

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-03074-CMA-CBS

JOHANA PAOLA BELTRAN, et al.,

Plaintiffs,

v.

INTEREXCHANGE, INC., et al.,

Defendants.

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**DEFENDANT USAUPAIR'S ANSWER TO PLAINTIFFS' THIRD  
AMENDED COMPLAINT AND JURY DEMAND**

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Defendant USAuPair, Inc. ("USAuPair") hereby answers Plaintiffs' Third Amended Complaint [Doc. 983] (the "Complaint"), denying each and every allegation not specifically admitted, and, without assuming any burden of proof that would otherwise not be placed on USAuPair by laws, averring separate defenses as follows:

**INTRODUCTORY STATEMENT**

1. Admitted in part; denied in part. Admitted that Congress created the au pair program to, among other things, "enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries . . . , assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world . . . ," and to "assist the Department of State in furthering the foreign policy objectives of the United States."

Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. § 2451, et seq.; 22 C.F.R. § 62.1(a). The remaining allegations in Paragraph 1 are denied.

2. Admitted in part; denied in part. Admitted that the United States Information Agency (“USIA”) administered the au pair program prior to the U.S. Department of State (“DOS”) and that DOS designated the fifteen defendants as the current sponsors of the program. The remaining allegations in Paragraph 2 are denied.

3. Denied.

4. Denied.

5. Denied.

6. Denied.

7. Denied. USAuPair receives a program fee from host families.

8. Denied.

9. Admitted in part; denied in part. Admitted that many au pair participants in the program are join great families and have excellent experiences. The remaining allegations in Paragraph 9 are denied.

10. Denied.

11. Denied for lack of information.

12. Denied.

### **NATURE OF THE ACTION**

13. Paragraph 13 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a response is required, the allegations in paragraph 13 are denied.

14. Paragraph 14 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a response is required, the allegations in paragraph 14 are denied.

15. Paragraph 15 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a response is required, the allegations in paragraph 15 are denied.

### **JURISDICTION AND VENUE**

16. USAuPair does not contest jurisdiction.

17. USAuPair does not contest venue.

### **PARTIES**

18. Denied in part. USAuPair denies the characterization of an au pair's participation in the DOS cultural exchange program as a "service contract." USAuPair is without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 18, and therefore denies same.

19. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 and therefore denies same.

20. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 and therefore denies same.

21. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 and therefore denies same.

22. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 and therefore denies same.

23. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 and therefore denies same.

24. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 and therefore denies same.

25. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 and therefore denies same.

26. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 and therefore denies same.

27. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 and therefore denies same.

28. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 and therefore denies same.

29. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 and therefore denies same.

30. Paragraph 30 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

31. Admitted.

32. Paragraph 32 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

33. Paragraph 33 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

34. Paragraph 34 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

35. Paragraph 35 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

36. Paragraph 36 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

37. Paragraph 37 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

38. Paragraph 38 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

39. Paragraph 39 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

40. Paragraph 40 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

41. Paragraph 41 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

42. Paragraph 42 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

43. Paragraph 43 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

44. Paragraph 44 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

45. Paragraph 45 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

46. Paragraph 46 makes no allegations regarding USAuPair and therefore no responsive pleading is required.

47. To the extent that Paragraph 48 requires a response, admitted that Plaintiffs refer to the defendants as “Sponsors” and “Sponsor Defendants” in the Third Amended Complaint and any remaining allegations in Paragraph 47 are denied.

### **STATEMENT OF FACTS**

#### **I. Background**

##### **A. The J-1 Visa Au Pair Program**

48. Denied.

49. Admitted in part; denied in part. Admitted that the au pair program is one of several U.S. Government cultural exchange programs created pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. § 2451, et seq. and that DOS oversees, facilitates, and regulates the program. It is also admitted that au pair participants obtain a J-1 visa. The remaining allegations in Paragraph 49 are denied.

50. Admitted in part; denied in part. Admitted that, pursuant to 22 C.F.R. § 62.31, the au pair program allows foreign nationals who, among other things, are between the ages of 18 and 26, who are secondary school graduates, and who are proficient in spoken English, to live with an American host family and participate directly in the home life of the host family. *Id.* at § 62.31(d). Au pair participants provide limited child care

services to the host family and attend a U.S. post-secondary educational institution. *Id.* at § 62.31(a). Au pair participants provide up to forty-five hours of child care services per week and pursue not less than six semester hours of academic credit or its equivalent during their year of program participation. *Id.* The remaining allegations in Paragraph 50 are denied.

51. Admitted in part; denied in part. Admitted that DOS oversees, facilitates, and regulates the au pair program, designates entities to act as sponsors, and that the 15 currently designated sponsors of the au pair program are the defendants in this case. USAuPair denies that DOS's sole role is to facilitate the program and designate sponsors.

52. Admitted in part; denied in part. Admitted that one must be designated by DOS as a sponsor of the au pair program in order to place au pairs and that au pairs placed in the U.S. must be sponsored in order to participate in the program. The remaining allegations in paragraph 52 consist of conclusions of law in that they seek to paraphrase the DOS regulations, which speak for themselves, and therefore no response is required. To the extent a response is required, the remaining allegations in paragraph 52 are denied.

53. Admitted in part; denied in part. Admitted that USAuPair is a for-profit entity. The remaining allegations in Paragraph 53 make no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a response is required, the remaining allegations in paragraph 53 are denied.

54. The allegations in paragraph 54 consist of conclusions of law and therefore no response is required. To the extent a response is required, the allegations in paragraph 55 are denied.

**B. Historical Labor Abuses in the Au Pair Program**

55. Denied.

**1. The Program Began with a Price-Fixing Cartel and Paid Illegal Wages in Contravention of Federal and State Labor Laws.**

56. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 and therefore denies same.

57. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 and therefore denies same.

58. Denied.

59. Denied.

60. Denied.

**2. The Program Came Under Nearly Immediate Scrutiny for Early Sponsor's Abuses.**

61. Admitted in part; denied in part. Admitted that the report was issued; however, the report is in writing and speaks for itself, and all attempts to paraphrase or characterize the report are denied. The remaining allegations in paragraph 61 are denied.

62. Admitted in part; denied in part. Admitted that the report was issued; however, the report is in writing and speaks for itself, and all attempts to paraphrase or characterize the report are denied. The remaining allegations in paragraph 62 are denied.



63. Admitted in part; denied in part. Admitted that the report was issued; however, the report is in writing and speaks for itself, and all attempts to paraphrase or characterize the report are denied. The remaining allegations in paragraph 63 are denied.

