

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ROBERT BARNHART,

Plaintiff,

v.

Case No. 4:11-cv-450

THE LAMAR COMPANY, LLC,

Defendant.

_____/

**DEFENDANT, THE LAMAR COMPANY, LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Defendant The Lamar Company, LLC ("Lamar"), through its undersigned counsel, hereby answers plaintiff Robert Barnhart's ("Plaintiff") third amended complaint as follows:

1. Admitted for jurisdictional purposes only.
2. Without knowledge as to the residence of Plaintiff and age when Plaintiff was hired. Admitted that Plaintiff was employed by Defendant, but denied that Plaintiff was terminated on August 27, 2011. Otherwise, denied.
3. Admitted for jurisdictional purposes. Admitted that Lamar's public filings speak for themselves. Otherwise, denied.
4. Admitted for jurisdictional purposes. Otherwise, denied.
5. Lamar incorporates its responses set forth in paragraphs 1 through 4 herein.
6. Admitted that Plaintiff's immediate supervisor was Chris Oaks. Without knowledge as to what is the "relevant time period," therefore, denied. Otherwise, denied.
7. Admitted that Lamar's public filings speak for themselves. Otherwise, denied.
8. Without knowledge and therefore denied.

9. Without knowledge and therefore denied.
10. Without knowledge and therefore denied.
11. Without knowledge and therefore denied.
12. Without knowledge and therefore denied.
13. Denied.
14. Without knowledge and therefore denied.
 - a. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - b. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - c. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - d. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - e. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - f. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
 - g. Lamar objects to this allegation as improperly calling for a legal conclusion and is, therefore, not obligated to respond.
15. Denied that Plaintiff is entitled to the relief requested.
16. Denied.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a cause of action, because no retaliatory personnel action has ever been taken by Lamar against Plaintiff.

SECOND AFFIRMATIVE DEFENSE

Lamar has been required to retain the services of its undersigned counsel to whom a reasonable fee is owed, which, pursuant to statute, Plaintiff will be obligated to pay to Lamar if Lamar prevails on these claims.

THIRD AFFIRMATIVE DEFENSE

Any act or omission by Lamar was done in good faith and, to the extent that the actions of any Lamar employee were, in fact, in violation of any of the authorities listed in Plaintiff's Third Amended Complaint, those actions directly violated Lamar's corporate policies and procedures and were, thus, beyond the course and scope of their employment.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claim is barred, to the extent Plaintiff's actions were motivated by bad faith.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claim is barred, to the extent it is preempted by Federal law.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claim is barred, to the extent Lamar's purported actions are protected by Federal law.

RESERVATION OF DEFENSES

Lamar reserves the right to amend and/or supplement its answer and/or affirmative defenses to modify or add any answers, defenses or affirmative defenses of which it becomes aware as a result of its investigation of Plaintiff's claims and allegations.

WHEREFORE, defendant The Lamar Company, L.L.C. urges the Court to dismiss this action, and to grant it reasonable attorney's fees and costs of defending this action, together with such other and further relief as the Court deems appropriate.

/s/ Melissa S. Rizzo

Deborah H. Oliver, Esq.
Florida Bar No. 485111
deborah.oliver@arlaw.com
Melissa S. Rizzo, Esq.
Florida Bar No. 064491
ADAMS AND REESE LLP
101 E. Kennedy Blvd., Suite 4000
Tampa, Florida 33602
(813) 402-2880 (Telephone)
(813) 402-2887 (Facsimile)
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of April, 2012, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all parties of record.

/s/ Melissa S. Rizzo

Attorney