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6 Attorneys for CITY OF LA PALMA

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **SOUTHERN DIVISION**

10 MISTY TORRES, an individual,
11 Plaintiff,

12 v.

13 CITY OF LA PALMA, a municipal
14 corporation; and DOES 1 through 20,
15 inclusive,
16 Defendants.

Case No. 8:26-cv-01754

**DEFENDANT CITY OF LA
PALMA'S ANSWER TO FIRST
AMENDED COMPLAINT**

Judge:

Complaint Filed: April 8, 2026
FAC Filed: June 8, 2026
Trial Date: Not set

17 Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendant City
18 of La Palma ("Defendant") answers the First Amended Complaint ("FAC") of
19 Plaintiff Misty Torres ("Plaintiff"). If an averment is not specifically admitted, it is
20 hereby denied.

21 **INTRODUCTION**

22 1. Answering Paragraph 1, Defendant admits that Plaintiff was employed
23 with the City of La Palma for several years. Except as expressly admitted,
24 Defendant denies all remaining allegations in Paragraph 1.

25 2. Answering Paragraph 2, Defendant denies each and every allegation
26 contained therein.

27 3. Answering Paragraph 3, Defendants denies each and every allegation
28 contained therein.

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1 4. Answering Paragraph 4, Defendant denies each and every allegation
2 contained therein.

3 5. Answering Paragraph 5, Defendant denies each and every allegation
4 contained therein.

5 6. Answering Paragraph 6, Defendant denies each and every allegation
6 contained therein.

7 7. Answering Paragraph 7, Defendant denies each and every allegation
8 contained therein.

9 **THE PARTIES**

10 15. Answering Paragraph 15, Defendant admits that Plaintiff resides in
11 California.

12 16. Answering Paragraph 16, Defendant admits that the City of La Palma is
13 a public entity organized and existing under the laws of the State of California and
14 doing business in Orange County, California.

15 17. Answering Paragraph 17, Defendant denies each and every allegation
16 contained therein.

17 18. Answering Paragraph 18, Defendant denies each and every allegation
18 contained therein.

19 **VENUE**

20 19. Answering Paragraph 19, Defendant alleges that the Central District of
21 California is the proper venue for this action and denies each and every allegation
22 contained therein.

23 **JURISDICTION**

24 20. Answering Paragraph 20, Defendant denies each and every allegation
25 contained therein.

26 **BACKGROUND FACTS**

27 21. Answering Paragraph 21, Defendant admits that Plaintiff began work
28 for the City of La Palma on or about May 8, 2018.

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1 22. Answering Paragraph 22, Defendant admits that Plaintiff worked as a
2 Recreation Specialist in the Tiny Tots Program.

3 23. Answering Paragraph 23, Defendant denies each and every allegation
4 contained therein.

5 24. Answering Paragraph 24, Defendant denies each and every allegation
6 contained therein.

7 25. Answering Paragraph 25, Defendant denies each and every allegation
8 contained therein.

9 26. Answering Paragraph 26, Defendant denies each and every allegation
10 contained therein.

11 27. Answering Paragraph 27, Defendant denies each and every allegation
12 contained therein.

13 28. Answering Paragraph 28, Defendant denies each and every allegation
14 contained therein.

15 29. Answering Paragraph 29, Defendant denies each and every allegation
16 contained therein.

17 30. Answering Paragraph 30, Defendant denies each and every allegation
18 contained therein.

19 31. Answering Paragraph 31, Defendant denies each and every allegation
20 contained therein.

21 32. Answering Paragraph 32, Defendant denies each and every allegation
22 contained therein.

23 33. Answering Paragraph 33, Defendant denies each and every allegation
24 contained therein.

25 34. Answering Paragraph 34, Defendant denies each and every allegation
26 contained therein.

27 35. Answering Paragraph 35, Defendant denies each and every allegation
28 contained therein.

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1 36. Answering Paragraph 36, Defendant denies each and every allegation
2 contained therein.

3 37. Answering Paragraph 37, Defendant denies each and every allegation
4 contained therein.

5 38. Answering Paragraph 38, Defendant denies each and every allegation
6 contained therein.

7 39. Answering Paragraph 39, Defendant denies each and every allegation
8 contained therein.

9 40. Answering Paragraph 40, Defendant denies each and every allegation
10 contained therein.

11 41. Answering Paragraph 41, Defendant denies each and every allegation
12 contained therein.

13 42. Answering Paragraph 42, Defendant denies each and every allegation
14 contained therein.

15 43. Answering Paragraph 43, Defendant denies each and every allegation
16 contained therein.

17 44. Answering Paragraph 44, Defendant denies each and every allegation
18 contained therein.

19 45. Answering Paragraph 45, Defendant denies each and every allegation
20 contained therein.