**3. The Government Issued Rules to Require Sponsors to Protect *Au Pairs*' Rights As Employees.**

64. Admitted in part; denied in part. Admitted upon information and belief that the USIA conducted a rulemaking and published its interim final rule with request for comment in December 1994. However, the interim final rule is in writing and speaks for itself, and all attempts to paraphrase or characterize the final rule are denied. The remaining allegations of paragraph 64 are denied.

65. Admitted in part; denied in part. Admitted that the final rule was issued. The final rule is in writing and speaks for itself, and all attempts to paraphrase or characterize the final rule are denied. The remaining allegations of paragraph 65 are denied.

66. Admitted that the final rule was issued. The final rule is in writing and speaks for itself, and all attempts to paraphrase or characterize the final rule are denied. Any remaining allegations of paragraph 66 are denied.

**4. The Government Created a Programmatic Wage Floor.**

67. Admitted that the final rule was issued. The final rule is in writing and speaks for itself, and all attempts to paraphrase or characterize the final rule are denied. Any remaining allegations of paragraph 67 are denied.

68. Admitted that the final rule was issued. The final rule is in writing and speaks for itself, and all attempts to paraphrase or characterize the final rule are denied. Any remaining allegations of paragraph 68 are denied.

69. Denied.

70. Admitted in part; denied in part. Admitted that 22 C.F.R. § 63.31(j)(1) governs the au pair program. However, the regulation is in writing and speaks for itself, and all attempts to paraphrase or characterize the regulation are denied. Any remaining allegations of paragraph 70 are denied.

71. Denied.

**5. Abuse of *Au Pairs'* Rights as Employees Continued Under a "Cartel" of Sponsors, Which Fixed Wages at the Programmatic Wage Floor, Irrespective of Federal and State Minimum Wage Laws.**

72. Denied.

73. Denied.

74. Admitted upon information and belief that Mr. Duffey testified; however, his testimony speaks for itself, and all attempts to paraphrase or characterize his testimony are denied. Any remaining allegations of Paragraph 74 are denied, including but not limited for lack of firsthand information sufficient to form a response.

75. Denied.

**II. THE SPONSOR DEFENDANTS HAVE ILLEGALLY FIXED STANDARD AU PAIR WAGES**

76. Denied.

**A. The Sponsors Collectively Control the Market for J-1 Visa Au Pair Employment.**

77. Admitted in part; denied in part. Admitted that USAuPair is designated by DOS as a sponsor of the au pair program and that a foreign national must be sponsored

by USAuPair or another sponsor in order to participate in the program. All remaining allegations of paragraph 77 are denied.

78. Admitted in part; denied in part. Admitted that USAuPair and the other U.S. Government designated sponsors comprise all the currently-designated sponsors. The remaining allegations in paragraph 78 are denied.

79. Admitted in part; denied in part. Admitted that USAuPair competes with other sponsors and that USAuPair collects a fee from host families; however, DOS allots only a limited number of visas to USAuPair each year. The remaining allegations in paragraph 79 are denied.

80. Admitted in part; denied in part. Admitted that USAuPair markets itself to potential au pairs as a quality sponsor. The remaining allegations in paragraph 80 are denied.

81. Denied.

82. Denied.

**B. The Sponsor Defendants Have Conspired to Fix Standard Au Pair Wages.**

83. Denied.

84. Denied.

85. Denied.

**1. The Sponsors Have Conspired to Set Standard Au Pair Wages at the Programmatic Wage Floor, Which is Currently \$195.75 Per Week.**

86. Admitted.

87. Denied.

88. The au pair regulations are in writing and speak for themselves, and all attempts to paraphrase or characterize them are denied. The remaining allegations in Paragraph 88, if any, are denied.

89. Admitted that as of July 24, 2009, the DOS had designated \$195.75, which included a 40% credit for room and board, as the weekly stipend for participants in the cultural exchange au pair program. The remaining allegations in Paragraph 89, if any, are denied.

90. Denied.

91. Denied.

92. Denied.

93. Paragraph 94 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a response is required, the allegations in paragraph 93 are purport to derive from a document, which document speaks for itself, and all attempts to paraphrase or characterize the document are denied. The remaining allegations in Paragraph 93, if any, are denied.

94. Paragraph 94 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 94 are denied.

95. Denied.

**2. Several Sponsors Have Admitted that the Sponsors Collectively Colluded to Set Standard *Au Pair* Wages at that Amount.**

96. Denied.

97. Denied, and each subpart is denied.

98. Paragraph 98 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 98 are denied.

99. Paragraph 99 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 99 are denied.

100. Paragraph 100 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 100 are denied.

**3. The Sponsors Uniformly Advertise Standard *Au Pair* Wages at the Identical Amount.**

101. Denied.

**a. InterExchange**

102. Paragraph 102 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 102 are denied.

**b. Cultural Care**

103. Paragraph 103 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 103 are denied.

**c. Au Pair in America**

104. Paragraph 104 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 104 are denied.

**d. GoAuPair**

105. Paragraph 105 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 105 are denied.

**e. USAuPair**

106. Admitted in part; denied in part. Admitted that USAuPair advertises a stipend in accordance with DOS regulation and directives. The remaining allegations in paragraph 106 are denied.

**f. GreatAuPair**

107. Paragraph 107 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 107 are denied.

**g. Expert AuPair**

108. Paragraph 108 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 108 are denied.

**h. EurAuPair**

109. Paragraph 109 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 109 are denied.

**i. Cultural Homestay**

110. Paragraph 110 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 110 are denied.

**j. AuPairCare**

111. Paragraph 111 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 111 are denied.

**k. Au Pair International**

112. Paragraph 112 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 112 are denied.

**l. APF Global Exchange**

113. Paragraph 113 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 113 are denied.

**m. Agent Au Pair**

114. Paragraph 114 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 114 are denied.

**n. ProAuPair**

115. Paragraph 115 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 115 are denied.

**o. The International Au Pair Exchange**

116. Paragraph 116 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 116 are denied.

117. Paragraph 117 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 117 are denied.

118. Paragraph 118 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 118 are denied.

119. Paragraph 119 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 119 are denied.



120. Paragraph 120 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 120 are denied.

**4. The Sponsors Have Maintained the Fixed Standard *Au Pair* Wage, Despite Illegality and Differences in Market Conditions.**

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. Denied.

**5. The Sponsors Have Had the Means, Opportunity, and Motive to Conspire to Fix Standard *Au Pair* Wages.**

127. Denied.

128. Admitted in part; denied in part. Admitted that au pairs seek to experience American culture and life. The remaining allegations in paragraph 128 are denied.

129. USAuPair is without knowledge or information sufficient to form a belief as to what the Au Pairs understand, view or expect and therefore, these allegations are denied.

