

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 17-cv-1871-STV

WENDY KOLBE, and
COLORADO CROSS-DISABILITY COALITION, a Colorado non-profit organization,

Plaintiffs,

v.

ENDOCRINE SERVICES, P.C., a Colorado Corporation

Defendant.

ANSWER

The Defendant, Endocrine Services, P.C. by and through its attorneys, Waters, Kubik and Cassens, LLC, Michael Waters and Buxman Kwitek, Douglas Kwitek, hereby files an answer and response to Plaintiff's Complaint as follows:

Introduction

1. The Defendant neither admits or denies the tutorial on the history of various statutory causes of action presented in paragraphs 1 through 11 of Plaintiff's Complaint.

Jurisdiction and Venue

2. Defendant admits to paragraphs 13 and 13 of the Plaintiff's Complaint which pertains to jurisdiction and venue.

Parties

3. Defendant has insufficient information upon which the base of belief as to the truth or falsity of the claims in paragraphs 14 through 18 of Plaintiff's Complaint.

4. Defendant admits to the allegations contained in paragraph 19 of Plaintiff's Complaint.

Facts

5. Defendant as insufficient information upon which the base of belief as the truth or falsity of the claims in paragraphs 20, 21 and 22 of Plaintiff's Complaint.

6. Defendant denies the allegations contained in paragraphs 22 through 53 of Plaintiff's Complaint.

First Claim for Relief
(Violations of the ADA)

7. Paragraphs 54 through 56 are statements of law to which the Defendant neither admits or denies the accuracy of the statements.

8. Defendant denies the allegations contained in paragraphs 57 through 70 of Plaintiff's Complaint.

Second Claim for Relief
(Violations of Section 504)

9. Paragraph 71 provides a statement of the law to which the Defendant neither admits or denies the accuracy of the statement.

10. Defendant denies the allegations contained in paragraphs 72 through 79 of Plaintiff's Complaint.

Third Claim for Relief
(Violations of CADA)

11. Paragraphs 80 through 91 provide a statement of the law to which the Defendant neither admits or denies the accuracy of the statement.

12. Defendant denies the allegations contained in paragraphs 92 through 96 of Plaintiff's Complaint.

Affirmative Defenses

1. Defendant pursuant to Rule 8 pleads an affirmative defense of failure to state a claim upon which relief can be granted.
2. Defendant notes pursuant to Rule 9(a)(2), Defendant specifically raises the issue that the Colorado Cross Disability Coalition may not have the capacity, standing and authority to pursue its claim.

Wherefore, the Defendant seeks dismissal of the claims asserted against it as well as attorney fees and costs incurred in defending the claims of the Plaintiff.

DATED: September 21, 2017

Respectfully submitted,

/s/Michael R. Waters

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2017, the foregoing, was served upon the following:

Andrew C. Montoya
Kevin W. Williams
1385 S. Colorado Blvd., Ste. 610-A
Denver, CO 80222

/s/Dawn Palma

Dawn Palma