21 46. Answering Paragraph 46, Defendant denies each and every allegation
22 contained therein.

23 47. Answering Paragraph 47, Defendant denies each and every allegation
24 contained therein.

25 48. Answering Paragraph 48, Defendant denies each and every allegation
26 contained therein.

27 49. Answering Paragraph 49, Defendant denies each and every allegation
28 contained therein.

53. Answering Paragraph 53, Defendant denies each and every allegation contained therein.

(Against all Defendants)

59. Answering Paragraph 59, Defendant denies each and every allegation contained therein.

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1 60. Answering Paragraph 60, the Paragraph consists solely of legal
2 conclusions not requiring a response from Defendant, and the Defendant denies the
3 allegations on that basis.

4 61. Answering Paragraph 61, Defendant denies each and every allegation
5 contained therein.

6 62. Answering Paragraph 62, Defendant denies each and every allegation
7 contained therein.

8 63. Answering Paragraph 63, Defendant denies each and every allegation
9 contained therein.

10 64. Answering Paragraph 64, Defendant denies each and every allegation
11 contained therein.

12 65. Answering Paragraph 65, Defendant denies each and every allegation
13 contained therein.

14 66. Answering Paragraph 66, Defendant denies each and every allegation
15 contained therein.

16 67. Answering Paragraph 67, Defendant denies each and every allegation
17 contained therein.

18 68. Answering Paragraph 68, Defendant denies each and every allegation
19 contained therein.

20 **AFFIRMATIVE DEFENSES**

21 Defendant pleads the following separate defenses. Defendant reserves the
22 right to assert additional affirmative defenses that discovery indicates are proper.

23 **FIRST AFFIRMATIVE DEFENSE**

24 As a separate and distinct affirmative defense, Defendant alleges that the
25 FAC, and each and every alleged cause of action therein, fails to state facts
26 sufficient to constitute a cause of action upon which relief can be granted.
27
28

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SECOND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that it paid all wages due and owing to Plaintiff.

THIRD AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that the FAC is untimely and violates the statute of limitations in 29 U.S. Code § 255.

FOURTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims are barred in whole or in part to the extent that she did not mitigate her damages.

FIFTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claim under the FLSA, to the extent it is based upon the time period that Plaintiff is claiming a violation of the FLSA for the period worked at the City of La Palma, is barred in whole or in part to the extent that the work she performed falls within exemptions, exceptions, or exclusions provided under the FLSA.

SIXTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims are barred in whole or in part because actions taken in connection with Plaintiff's compensation were done in good faith.

SEVENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that each purported cause of action contained in the FAC, or some of the causes of action, are barred, or any recovery should be reduced, pursuant to the avoidable consequences doctrine because Defendant took reasonable steps to prevent and correct improper wage payment.

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EIGHTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred by the doctrine of waiver.

TENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred by the doctrine of estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred by the doctrine of consent.

TWELFTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred by her failure to exhaust administrative remedies and/or comply with any pre-litigation claim requirement.

THIRTEENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred due to a lack of specificity.

FOURTEENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's alleged damages are entitled to setoff, offset, and/or recoupment for amounts paid to Plaintiff.

FIFTEENTH AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendant alleges that Plaintiff's claims in the FAC are barred due to the doctrine of good faith and reasonableness.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant reserves its right to amend and/or supplement its Affirmative Defenses in the future.

WHEREFORE, Defendant prays for relief as follows:

1. That the First Amended Complaint be dismissed, with prejudice and in its entirety;
2. That Plaintiff take nothing by reason of this First Amended Complaint and that judgment be entered against Plaintiff and in favor of Defendant;
3. That Defendant be awarded its costs incurred in defending this action;
4. That Defendant be granted such other and further relief as the Court may deem just and proper.

DATED: July 14, 2026

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CERTIFICATE OF SERVICE

Misty Torres v. City of La Palma
United States District Court, Central District of California
Case No. 8:26-cv-01754

I, Tracey S. West, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 790 E. Colorado Boulevard, Suite 850, Pasadena, CA 91101-2109. My e-mail address is: TWest@chwlaw.us. On July 14, 2026, I served true copies of the following document(s) described as **DEFENDANT CITY OF LA PALMA'S ANSWER TO FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

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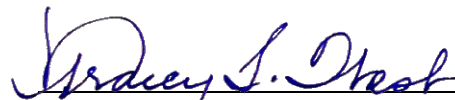
Attorneys for Plaintiff
MISTY TORRES

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address TWest@chwlaw.us to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY MAIL: By placing a true copy thereof in a sealed envelope, The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal service on that same day with postage thereon fully prepaid at Pasadena, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after service of deposit for mailing in affidavit.

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. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on July 14, 2026, at St. Louis, Missouri.


Tracey S. West

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