130. Denied.

131. Denied.

132. Paragraph 132 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 132 are denied.

133. Paragraph 133 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 133 are denied.

134. Paragraph 134 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 134 are denied.

135. Paragraph 135 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 135 are denied.

136. Paragraph 136 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 136 are denied.

137. Denied.

138. Denied.

139. Denied.

140. Denied.

141. Admitted in part; denied in part. Admitted that USAuPair posts stipend information online. The remaining allegations in paragraph 141 are denied.

142. Denied.

143. Denied.

144. Paragraph 144 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 144 are denied.

145. Paragraph 145 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 145 are denied.

**6. The Sponsors Have Used Deception as One Means of Maintaining Fixed Standard *Au Pair* Wages.**

146. Denied.

147. Denied.

148. Paragraph 148 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 148 are denied.

149. Paragraph 149 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 149 are denied.

150. Paragraph 150 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 150 are denied.

**C. The Sponsor Defendants' Conspiracy Has Damaged and/or Continues to Damage Plaintiffs and All Those Similarly Situated.**

151. Denied.

152. Denied.

153. Denied.

154. Denied.

155. Denied.

156. Denied.

157. Denied.

**III. INTEREXCHANGE, CULTURAL CARE, AND AU PAIR IN AMERICA HAVE DECIDED STANDARD *AU PAIRS* TO INDUCE THEM TO ACCEPT ILLEGAL WAGES.**

**A. InterExchange, Cultural Care, Au Pair in America, and AuPairCare Have Falsely Informed *Au Pairs* That They Are Not Entitled, by Law, to Any Amount Beyond \$195.75 Per Week.**

**1. The State Department's Posted Minimum Wage of \$195.75 Represents a Programmatic Wage Floor, Not a Maximum or Government-Fixed Amount.**

158. Denied.

159. Denied.

160. Denied.

161. The website is in writing and speaks for itself and all attempts to paraphrase or characterize the website are denied. The remaining allegations in paragraph 161 are denied.

162. Denied.

163. Denied. The USIA rule making publications are in writing and speak for themselves, and all attempts to paraphrase or characterize the publications are denied.

164. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 164 and therefore denies same.

165. The USIA rule making publications are in writing and speak for themselves, and all attempts to paraphrase or characterize the publications are denied. Any remaining allegations in paragraph 165 are denied.

166. The 1997 U.S. Department of Labor (“DOL”) Opinion Letter is in writing and speaks for itself, and all attempts to paraphrase or characterize the Opinion Letter are denied. Any remaining allegations in paragraph 166 are denied.

167. The August 1997 DOL Opinion Letter is in writing and speaks for itself and all attempts to paraphrase or characterize the opinion letter are denied. Any remaining allegations in Paragraph 167 are denied.

168. Admitted that DOS assumed oversight over the au pair program in 1999.

169. The Fact Sheet is in writing and speaks for itself, and all attempts to paraphrase or characterize the Fact Sheet are denied. Any remaining allegations in paragraph 169 are denied.

170. Denied.

171. The DOS notice entitled “Weekly Wage Due au pair program Participants” is in writing and speaks for itself, and all attempts to paraphrase or characterize it are denied. Any remaining allegations in paragraph 171 are denied.

172. Denied.

**2. The Sponsors All Know that the Published Federal Minimum Weekly Wage of \$195.75 Is Simply a Programmatic Wage Floor.**

173. Denied.

174. Admitted in part; denied in part. Admitted that USAuPair has access to regulations and publications related to the au pair program. The remaining allegations in paragraph 174 are denied.

175. Admitted in part; denied in part. Admitted USAuPair has access to other Sponsors' public websites but denies USAuPair has access to all Sponsors' marketing materials.

176. Paragraph 176 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 176 are denied.

177. Paragraph 177 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 177 are denied.

178. Paragraph 178 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 178 are denied.

179. Paragraph 179 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 179 are denied.

180. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 180 and therefore denies same.

181. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 181 and therefore denies same.

182. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 182 and therefore denies same.

**a. InterExchange**

183. Paragraph 183 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 183 are denied.

184. Paragraph 184 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 184 are denied.

185. Paragraph 185 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 185 are denied.

186. Paragraph 186 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 186 are denied.

187. Paragraph 187 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 187 are denied.

**b. Cultural Care**

188. Paragraph 188 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 188 are denied.

189. Paragraph 189 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 189 are denied.

190. Paragraph 190 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 190 are denied.

191. Paragraph 191 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 191 are denied.

192. Paragraph 192 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 192 are denied.

193. Paragraph 193 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 193 are denied.

194. Paragraph 194 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 194 are denied.

**d. AuPairCare**



195. Paragraph 195 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 195 are denied.

196. Paragraph 196 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 196 are denied.

**3. Yet, These Sponsors Have Falsely Informed *Au Pairs* and Host Families that the State Department Published Amount is a Fixed or Maximum Amount.**

197. Paragraph 197 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 197 are denied.

198. Paragraph 198 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 198 are denied.

**a. InterExchange**

199. Paragraph 199 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 199 are denied.

200. Paragraph 200 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 200 are denied.

201. Paragraph 201 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 201 are denied.

202. Paragraph 202 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 202 are denied.

203. Paragraph 203 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 203 are denied.

204. Paragraph 204 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 204 are denied.

205. Paragraph 205 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 205 are denied.

**b. Cultural Care**

206. Paragraph 206 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 206 are denied.

207. Paragraph 207 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 207 are denied.

208. Paragraph 208 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 208 are denied.

209. Paragraph 209 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 209 are denied.

210. Paragraph 210 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 210 are denied.

211. Paragraph 211 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 211 are denied

**c. Au Pair in America**

212. Paragraph 212 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 212 are denied

213. Paragraph 213 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 213 are denied

214. Paragraph 214 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 214 are denied

**d. AuPairCare**

215. Paragraph 215 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 215 are denied

216. Paragraph 216 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 216 are denied

217. Paragraph 217 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 217 are denied

**B. In Deceiving *Au Pairs*, InterExchange, Cultural Care, Au Pair in America, and AuPairCare Have Operated Through Patters of Racketeering Activity That Have Injured Plaintiffs and Those Similarly Situated.**

**1. The Enterprises**

218. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 218 and therefore denies same.

219. Admitted in part; denied in part. Admitted that USAuPair enters into contracts with host families, receives a fee from host families, and that its host families have no contractual relationship amongst themselves with respect to the au pair program. The remaining allegations in paragraph 219 are denied.

220. The DOS regulations are in writing and speak for themselves, and all attempts to paraphrase or characterize the regulations are denied. Any remaining allegations in paragraph 220 are denied.

221. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 221 and therefore denies same.

222. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 222 and therefore denies same.

223. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 223 and therefore denies same.

224. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 224 and therefore denies same.

**2. Association**

225. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 225 and therefore denies same.

226. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 226 and therefore denies same.

**3. Participation**

227. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 227 and therefore denies same.

228. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 228 and therefore denies same.

**4. Pattern of Racketeering Activity**

229. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 229 and therefore denies same.

230. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 230 and therefore denies same.

231. Denied.

232. Denied.

233. Denied.

234. Denied.

**5. These Actions Have Injured *Au Pairs***

235. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 235 and therefore denies same.

236. Denied.

**C. In Deceiving and/or Misleading *Au Pairs*, InterExchange, Culutral Care, GoAuPair, Au Pair in America, AuPairCare and Expert Au Pair Breached Fiduciary Duties to, Made Negligent Misrepresentations to, and/or Engaged in Constructive Fraud Against *Au Pairs*.**

237. Denied.

**1. The Sponsors Have Known that \$4.35 per Hour is Not a Legal Wage.**

238. Denied.

239. Denied.

240. Denied.

241. Denied.

242. Denied.

243. Denied.

244. Denied.

245. Denied.

246. Denied.

247. Denied.

248. Denied.

249. Denied.

250. Denied.

251. Denied.

252. Denied.

253. Denied.

254. Denied.

255. Denied.

256. Denied.

257. Denied.

258. Denied.

259. Denied.

260. Denied.

261. Denied.

**2. Specifically, InterExchange, Cultural Care, GoAuPair, Au Pair in America, AuPairCare and Expert Au Pair have Known That \$4.35 per Hour is Not a Legal Wage.**

**a. InterExchange**

262. Paragraph 262 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 262 are denied.

263. Paragraph 263 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 263 are denied.

264. Paragraph 264 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 264 are denied.

265. Paragraph 265 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 265 are denied.

266. Paragraph 266 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 266 are denied.

267. Paragraph 267 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 267 are denied.

268. Paragraph 268 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 268 are denied.



269. Paragraph 269 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 269 are denied.

**b. Cultural Care**

270. Paragraph 270 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 270 are denied.

271. Paragraph 271 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 271 are denied.

272. Paragraph 272 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 272 are denied.

273. Paragraph 273 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 273 are denied

274. Paragraph 274 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 274 are denied.

275. Paragraph 275 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 275 are denied.

276. Paragraph 276 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 276 are denied.

277. Paragraph 277 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 277 are denied.

278. Paragraph 278 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 278 are denied.

279. Paragraph 279 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 279 are denied.

280. Paragraph 280 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 280 are denied.

**c. GoAuPair**

281. Paragraph 281 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 281 are denied.

282. Paragraph 282 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 282 are denied.

283. Paragraph 283 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 283 are denied.

284. Paragraph 284 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 284 are denied.

285. Paragraph 285 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 285 are denied.

286. Paragraph 286 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 286 are denied.

287. Paragraph 287 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 287 are denied.

288. Paragraph 288 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 288 are denied.

289. Paragraph 289 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 289 are denied.

290. Paragraph 290 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 290 are denied.

291. Paragraph 291 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 291 are denied.

292. Paragraph 292 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 292 are denied.

293. Paragraph 293 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 293 are denied.

**d. AuPairCare**

294. Paragraph 294 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 294 are denied.

295. Paragraph 295 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 295 are denied.

296. Paragraph 296 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 296 are denied.

297. Paragraph 297 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 297 are denied.

298. Paragraph 298 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 298 are denied.

299. Paragraph 299 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 299 are denied.

300. Paragraph 300 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 300 are denied.

**e. Expert Au Pair**

301. Paragraph 301 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 301 are denied.

302. Paragraph 302 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 302 are denied.

303. Paragraph 303 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 303 are denied.

304. Paragraph 304 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 304 are denied.

305. Paragraph 305 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 305 are denied.

**f. Au Pair in America**

306. Paragraph 306 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 306 are denied.

307. Paragraph 307 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 307 are denied.

308. Paragraph 308 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 308 are denied.

309. Paragraph 309 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 309 are denied.

310. Paragraph 310 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 310 are denied.

311. Paragraph 311 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 311 are denied.

312. Paragraph 312 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 312 are denied.

**D. In Deceiving and/or Misleading *Au Pairs*, InterExchange, Cultural Care, GoAuPair, Au Pair in America, AuPairCare and Expert Au Pair Violated the *Au Pairs* As Consumers.**

313. Denied.

314. Denied.

315. Denied.

316. Denied.

317. Denied.

318. Denied.

**IV. INTEREXCHANGE, CULTURAL CARE, AU PAIR IN AMERICA, GOAUPAIR, AUPAIRCARE AND EXPERT AU PAIR EMPLOYED THE *AU PAIRS* THEY SPONSORED AND FAILED TO PAY THEM AT LEAST MINIMUM WAGE FOR THE HOURS THEY WORKED**

**A. The Sponsors Employed the *Au Pairs***

319. Denied.

320. Denied.

321. Denied.

322. Denied.

323. Denied.

324. Denied.

325. Denied.

326. Denied.

**B. Each Sponsor Individually Demonstrated Their Control**

**1. InterExchange**

327. Paragraph 327 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 327 are denied.

328. Paragraph 328 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 328 are denied.

329. Paragraph 329 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 329 are denied.

330. Paragraph 330 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 330 are denied.

331. Paragraph 331 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 331 are denied.



332. Paragraph 332 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 332 are denied.

**2. Cultural Care**

333. Paragraph 333 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 333 are denied.

334. Paragraph 334 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 334 are denied.

**3. Au Pair in America**

335. Paragraph 335 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 335 are denied.

336. Paragraph 336 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 336 are denied.

337. Paragraph 337 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 337 are denied.

338. Paragraph 338 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 338 are denied.

339. Paragraph 339 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 339 are denied.

#### **4. GoAuPair**

340. Paragraph 340 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 340 are denied.

341. Paragraph 341 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 341 are denied.

342. Paragraph 342 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 342 are denied.

#### **5. AuPairCare**

343. Paragraph 343 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 343 are denied.

344. Paragraph 344 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 344 are denied.

345. Paragraph 345 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 345 are denied.

346. Paragraph 346 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 346 are denied.

347. Paragraph 347 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 347 are denied.

348. Paragraph 348 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 348 are denied.

349. Paragraph 349 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 349 are denied.

350. Paragraph 350 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 350 are denied.

351. Paragraph 351 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 351 are denied.

**6. Expert Au Pair**

352. Paragraph 352 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 352 are denied.

353. Paragraph 353 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 353 are denied.

354. Paragraph 354 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 354 are denied.

355. Paragraph 355 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 355 are denied.

**C. The Sponsors Failed to Pay the Au Pairs Minimum Wage or Overtime**

356. Paragraph 356 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 356 are denied.

357. Paragraph 357 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 357 are denied.

358. Admitted.

359. Paragraph 359 is a statement of law, to which no response is required. To the extent that a responsive pleading is required, the allegations in paragraph 359 are denied.

