissal and Notice of Rights*, files this action within ninety (90) days of her receipt thereof

5 Miller, at all relevant times, was an "employee," as that term is defined by 42 U S C §2000e-(f), 42 U S C § 12111(4) and 29 U S C § 2611(1)(A)

6 Defendant is an "employer," as that term is defined by 42 U S C §2000e-(b), 42 U S C § 12111(5)(A) and 29 U S C § 2611(4)(A)

7 All events, transactions and occurrences, having taken place within the geographical environs of the Southern District of Indiana, venue is proper with this Court pursuant to 28 U S C §1391

#### **IV Factual Allegations**

8 Miller, a female, was hired by Defendant on or about August 15, 1994 for a payroll clerk position The last position held by Miller was that of Human Resources Assistant

9 At all times relevant to this action, Miller met Defendant's legitimate expectations of performance

10 On or about January 15, 2004, Miller informed Defendant that she had been admitted to the hospital to undergo an emergency medical procedure Due to complications following the emergency medical procedure, Miller's treating physician placed her on a medically necessitated leave of absence until on or about February 9, 2004

11 On or about the same date, Defendant, via Ken Abell (“Abell”), released confidential medical information and disability information to unauthorized personnel and co-workers in violation of 42 U S C §12112 (d) and 29 CFR Section 1630 14(c) and (d) which requires medical information to be kept confidential

12 During Miller’s absence Abell contacted Miller concerning work related matters and to request Miller to return to work

13 On January 27, 2004, Miller contacted Abell to make arrangements to submit paperwork relating to her medical leave When Miller arrived at Defendant’s facility, Abell commented “You don’t look sick, you should be working ”

14 Miller’s physician completed the necessary paperwork relating to her medical leave on January 27, 2004

15 On or about January 30, 2004 Miller returned her medical leave paperwork to Defendant At the same time, Miller advised Abell that she would not be able to return to work until on or about February 9, 2004 to which Abell replied “I can’t wait for Teresa to get back to work because it is a mess here ”

16 On or about February 6, 2004, Defendant posted an advertisement for Miller’s position on monster com and contacted a local employment staffing agency seeking applicants to replace Miller

17 On or about February 9, 2004, Miller attempted to return to work

18 Upon returning to work, Miller was informed by Defendant that her employment was terminated

19 Miller was an “eligible employee” as defined by the Family and Medical Leave Act of 1993 (“FMLA”), 29 U S C §2611(2) at all times from January 15, 2004 to February 9,

2004

20 From January 15, 2004 to February 9, 2004, Miller was suffering from a “serious health condition” as defined by the Family and Medical Leave Act of 1993 (“FMLA”), 29 U S C §2912(a)(1)(D), which prevented her from performing the functions of her position with Defendant

21 The reasons offered by Defendant for terminating Miller’s employment are a pretext to circumvent the requirements and protections of the FMLA

22 In terminating Miller’s employment, Defendant refused to provide the same or similar post-employment benefits as those provided to similarly situated male employees in violation of Title VII

23 Similarly situated employees have not been subjected to similar treatment, including termination, under similar circumstances

24 During the relevant period of Miller’s employment, Defendant subjected Miller to terms and conditions of employment different and less favorable than those enjoyed by her male co-workers and/or those who had not taken leave protected by the FMLA

25 As a result of Defendant’s unlawful employment actions, Miller has and continues to suffer pecuniary and non-pecuniary harm

## **V Legal Allegations**

### **Count I Title VII Sex Discrimination**

26 Miller hereby incorporates by reference paragraphs one (1) through twenty-five (25) of her Complaint as if the same were set forth at length herein

27 Defendant intentionally discriminated against Miller on the basis of her sex, female, by subjecting her to terms and conditions of employment different than those afforded

similarly situated male employees in violation of Title VII

28 Defendant's action were intentional, willful, malicious, and in reckless disregard of Miller's legal rights as protected by Title VII of the Civil Rights Act of 1964, 42 U S C § 2000e et seq., as amended, 42 U S C §1981a

29 Miller has suffered damages as a result of Defendant's unlawful actions

### **Count II FMLA Violations**

30 Miller hereby incorporates by reference paragraphs one (1) through twenty-nine (29) of her Complaint as if the same were set forth at length herein

31 Defendant violated Miller's rights as they are protected by the FMLA, 29 U S C §2601 et seq., in failing to restore her to the same or similar position at the conclusion of her medical leave and in terminating her employment on the basis of her taking leave protected by the FMLA

