

COMMONWEALTH OF MASSACHUSETTS  
LABOR RELATIONS COMMISSION

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In the Matter of

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Winthrop Police, MCOP Local 421

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and

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Town of Winthrop

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Case No: MUP 16-5344

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ANSWER OF RESPONDENT, TOWN OF WINTHROP

1. The respondent admits Paragraphs 1, 2, 3, 4, 5, 6, and 7 of the Complaint.
2. The respondent denies Paragraph 8 of the Complaint and further answers that the Town offered complainants counsel access to the information requested prior to the investigatory interview of the unit members.
3. The respondent denies Paragraphs 9, 10, and 11 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense Respondent alleges that the Complaint fails to state sufficient facts to constitute a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense Respondent alleges that the Complainant failed, refused, and/or neglected to discuss with the Respondent alternative means to discuss the allegations contained in the civilian complaint.

THIRD AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense Respondent alleges that the Complainant is estopped by their conduct from asserting each of the causes of action upon which they seek relief.

#### FOURTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense Respondent alleges that the Complaint and each and every alleged cause of action contained therein are barred by the doctrine of waiver.

#### FIFTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense Respondent alleges that no officer subject to the investigation has been disciplined and the Internal Affairs Investigation has been closed.

#### SIXTH AFFIRMATIVE DEFENSE

The charging party's claims are barred to the extent that they fail to establish a violation of G.L. 150E.

#### SEVENTH AFFIRMATIVE DEFENSE

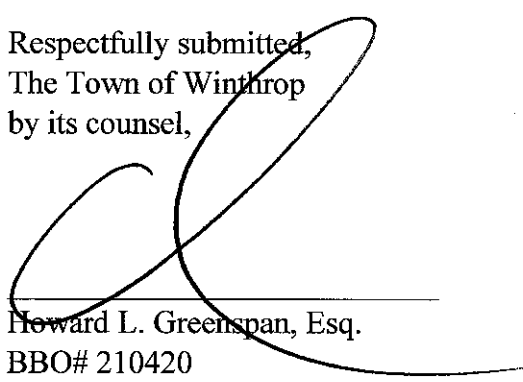
The Respondent has complied with all laws and regulations and otherwise satisfied its statutory obligations under G.L. 150E.

#### EIGHTH AFFIRMATIVE DEFENSE

The Charging Party failed to make reasonable settlement efforts relevant to this charge.

Wherefore, Respondent prays that the Complaint be dismissed with prejudice.

Respectfully submitted,  
The Town of Winthrop  
by its counsel,

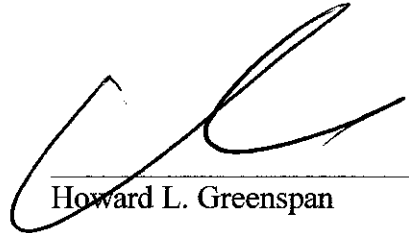


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Dated: 9-8-16

CERTIFICATE OF SERVICE

A copy of the foregoing Answer Of Respondent, Town Of Winthrop has been sent via U.S. Mail, postage pre-paid this 8<sup>th</sup> day of September, 2016 to Jennifer Smith, Esq., Sandulli Grace, 44 School Street, Suite 1100, Boston, MA 02108.



Howard L. Greenspan