360. Denied.

361. Denied.

362. Denied.

363. Denied.

364. Denied.

**V. THE NAMES PLAINTIFFS SUFFERED AS A RESULT OF DEFENDANTS' WRONGFUL ACTIONS**

**A. Ms. Beltrans Experience in the *Au Pair* Program**

365. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 365 and therefore denies same.

366. Paragraph 366 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 366 are denied.

367. Paragraph 367 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 367 are denied.

368. Paragraph 368 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 368 are denied.

369. Paragraph 369 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 369 are denied.

370. Paragraph 370 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 370 are denied.

371. Paragraph 371 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 371 are denied.

372. Paragraph 372 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 372 are denied.

373. Paragraph 373 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 373 are denied.

374. Paragraph 374 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 374 are denied.

375. Paragraph 375 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 375 are denied.

376. Paragraph 376 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 376 are denied.

377. Paragraph 377 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 377 are denied.

378. Paragraph 378 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 378 are denied.

379. Paragraph 379 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 379 are denied.

380. Paragraph 380 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 380 are denied.

381. Paragraph 381 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 381 are denied.

382. Paragraph 382 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 382 are denied.

383. Paragraph 383 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 383 are denied.

384. Paragraph 384 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 384 are denied.

385. Paragraph 385 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 385 are denied.

386. Paragraph 386 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 386 are denied.

387. Paragraph 387 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 387 are denied.

388. Paragraph 388 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 388 are denied.



389. Paragraph 389 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 389 are denied.

390. Paragraph 390 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 390 are denied.

391. Paragraph 391 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 391 are denied.

392. Paragraph 392 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 392 are denied.

393. Paragraph 393 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 393 are denied.

394. Paragraph 394 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 394 are denied.

395. Paragraph 395 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 395 are denied.

396. Paragraph 396 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 396 are denied.

**B. Ms. Hlatshaneni's Experience in the Au Pair Program**

397. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 397 and therefore denies same.

398. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 398 and therefore denies same.

399. Paragraph 399 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 399 are denied.

400. Paragraph 400 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 400 are denied.

401. Paragraph 401 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 401 are denied.

402. Paragraph 402 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 402 are denied.

403. Paragraph 403 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 403 are denied.

404. Paragraph 404 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 404 are denied.

405. Paragraph 405 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 405 are denied.

406. Paragraph 406 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 406 are denied.

407. Paragraph 407 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 407 are denied.

408. Paragraph 408 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 408 are denied.

409. Paragraph 409 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 409 are denied.

410. Paragraph 410 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 410 are denied.

411. Paragraph 411 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 411 are denied.

412. Paragraph 412 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 412 are denied.

413. Paragraph 413 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 413 are denied.

**C. Ms. Deetlefs' Experience in the Au Pair Program**

414. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 414 and therefore denies same.

415. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 415 and therefore denies same.

416. Paragraph 416 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 416 are denied.

417. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 417 and therefore denies same.

418. Paragraph 418 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 418 are denied.

419. Paragraph 419 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 419 are denied.

420. Paragraph 420 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 420 are denied.

421. Paragraph 421 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 421 are denied.

422. Paragraph 422 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 422 are denied.

423. Paragraph 423 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 423 are denied.

424. Paragraph 424 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 424 are denied.

425. Paragraph 425 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 425 are denied.

426. Paragraph 426 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 426 are denied.

427. Paragraph 427 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 427 are denied.

428. Paragraph 428 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 428 are denied.

429. Paragraph 429 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 429 are denied.

430. Paragraph 430 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 430 are denied.

431. Paragraph 431 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 431 are denied.

432. Paragraph 432 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 432 are denied.

433. Paragraph 433 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 433 are denied.

434. Paragraph 434 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 434 are denied.

**D. Ms. Cardenas Caicedo's Experience in the *Au Pair* Program**

435. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 435 and therefore denies same.

436. Paragraph 436 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 436 are denied.

437. Paragraph 437 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 437 are denied.

438. Paragraph 438 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 438 are denied.

439. Paragraph 439 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 439 are denied.

440. Paragraph 440 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 440 are denied.

441. Paragraph 441 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 441 are denied.

442. Paragraph 442 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 442 are denied.

443. Paragraph 443 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 443 are denied.

444. Paragraph 444 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 444 are denied.

445. Paragraph 445 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 445 are denied.



446. Paragraph 446 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 446 are denied.

447. Paragraph 447 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 447 are denied.

448. Paragraph 448 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 448 are denied.

449. Paragraph 449 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 449 are denied.

450. Paragraph 450 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 450 are denied.

**E. Ms. Ivette Gonzalez's Experience in the Au Pair Program**

451. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 451 and therefore denies same.

452. Paragraph 452 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 452 are denied.

453. Paragraph 453 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 453 are denied.

454. Paragraph 454 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 454 are denied.

455. Paragraph 455 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 455 are denied.

456. Paragraph 456 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 456 are denied.

457. Paragraph 457 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 457 are denied.

458. Paragraph 458 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 458 are denied.

459. Paragraph 459 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 459 are denied.

460. Paragraph 460 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 460 are denied.

461. Paragraph 461 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 461 are denied.

462. Paragraph 462 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 462 are denied.

463. Paragraph 463 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 463 are denied.

464. Paragraph 464 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 464 are denied.

465. Paragraph 465 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 465 are denied.

466. Paragraph 466 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 466 are denied.

467. Paragraph 467 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 467 are denied.

468. Paragraph 468 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 468 are denied.

469. Paragraph 469 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 469 are denied.

470. Paragraph 470 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 470 are denied.

**F. Ms Rascon's Experience in the Au Pair Program**

471. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 471 and therefore denies same.

472. Paragraph 472 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 472 are denied.

473. Paragraph 473 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 473 are denied.

474. Paragraph 474 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 474 are denied.

475. Paragraph 475 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 475 are denied.

476. Paragraph 476 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 476 are denied.

477. Paragraph 477 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 477 are denied.

478. Paragraph 478 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 478 are denied.

479. Paragraph 479 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 479 are denied.

480. Paragraph 480 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 480 are denied.

481. Paragraph 481 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 481 are denied.

482. Paragraph 482 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 482 are denied.

483. Paragraph 483 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 483 are denied.

484. Paragraph 484 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 484 are denied.

**G. Ms. Jimenez's Experience in the Au Pair Program**

485. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 485 and therefore denies same.