32 Defendant's actions were intentional, willful, done in bad faith and taken with reckless disregard of Miller's legal rights

33 Miller has suffered damages as a result of Defendant's unlawful actions

### **Count III ADA Violations.**

34 Miller hereby incorporates by reference paragraphs one (1) through thirty-three (33) of her Complaint, as if the same were set forth at length herein

35 Defendant violated Miller's rights as they are protected by the ADA, 42 U S C §12101 et seq., 42 U S C §12112 (d) and 29 CFR Section 1630 14(c) and (d) by releasing Miller's confidential medical information and disability information to unauthorized personnel and co-workers

36 Defendant's actions were intentional, willful, done in bad faith and taken with

reckless disregard of Miller's legal rights

37 Miller has suffered damages as a result of Defendant's unlawful actions

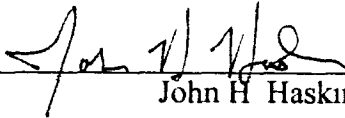
**VI Requested Relief**

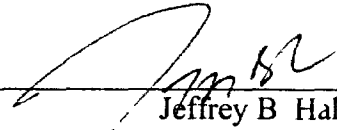
**WHEREFORE**, Plaintiff, Teresa Miller, by counsel, respectfully requests that this Court find in favor of Plaintiff and order the following relief

- a Payment of all wages, benefits, compensation and all monetary loss suffered as a result of Defendant's unlawful actions, in an amount that will make her whole,
- b Reinstatement to Miller's former position, or front pay in lieu thereof,
- c Payment of compensatory damages for emotional distress, mental anguish, embarrassment, humiliation and inconvenience suffered as a result of Defendant's violations of Title VII,
- d Payment of liquidated damages for Defendant's willful violations of the FMLA,
- e Payment of punitive damages for Defendant's knowing and reckless violations of Title VII,
- f On all sums recoverable, payment of pre- and post-judgment interest,
- g Payment of all reasonable attorneys fees and costs associated with litigating this action, and
- h Any and all other just and equitable relief this Court deems appropriate



Respectfully submitted,

  
\_\_\_\_\_  
John H. Haskin (#7576-49)

  
\_\_\_\_\_  
Jeffrey B. Halbert (#22727-49)

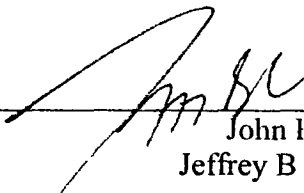
Attorneys for Plaintiff, Teresa Miller

HASKIN LAUTER & LARUE  
255 North Alabama Street  
Indianapolis, Indiana 46204  
Telephone (317) 955-9500  
Facsimile (317) 955-2570  
Email [jhaskin@hlllaw.com](mailto:jhaskin@hlllaw.com)  
[jhalbert@hlllaw.com](mailto:jhalbert@hlllaw.com)

**DEMAND FOR TRIAL BY JURY**

Plaintiff, Teresa Miller, by counsel, respectfully requests a trial by jury on all  
issues deemed so triable

Respectfully submitted,

  
\_\_\_\_\_  
John H. Haskin (#7576-49)  
Jeffrey B. Halbert (#22727-49)

UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

TERESA MILLER,

Plaintiff

V

OXFORD AUTOMOTIVE, INC.,

Defendant

SUMMONS IN A CIVIL CASE

CASE NUMBER

4:04-CV-0214DFH - WGH

TO (Name and address of Defendant)

Tom Bee, Plant Manager  
Oxford Automotive  
2190 Landmark Avenue  
Corydon, Indiana 47112  
*Agent for Defendant*

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John H Haskin  
Jeffrey B Halbert  
HASKIN LAUTER & LaRUE  
255 North Alabama Street  
Indianapolis, IN 46204

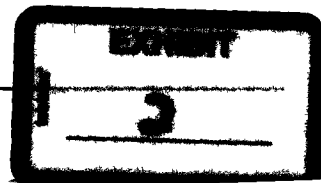
In answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court, 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204, within a reasonable period of time after service.

