

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,	*
ET AL., JEFFREY M. SIMONEAUX,	*
Relator	* CIVIL ACTION NO. 12-219
	*
vs.	* JUDGE: BRIAN A. JACKSON
	*
E.I. DU PONT DE NEMOURS	* MAG. JUDGE: RIEDLINGER
AND COMPANY	*
*****	*

**ANSWER TO COMPLAINT AND FIRST AMENDED  
COMPLAINT FOR DAMAGES UNDER FALSE CLAIMS ACT**

COMES NOW, through undersigned counsel, the Defendant, E.I. du Pont de Nemours and Company (“DuPont”), who respectfully responds to Plaintiffs’ original and First Amended Complaints as follows:

I.

The Complaints fail to state a cause of action against DuPont upon which relief may be granted.

AND NOW, insofar as an Answer to the Plaintiffs’ Complaints may be required, DuPont denies each and every allegation contained therein, except for those that may hereinafter be specifically admitted.

**ANSWER TO COMPLAINT FOR  
DAMAGES UNDER FALSE CLAIMS ACT**

1.

To the extent the allegations contained in Paragraph 1 of the Complaint pertain to law, they require no response. In the event a response is required, such allegations are denied. The allegations of fact in Paragraph 1 are denied.

2.

The allegations of Paragraph 2 of the Complaint state a legal conclusion, and therefore, do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein.

3.

The allegations of fact in the first sentence of Paragraph 3 of the Complaint are denied. DuPont admits that it does business in the Middle District of Louisiana. The balance of the allegations in the second sentence of Paragraph 3 are denied for lack of sufficient information to justify a belief therein. The allegations in the third sentence of Paragraph 3 of the Complaint state a legal conclusion, and therefore, do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein.

4.

The allegations of Paragraph 4 of the Complaint are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of Paragraph 5 of the Complaint are admitted.

6.

The allegations of Paragraph 6 of the Complaint state a legal conclusion, and therefore, do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein.

7.

The allegations of Paragraphs 7, 8, 9 and 11 of the Complaint are denied for lack of sufficient information to justify a belief therein.

8.

In response to the allegations of Paragraph 10, it is admitted that Mr. Simoneaux was employed by DuPont at its Burnside facility for several years as an operator. It is denied that he is currently employed there.

9.

To the extent the allegations of Paragraph 12, including subparts (a) through (e), pertain to law, they do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein. All allegations of fact in paragraph 12 are denied for lack of sufficient information to justify a belief therein.

10.

The allegations of Paragraphs 14 - 33 of the Complaint are denied for lack of sufficient information to justify a belief therein.

11.

The allegations of Paragraphs 34 - 36 of the Complaint are denied.

12.

To the extent the allegations of Paragraph 37 pertain to law, they do not require a response. To the extent a response is required, the allegations are denied. All factual allegations in paragraph 37 are denied.

13.

The allegations of Paragraphs 38 and 39 are denied.

14.

The allegations of Paragraphs 40 – 48 of the Complaint are denied for lack of sufficient information to justify a belief therein.

15.

The allegations of Paragraph 49 are admitted.

16.

The allegations of Paragraphs 50 - 53 of the Complaint are denied.

17.

The allegations of fact contained in any and all unnumbered paragraphs of the Complaint, including the Plaintiffs' prayer for relief, including subparts 1-6 of such prayer, are denied.

18.

DuPont requests a trial by jury of all of Plaintiffs' claims alleged in the original Complaint .

**ANSWER TO FIRST AMENDED COMPLAINT**  
**FOR DAMAGES UNDER FALSE CLAIMS ACT**

19.

The allegations contained in Paragraph I of the Amended Complaint do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein.

20.

In response to the allegations in the first sentence of Paragraph 10 of the Amended Complaint, it is admitted that Mr. Simoneaux was employed by DuPont at its Burnside facility for several years as an operator. All other factual allegations in Paragraph 10 are denied for lack of sufficient information to justify a belief therein.

21.

The allegations contained in Paragraph II of the Amended Complaint do not require a response. To the extent a response is required, the allegations are denied for lack of sufficient information to justify a belief therein.