486. Paragraph 486 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 486 are denied.

487. Paragraph 487 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 487 are denied.

488. Paragraph 488 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 488 are denied.

489. Paragraph 489 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 489 are denied.

490. Paragraph 490 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 490 are denied.

491. Paragraph 491 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 491 are denied.

492. Paragraph 492 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 492 are denied.

493. Paragraph 493 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 493 are denied.

494. Paragraph 494 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 494 are denied.

495. Paragraph 495 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 495 are denied.

**H. Ms. Harning's Experience in the Au Pair Program**

496. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 496 and therefore denies same.

497. Paragraph 497 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 497 are denied.

498. Paragraph 498 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 498 are denied.

499. Paragraph 499 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 499 are denied.

500. Paragraph 500 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 500 are denied.

501. Paragraph 501 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 501 are denied.



502. Paragraph 502 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 502 are denied.

503. Paragraph 503 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 503 are denied.

504. Paragraph 504 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 504 are denied.

505. Paragraph 505 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 505 are denied.

506. Paragraph 506 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 506 are denied.

507. Paragraph 507 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 507 are denied.

508. Paragraph 508 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 508 are denied.

509. Paragraph 509 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 509 are denied.

**I. Ms. Mapledoram's Experience in the Au Pair Program**

510. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 510 and therefore denies same.

511. Paragraph 511 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 511 2are denied.

512. Paragraph 512 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 512 are denied.

513. Paragraph 513 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 513 are denied.

514. Paragraph 514 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 514 are denied.

515. Paragraph 515 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 515 are denied.

516. Paragraph 516 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 516 are denied.

517. Paragraph 517 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 517 are denied.

518. Paragraph 518 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 518 are denied.

519. Paragraph 519 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 519 are denied.

**j. Cathy Caramelo's Experience in the Au Pair Program**

520. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 520 and therefore denies same.

521. Paragraph 521 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 521 are denied.

522. Paragraph 522 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 522 are denied.

523. Paragraph 523 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 523 are denied.

524. Paragraph 524 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 524 are denied.

525. Paragraph 525 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 525 are denied.

**k. Linda Elizabeth's Experience in the Au Pair Program**

526. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 526 and therefore denies same.

527. Paragraph 527 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 527 are denied.

528. Paragraph 528 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 528 are denied.

529. Paragraph 529 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 529 are denied.

530. Paragraph 530 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 530 are denied.

531. Paragraph 531 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 531 are denied.

532. Paragraph 532 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 532 are denied.

533. Paragraph 533 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 533 are denied.

534. Paragraph 534 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 534 are denied.

**I. Camila Gabriela Perez Reyes's Experience in the Au Pair Program**

535. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 535 and therefore denies same.

536. Paragraph 536 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 536 are denied.

537. Paragraph 537 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 537 are denied.

538. Paragraph 538 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 538 are denied.

**RULE 23 CLASS ALLEGATIONS**

539. USAuPair repeats and realleges its responses to paragraphs 1 through 538 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

540. Denied.

541. Denied.

542. Paragraph 542 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 542 are denied.

543. Paragraph 543 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 543 are denied.

544. Paragraph 544 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 544 are denied.

545. Paragraph 545 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 545 are denied.

546. Paragraph 546 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 546 are denied.

547. Paragraph 547 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 547 are denied.

548. Paragraph 548 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 548 are denied.

549. Paragraph 549 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 549 are denied.

550. Paragraph 550 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 550 are denied.

551. Paragraph 551 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 551 are denied.

552. Paragraph 552 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 552 are denied.

553. Paragraph 553 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 553 are denied.

554. Paragraph 554 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 554 are denied.

555. Paragraph 555 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 555 are denied.

556. Paragraph 556 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 556 are denied.

557. Paragraph 557 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 557 are denied.

558. Paragraph 558 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 558 are denied.



559. Paragraph 559 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 559 are denied.

560. Paragraph 560 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 560 are denied.

561. Paragraph 561 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 561 are denied.

562. Denied.

563. Denied.

564. Denied.

565. Denied.

566. Denied.

567. Denied.

568. Denied.

569. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 569 and therefore denies same.

570. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 570 and therefore denies same.

571. USAuPair is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 571 and therefore denies same.

572. Denied.

573. Denied.

**29 U.S.C. § 216(B) COLLECTIVE ACTION ALLEGATIONS**

574. USAuPair repeats and realleges its responses to paragraphs 1 through 573 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

575. Denied.

576. USAuPair is without know or information sufficient to form a belief as to the truth of the allegations contained in paragraph 576 and therefore denies same.

577. Paragraph 577 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 577 are denied.

578. Paragraph 578 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 578 are denied.

579. Paragraph 579 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 579 are denied.

580. Paragraph 580 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 580 are denied.

581. Paragraph 581 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 581 are denied.

582. Paragraph 582 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 582 are denied.

583. Paragraph 583 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 583 are denied.

584. Paragraph 584 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 584 are denied.

585. Paragraph 585 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 585 are denied.

586. Paragraph 586 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 586 are denied.

587. Paragraph 587 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 587 are denied.

588. Denied.

**COUNT I: RESTRAINT OF TRADE IN VIOLATION OF 15 U.S.C. §§ 1 ET SEQ.**

**Brought by:  
Plaintiffs and the Price Fixed Class against the Sponsor Defendants**

589. USAuPair repeats and realleges its responses to paragraphs 1 through 588 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

590. Denied.

591. Denied.

592. Denied.

593. Denied.

594. Denied.

595. Denied.

596. Denied.

597. Denied.

**COUNT II: CIVIL RICO, 18 U.S.C. 1964(C)**

**Brought by:**

- **Ms. Beltran and the InterExchange Fraud Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Caramelo Elizabeth and Rascon and the Cultural Care Fraud Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America Fraud Class against Au Pair in America**
- **Mmes. Jimenez and Harning and the AuPairCare Fraud Class against AuPairCare**

598. USAuPair repeats and realleges its responses to paragraphs 1 through 597 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

599. Paragraph 599 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 599 are denied.

600. Paragraph 600 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 600 are denied.

601. Paragraph 601 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 601 are denied.

602. Paragraph 602 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 602 are denied.

603. Paragraph 603 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 603 are denied.

604. Paragraph 604 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 604 are denied.

**COUNT III: BREACH OF FIDUCIARY DUTY UNDER THE LAWS OF THE SEVERAL STATES AND THE DISTRICT OF COLUMBIA**

**Brought by:**

- **Mrs. Beltran and the InterExchange Fraud Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Caramelo, Elizabeth and Rascon and the Cultural Care Fraud Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America Fraud Class against Au Pair in America**
- **Ms. Ivette and the GoAuPair Fraud Class against GoAuPair**
- **Ms. Jimenez and Harning and the AuPairCare Fraud Class against AuPairCare**
- **Ms. Mapledoram and the Expert Au Pair Fraud Class against Expert Au Pair**