CLERK

DATE

DEPUTY CLERK

AO 440 (Rev 10/93) Summons in a Civil Action



UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

TERESA MILLER,

Plaintiff

V

OXFORD AUTOMOTIVE, INC.,

Defendant

SUMMONS IN A CIVIL CASE

CASE NUMBER

4:04-CV-0214 DFH - WGH

TO (Name and address of Defendant)

Tom Bee, Plant Manager  
Oxford Automotive  
2190 Landmark Avenue  
Corydon, Indiana 47112  
*Agent for Defendant*

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John H Haskin  
Jeffrey B Halbert  
HASKIN LAUTER & LaRUE  
255 North Alabama Street  
Indianapolis, IN 46204

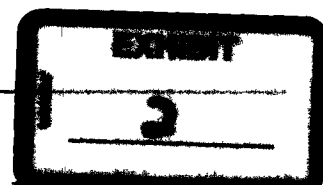
In answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court, 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204, within a reasonable period of time after service.

CLERK

DATE

by DEPUTY CLERK

AO 440 (Rev 10/93) Summons in a Civil Action



# RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 10/08/04
NAME OF SERVER (PRINT) Heather M. Miller	TITLE Legal Secretary

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant Place where served \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein  
Name of person with whom the summons and complaint were left \_\_\_\_\_
- ☐ Returned unexecuted \_\_\_\_\_
- ☒ Other (specify) Certified Mail 91 7108 2133 3930 8980 1600

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct

Executed on 10/08/04 Heather M. Miller  
Date Signature of Server

255 North Alabama Street, Indianapolis, IN 46204  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure



## Track & Confirm

### Current Status

You entered 9171 0821 3339 3089 8016 00

Your item was delivered at 1 25 pm on November 01, 2004 in  
CORYDON, IN 47112

[Shipment Details >](#)

### Track & Confirm

Enter label number

[Track & Confirm FAQs](#)

### Notification Options

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TERESA MILLER, )  
)  
Plaintiff, )  
)  
v ) CAUSE NO 4 04-CV-0214DFH-WGH  
)  
OXFORD AUTOMOTIVE, INC , )  
)  
Defendant )

Defendant, Lobdell Emery Corporation, d/b/a Oxford Automotive, Inc ,  
(incorrectly named in the caption of the Complaint and Demand for Trial by Jury),  
("Oxford"), for its Answer to the Complaint, states as follows

1 Oxford admits that Plaintiff has brought the within action pursuant to the statutes listed in the unnumbered introductory paragraph of her Complaint entitled Nature of Case, but denies that the action is meritorious under any and all of the statutes listed in said paragraph

3 Oxford denies the allegations contained in Paragraphs 9, 11, 13, 16, 21,  
22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 35, 36 and 37 of the Complaint



4 Oxford admits the allegations contained in Paragraph 4 of the Complaint, except for the allegation that her prior filing with the EEOC included a “charge of retaliation,” which Oxford denies

5 Oxford admits the allegations contained in Paragraph 10 of the Complaint, except for the allegation that Plaintiff’s treating physician “placed her on a medically necessitated leave of absence until on or about February 9, 2004,” “Due to complications following an emergency medical procedure ” Oxford is without information sufficient to form a belief as to the truth of these allegations and, as such, denies same

6 Oxford denies the allegations contained in Paragraph 12 of the Complaint In further response to this Paragraph, Oxford would, however, admit that Abell contacted Miller during her absence to inquire into the location of certain work-related materials

7 Oxford is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint and, as such, denies said allegations

8 Oxford denies the allegations contained in Paragraph 15 of the Complaint, but would admit that Plaintiff’s “medical leave paperwork,” consisting of a Certification of Health Care Provider authored by the U S Department of Labor specified an anticipated “incapacity,” “until 2/9/04 ”

9 Oxford denies the allegations contained in Paragraph 17 and 18 of the Complaint, but would admit that Plaintiff returned to work on February 9, 2004, performed work within the employment position she held prior to commencement of her leave, was compensated for such work, and then terminated for misconduct discovered during the term of her leave

10 Oxford is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint and, as such, denies said allegations Oxford admits, however, that it received the Certification of Health Care Provider referred to in Paragraph 7 of this Answer

11 Paragraphs 26, 30 and 34 of the Complaint require no separate responses by Oxford

12 Except to the extent expressly admitted herein, Oxford denies each and every allegation contained in the Complaint, including Plaintiff's demands for relief