22.

The allegations of Paragraph 37.1 of the Amended Complaint are denied.

23.

The allegations of Paragraphs 37.2 and the first 37.3 of the Amended Complaint are denied for lack of sufficient information to justify a belief therein.

24.

The last sentence of the second Paragraph 37.3 of the Amended Complaint is denied. All other factual allegation in the second Paragraph 37.3 are denied for lack of sufficient information to justify a belief therein.

25.

The allegations of Paragraphs 37.4 – 37.7 of the Amended Complaint are denied for lack of sufficient information to justify a belief therein.

26.

The allegations of Paragraph 37.8 of the Amended Complaint are denied.

27.

The allegations of Paragraphs 37.9 – 37.19 of the Amended Complaint are denied for lack of sufficient information to justify a belief therein.

28.

The allegations of Paragraphs 37.20 – 37.24 of the Amended Complaint are denied.

29.

The allegations of Paragraph 37.25 of the Amended Complaint are denied for lack of sufficient information to justify a belief therein.

30.

The allegations of Paragraphs 37.26 and 37.27 of the Amended Complaint are denied.

31.

The allegations of Paragraphs 37.28 and 37.29 of the Amended Complaint are denied for lack of sufficient information to justify a belief therein.

32.

The allegations of Paragraph 49.1 of the Amended Complaint are denied.

33.

The allegations of Paragraph 54 of the Amended Complaint do not require a response.

34.

The allegations of fact contained in any and all unnumbered paragraphs of the Amended Complaint, including the Plaintiffs' prayer for relief, are denied.

35.

DuPont requests a trial by jury of all of Plaintiffs' claims alleged in the First Amended Complaint.

**AFFIRMATIVE DEFENSES**

**AND NOW**, further answering Plaintiffs' Complaint and First Amended Complaint, DuPont avers the following Affirmative Defenses:

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' damages, if any, which are expressly denied, were caused by Jeffery M. Simoneaux's own actions, and not by the fault of Defendant or anyone for whom the Defendant may be responsible, as will be proved at the trial of this matter.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs have failed to mitigate damages.

**THIRD AFFIRMATIVE DEFENSE**

At all times pertinent hereto, Defendant acted reasonably and prudently under the circumstances and complied with all applicable federal and state laws and regulations.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff, Jeffrey Simoneaux, is barred from recovering damages multiple times against the same defendant pertaining to the same factual circumstances. Accordingly, to the extent he obtains an award of damages for retaliation against DuPont in his pending action entitled *Simoneaux v. E.I. DuPont de Nemours and Company, C.A. no. 3;11-CV-00506*, arising from or related to his application for the Logistics or Administrative Specialist office position, his recovery here upon those same facts should be barred.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant reserves the right to set forth additional defenses after appropriate discovery has been conducted.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant reserves the right to file additional answers, third-party complaints and/or counter-claims such as the facts may later disclose and require.

**WHEREFORE**, Defendant, E.I. du Pont de Nemours and Company, prays that this Answer to Plaintiffs' original and First Amended Complaint for Damages under the False Claims Act be deemed good and sufficient, and that after due proceedings be had, including a trial by jury, there be judgment herein in favor of Defendant, E.I. du Pont de Nemours and Company and against Plaintiffs, Unites States of America, et al. and Jeffrey M. Simoneaux, Relator, dismissing Plaintiffs' claims, with prejudice, at Plaintiffs' cost. Further Defendant, E.I. du Pont de Nemours and Company, prays for all other general and equitable relief to which it may be entitled.

Respectfully Submitted:

**KUCHLER POLK SCHELL  
WEINER & RICHESON, LLC**

s/ Monique M. Weiner

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*Counsel for Defendant,*

*E. I. du Pont de Nemours and Company*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on this 30<sup>th</sup> day of November, 2012 filed electronically a true copy of the foregoing. All parties received notice of this filing by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system. Additionally, true and correct copies of the foregoing were served by facsimile and U.S. Mail to non-participants of the CM/ECF system

s/ Monique M. Weiner  
MONIQUE M. WEINER