605. USAuPair repeats and realleges its responses to paragraphs 1 through 604 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

606. Paragraph 606 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 606 are denied.

607. Denied.

**COUNT IV: NEGLIGENT MISREPRESENTATION UNDER THE LAWS OF THE SEVERAL STATES AND THE DISTRICT OF COLUMBIA**

**Brought by:**

- **Ms. Beltran and the InterExchange Fraud Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care Fraud Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America Fraud Class Against Au Pair in America**
- **Ms. Ivette and the GoAuPair Fraud Class against GoAuPair**

- **Ms. Jimenez and Harning and the AuPairCare Fraud Class against AuPairCare**
- **Ms. Mapledoram and the Expert Au Pair Fraud Class against Expert Au Pair**

608. USAuPair repeats and realleges its responses to paragraphs 1 through 607 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

609. Paragraph 609 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 609 are denied.

610. Denied.

**COUNT V: CONSTRUCTIVE FRAUD OR FRAUDULENT CONCEALMENT  
UNDER THE LAWS OF THE SEVERAL STATES AND THE DISTRICT OF  
COLUMBIA**

**Brought by:**

- **Ms. Beltran and the InterExchange Fraud Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care Fraud Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America Fraud Class Against Au Pair in America**
- **Ms. Ivette and the GoAuPair Fraud Class against GoAuPair**
- **Ms. Jimenez and Harning and the AuPairCare Fraud Class against AuPairCare**
- **Ms. Mapledoram and the Expert Au Pair Fraud Class against Expert Au Pair**

611. USAuPair repeats and realleges its responses to paragraphs 1 through 610 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

612. Paragraph 612 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 612 are denied.

613. Denied.

**COUNT VI: CONSUMER PROTECTION UNDER THE LAWS OF THE SEVERAL STATES AND THE DISTRICT OF COLUMBIA**

**Brought by:**

- **Ms. Beltran and the InterExchange Fraud Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care Fraud Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America Fraud Class Against Au Pair in America**
- **Ms. Ivette and the GoAuPair Fraud Class against GoAuPair**
- **Ms. Jimenez and Harning and the AuPairCare Fraud Class against AuPairCare**
- **Ms. Mapledoram and the Expert Au Pair Fraud Class against Expert Au Pair**

614. USAuPair repeats and realleges its responses to paragraphs 1 through 613 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

615. Paragraph 615 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 615 are denied.

616. Denied.

**COUNT VIII: FAILURE TO PAY MINIMUM WAGE AND OVERTIME IN VIOLATION OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. §§ 201 ET SEQ.**

**Brought by:**



- **Ms. Beltran and the InterExchange 21(b) Fraud Class against InterExchange and the Noonans**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care 21(b) Sub-Class against Cultural Care**
- **Mmes. Hlatshaneni, the Au Pair in America 21(b) Sub-Class, and the Au Pair in American 216(b) Sub-Class Against Au Pair in America**
- **Ms. Ivette, the GoAuPair 21(b) Sub-Class, and GoAuPair 216(b) Sub-Class against Au Pair in America**
- **Ms. Jimenez and Harning, AuPairCare 216(b) Class and the AuPairCare 216(b) Sub-Class against AuPairCare**
- **Ms. Mapledoram, the Expert Au Pair 216(b) Class, and the Expert Au Pair 216(b) Sub-Class against Expert Au Pair.**

617. USAuPair repeats and realleges its responses to paragraphs 1 through 616 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

618. Paragraph 618 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 618 are denied.

619. Paragraph 619 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 619 are denied.

620. Paragraph 620 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 620 are denied.

621. Paragraph 621 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 621 are denied.

622. Paragraph 622 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 622 are denied.

623. Paragraph 623 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 623 are denied.

624. Paragraph 624 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 624 are denied.

625. Paragraph 625 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 625 are denied.

626. Paragraph 626 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 626 are denied.

627. Paragraph 627 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 627 are denied.

**COUNT IX: CLAIMS FOR UNPAID WAGES UNDER THE LAWS OF THE SEVERAL STATES AND THE DISTRICT OF COLUMBIA<sup>1</sup>**

**Brought by:**

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<sup>1</sup> The Claims for unpaid wages under the laws of Utah have been dismissed.

- **Ms. Beltran and the InterExchange National Wage Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care National Wage Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America National Wage Class against Au Pair in America**
- **Ms. Ivette and the GoAuPair National Wage Class against GoAuPair**
- **Ms. Jimenez and Harning and the AuPairCare National Wage Class against AuPairCare**
- **Ms. Mapledoram and the Expert Au Pair National Wage Class against Expert Au Pair**

628. USAuPair repeats and realleges its responses to paragraphs 1 through 627 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

629. Paragraph 629 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 629 are denied.

630. Paragraph 630 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 630 are denied.

631. Paragraph 631 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 631 are denied.

632. Paragraph 632 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 632 are denied.

633. Paragraph 633 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 633 are denied.

634. Paragraph 634 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 634 are denied.

635. Paragraph 635 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 635 are denied.

636. Paragraph 636 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 636 are denied.

**COUNT X: VIOLATIONS OF NEW YORK WAGE ACT**

**Brought by:**

- **Ms. Beltran and the InterExchange New York Wage Class against InterExchange**
- **Mmes. Deetlefs, Cardenas, Elizabeth, Caramelo and Rascon and the Cultural Care New York Wage Class against Cultural Care**
- **Mmes. Hlatshaneni and Reyes and the Au Pair in America New York Wage Class Against Au Pair in America**
- **Ms. Ivette and the GoAuPair New York Wage Class against GoAuPair**

637. USAuPair repeats and realleges its responses to paragraphs 1 through 636 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

638. Denied.

639. Paragraph 639 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 639 are denied

640. Denied.

641. Denied.

642. Denied.

**COUNT XI: VIOLATIONS OF NEW JERSEY WAGE ACT**

**Brought by:**

- **Mmes. Jimenez and Harning, and the AuPairCare National Wage Class against Defendant AuPairCare**

643. USAuPair repeats and realleges its responses to paragraphs 1 through 642 of the Third Amended Complaint and incorporates the same by reference as if fully set forth herein.

644. Denied.

645. Paragraph 645 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 645 are denied.

646. Paragraph 646 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 646 are denied.

647. Paragraph 647 makes no allegations regarding USAuPair and therefore no responsive pleading is required. To the extent a responsive pleading is required, the allegations in paragraph 647 are denied.