**Affirmative Defenses Applicable To All Claims**

13 Some or all of Plaintiff's causes of action fail to state claims upon which relief can be granted

14 Plaintiff was terminated from employment for legitimate non-discriminatory reasons

15 Some or all of Plaintiff's claims are barred by the equitable doctrines of waiver and/or estoppel

16 Any action by Oxford of which Plaintiff complains were taken in good faith and for legitimate business reasons

17 Plaintiff has failed to mitigate her alleged damages

18 A trial by jury is unavailable to Plaintiff on her demands for equitable relief, including reinstatement, front pay and liquidated damages

19 The claims stated in the Complaint do not satisfy the statutory or common law prerequisites for punitive damages



20 The claims stated in the Complaint do not satisfy the statutory or common law prerequisites for liquidated damages

**Affirmative Defenses to Count I**  
**Alleged Sex Discrimination**

21 The Plaintiff was not qualified for the employment position from which she was terminated

22 Gender was not a factor in any employment decision of which Plaintiff complains, including her termination from employment

**Affirmative Defenses To Count II**  
**(Alleged FMLA Violations)**

23 Plaintiff's leave was not a factor in the decision to terminate her employment

24 Plaintiff was, in fact, reinstated to her pre-leave position following completion of her leave, and prior to her termination

25 Plaintiff's misconduct, discovered during the term of her leave, would have resulted in her separation in any event, regardless of whether or not she had taken such leave

**Affirmative Defenses To Count III**  
**(Alleged ADA Violation)**

26 Plaintiff was not, at any time material to the action, a qualified individual with a disability and, accordingly, was not entitled to the protections of the ADA

27 Any publication as to Plaintiff's medical condition, involving a routine surgical procedure, was made by Plaintiff herself

28 Plaintiff did not experience any physical impairment which substantially limited any of her major life activities

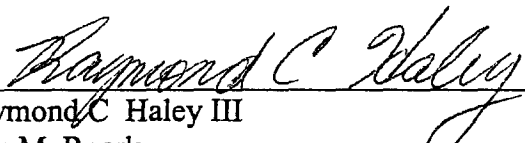
29 Defendant reserves the right to raise additional affirmative defenses as may be discovered during the course of these proceedings

WHEREFORE, having answered, Defendant Oxford respectfully requests

a) That the Complaint be dismissed in its entirety, and that judgment thereon be entered in its favor,

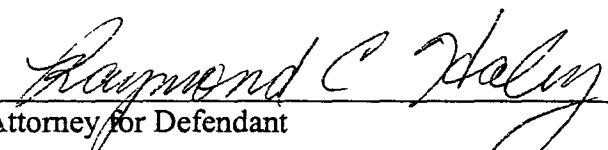
b) That it be awarded its costs, including a reasonable attorney's fee, expended in defense of this action, and,

c) That it be awarded such further relief as may now or hereafter be deemed appropriate

  
Raymond C Haley III  
Erin M Roark  
WOODWARD, HOBSON & FULTON, L L P  
101 South Fifth Street  
2500 National City Tower  
Louisville, KY 40202-3175  
Telephone (502) 581-8035  
Facsimile (502) 581-8111  
Attorney for Defendant, Oxford Automotive

**CERTIFICATE OF SERVICE**

It is hereby certified that the within Answer was mailed to Plaintiff's counsel, John H Haskin and Jeffrey B Halbert, Haskin Lauter & LaRue, 255 North Alabama Street, Indianapolis, Indiana 46204, this 13<sup>th</sup> day of November, 2004

  
Attorney for Defendant



# HASKIN, LAUTER, LaRUE & GIBBONS

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January 3, 2005

**Via UPS Overnight Mail**

Oxford Automotive, Inc  
c/o BMC Group  
1330 East Franklin Avenue  
El Segundo, California 90245

**Re Oxford Automotive, Inc. et al.**  
**Case No. 04-74377**

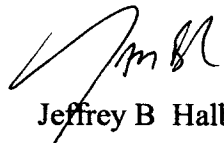
Dear Sir/Madam

Enclosed please find an original and two (2) copies of a *Proof of Claim* for Teresa Miller. Be advised that I represent Ms. Miller in an action currently pending in the United States District Court for the Southern District of Indiana, New Albany Division. Please have the enclosed documents stamped as filed and return an acknowledgment of filing to my attention in the enclosed self-addressed stamped envelope provided for your convenience. In addition, please direct all further communication regarding this matter to my attention.

If you should have any questions or concerns, please do not hesitate to contact me.

Best regards

Very truly yours,



Jeffrey B Halbert

encls

cc Teresa Miller (w/encls )