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Attorneys for Defendants, THE BARBERSHOP, R.C., INC.; RICHARD JAY HERNANDEZ, JR.; and BRANDEN MCREYNOLDS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

KENDALL OLIVER, Plaintiff, vs. THE BARBERSHOP, R.C., INC.; RICHARD JAY HERNANDEZ, JR.; and BRANDEN MCREYNOLDS, Defendants.	Case No: CIVDS1608233 (Complaint filed on May 25, 2016) **DEFENDANTS' ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT** Trial Date: Not Assigned

COMES NOW defendants THE BARBERSHOP, R.C., INC.; RICHARD JAY HERNANDEZ, JR.; and BRANDEN MCREYNOLDS and answering plaintiff's Complaint for Damages on file herein, for themselves alone and for no other defendants, admits, denies and alleges as follows:

GENERAL DENIAL

1. Pursuant to the provisions of Section 431.30 of the Code of Civil Procedure, this answering defendant denies, generally and specifically each and every allegation contained in plaintiff's Complaint, and the whole thereof, and each and every alleged cause of action thereof, and denies that plaintiff sustained damages in the sum or sums alleged, or at all, by reason of any act, breach or omission on the part of this answering defendant, its agents or employees.

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FIRST AFFIRMATIVE DEFENSE

2. Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action against the answering defendants.

SECOND AFFIRMATIVE DEFENSE

3. Defendant is not a business establishment covered by the provisions of the Unruh Act.

THIRD AFFIRMATIVE DEFENSE

4. The discriminatory action alleged by plaintiff was not intentional, in that defendants had no intent to discriminate against plaintiff. As a result, plaintiff is not entitled to the relief requested in the complaint.

FOURTH AFFIRMATIVE DEFENSE

5. Defendant's actions were based on their exercise of a constitutionally protected right in that Defendants have sincerely held religious beliefs that forbid them from cutting hair of the opposite sex. As a result, plaintiff is not entitled to the relief requested in the complaint.

Wherefore, these answering defendants prays as follows:

1. That plaintiff's Complaint be dismissed with prejudice;

2. That plaintiff take nothing by this action;

3. That judgment be entered against plaintiff and in favor of these answering defendants;

4. That these answering defendants be awarded its costs of suit incurred herein;

5. That these answering defendants be awarded its attorney's fees in this action; and

6. For such other and further relief as the Court deems just and proper.

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DATED: July 27, 2016

PACIFIC JUSTICE INSTITUTE

By: _____
MICHAEL J. PEFFER, ESQ.
Attorney for Defendants, THE BARBERSHOP, R.C., INC.; RICHARD JAY HERNANDEZ, JR.; and BRANDEN MCREYNOLDS

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
) ss.
)
COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is 3843 Bristol Street, #182, Santa Ana, California 92704.

On July 27, 2016, I served the foregoing document described as **DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**, on the interested parties by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

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__X__ BY MAIL: I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same date with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

_____ BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the office of the addressee(s).

_____ BY FACSIMILE TRANSMISSION: The facsimile machine I used complied with California Rules of Court 2003(3) and no error was reported by the machine. Pursuant to rule 2005(i), I caused the machine to print a record of the transmission, a copy of which is attached to this proof of service.

_____ BY FEDERAL EXPRESS: I caused the above-referenced document(s) to be delivered via Federal Express, for delivery to the above address(es).

__X__ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

_____ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 27, 2016, at Santa Ana, California.

MICHAEL PEFFER