648. Denied.

**DEMAND FOR JURY TRIAL**

649. USAuPair demands a jury trial for all issues so triable.

**PRAYER FOR RELIEF**

**WHEREFORE**, Defendant USAuPair respectfully requests that:

- a. This Court decline to certify this action as a class action;
- b. This Court decline to maintain and certify this action as a collective action under 29 U.S.C. § 216(b);
- c. Enter judgment in USAuPair's favor as to Counts I (Sherman Act), II (Civil RICO), III (Breach of Fiduciary Duty), IV (Negligent Misrepresentation), V (Constructive Fraud and Fraudulent Concealment), VI (Consumer Protection), VIII (FLSA), IX (State Wage Claims), X (New York Wage Act) and XI (New Jersey Wage Act); and
- d. Award such other and further relief as the Court may deem just and proper.

**SEPARATE DEFENSES**

**AND NOW**, Each and every allegation in Plaintiffs' Third Amended Complaint that is not admitted is expressly denied. In addition, and without assuming any burden of proof that would not otherwise be placed on USAuPair by law, USAuPair asserts the following separate defenses.

**SEPARATE DEFENSE I**

The Third Amended Complaint fails to state a claim or cause of action upon which relief can be granted.

**SEPARATE DEFENSE II**

If Plaintiffs suffered any injuries, said damages are the result of the actions of third parties for which USAuPair is not responsible.

SEPARATE DEFENSE III

The Plaintiffs' claims are barred, in whole or in part, because the named Plaintiffs are not proper class representatives.

SEPARATE DEFENSE IV

Neither a class nor a collective action would be appropriate or in conformity with applicable law.

SEPARATE DEFENSE V

Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitation.

SEPARATE DEFENSE VI

Plaintiffs' claims are barred because Plaintiffs would be unjustly enriched if they would be allowed to recover any part of the damages alleged in the Third Amended Complaint.

SEPARATE DEFENSE VII

Certain of Plaintiffs' claims are preempted by federal law.

SEPARATE DEFENSE VIII

There is no liability because no host family was an agent or employee of USAuPair.

SEPARATE DEFENSE IX

Some activities alleged to be compensable are not compensable as prescribed by the Portal-to-Portal Act 29 U.S.C. §§ 254 et seq.

SEPARATE DEFENSE X

Certain of Plaintiffs' claims are barred because Plaintiffs failed to exhaust their administrative remedies.

SEPARATE DEFENSE XI

All conduct by USAuPair was in good faith and with reasonable grounds for believing that such conduct comported with the law and the requirements of the United States Department of State.

SEPARATE DEFENSE XII

There can be no liability because USAuPair was acting in accordance with a bona fide custom and practice.

SEPARATE DEFENSE XIII

Colorado law specifically is not applicable to USAuPair as there is an exclusion of the law for persons acting as au pairs.

SEPARATE DEFENSE XIV

The relief sought by Plaintiffs is barred, in whole or in part, because the alleged damages sought are too speculative and uncertain, and because of the impossibility of the ascertainment and allocation of such damages.

SEPARATE DEFENSE XV

Plaintiffs' claims are barred because USAuPair's actions have been pro-competitive and did not lessen competition in the market.



SEPARATE DEFENSE XVI

Plaintiffs' claims are barred, in whole or in part, because any and all of USAuPair's conduct has been reasonable and based on independent, legitimate business and economic justifications.

SEPARATE DEFENSE XVII

Plaintiffs' claims are barred, in whole or in part, because plaintiffs have not suffered antitrust injury proximately caused by the conduct of USAuPair and/or have not suffered, and will not suffer, injury of the type the antitrust laws were designed to prevent.

SEPARATE DEFENSE XVIII

Plaintiffs' claims are barred, in whole or in part, because of conduct of which Plaintiffs complain is reasonable and justified, has not, and will not substantially lessen competition in any relevant market, tend to create a monopoly, or injure, destroy, or prevent competition.

SEPARATE DEFENSE XIX

Plaintiffs' claims are barred, in whole or in part, because the claims are governed by the rule of reason, and Plaintiffs have not alleged and cannot prove the elements of a rule of reason claim. In particular, the procompetitive benefits of the conduct alleged by plaintiffs outweigh any alleged anticompetitive effects.

SEPARATE DEFENSE XX

Plaintiffs' claims are barred because they have not alleged a properly defined relevant product (or service) and geographic markets.

SEPARATE DEFENSE XXI

Plaintiffs' claims are barred because USAuPair reasonably relied upon the weekly stipend designated by the DOS and/or the DOL to be paid to participants in the au pair exchange program, specifically including the credit for room and board. The weekly stipend paid by host families to participants in the USAuPair au pair exchange program, including the credit for room and board, is consistent with, and authorized by, the statutory and regulatory rules and regulations governing the au pair exchange program.

SEPARATE DEFENSE XXII

If, for some reason, any or all of the alleged acts and omissions of USAuPair were not within the scope of conduct authorized by the DOS, such a situation was not reasonably foreseeable by USAuPair.

SEPARATE DEFENSE XXIII

Plaintiffs' claims are barred, in whole or in part, by the Noerr-Pennington doctrine, the federal instrumentality doctrine, the state action doctrine and/or the doctrine of implied immunity. Plaintiffs' claims are further barred because the alleged conduct that is the subject of the Third Amended Complaint was caused by, due to, based upon, or in response from directives, laws, regulations, authorizations, policies and/or acts of government and/or their agencies.

SEPARATE DEFENSE XXIV

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs lack antitrust standing.

SEPARATE DEFENSE XXV

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs are not direct sellers of any product or service to USAuPair.

SEPARATE DEFENSE XXVI

Plaintiffs' claims for equitable relief are barred, in whole or in part, because Plaintiffs lack standing to seek such relief.

SEPARATE DEFENSE XXVII

USAuPair adopts by reference any applicable defense pleaded by any other Defendant that is not set forth in this answer.

SEPARATE DEFENSE XXVIII

USAuPair reserves the right to assert additional separate defenses if and when they become known through investigation and discovery.

Respectfully submitted this 25<sup>th</sup> day of April, 2018.

**KELLY & WALKER LLC**

/s/ William J. Kelly III

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**ATTORNEY FOR DEFENDANT  
USAUPAIR**

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on April 25, 2018, I electronically filed the foregoing Defendant USAuPair's Answer to Plaintiffs' Third Amended Complaint and Jury Demand VIA CM/ECF which will send notification of such filing to all counsel of record.

/s/ William J. Kelly III  
William J. Kelly III