

**SUPREME COURT OF THE STATE OF NEW YORK****COUNTY OF NASSAU**

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F and N,

Plaintiff,

**Index No.** \_\_\_\_\_**ANSWER TO THE  
COMPLAINT**

-against-

B, E, J, M and A

Defendants.

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Defendant E, by and through their attorneys, \_\_\_\_\_ as and for its Answer to the Complaint herein, respectfully sets forth as follows upon information and belief:

**PARTIES**

1. Answering Paragraph “\_” of the Complaint, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
2. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
3. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.

4. Answering Paragraph “\_” of the Complaint, Defendant E (“E”) admits that E was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York, with its principal place of business located at \_\_\_\_\_. Defendant otherwise denies all other allegations set forth in Paragraph “\_” of the Complaint.
5. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.
6. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.
7. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.

**FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

8. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “-” and “-” of the Complaint.
9. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
10. Defendant denies the allegations set forth in Paragraph “\_”, “\_” and “\_” of the Complaint.
11. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
12. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.
13. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” and “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
14. Defendant denies the allegations set forth in Paragraph “\_” and “\_” of the Complaint.
15. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
16. Defendant denies the allegations set forth in Paragraph “\_” and “\_” of the Complaint.

17. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” and “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court
18. Defendant denies the allegations set forth in Paragraph “\_” of the Complaint.

**AS AND FOR A FIRST CAUSE OF ACTION**

**(Breach of the Agreement By B)**

19. The First Cause of Action stated in the Complaint refers to Breach of \_\_\_\_\_ Agreement by B and the resulting damages/ relief that Plaintiff seeks herein against Defendant B to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

**AS AND FOR A SECOND CAUSE OF ACTION**

**(Conversion By B)**

20. The Second Cause of Action stated in the Complaint refers to B's tortious conduct in converting N's tools, equipment and materials and the resulting damages/ relief that Plaintiff seeks herein against Defendant B to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

**AS AND FOR A THIRD CAUSE OF ACTION**

**(Tortious Interference of Contract By E)**

21. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” and “\_” of the Complaint. Furthermore, Defendant repeats and reiterates each and every response made in this Answer to the allegations incorporated in Paragraph “1” through “\_” of the Complaint.
22. Defendant denies the allegations set forth in Paragraph “\_” through “\_” of the Complaint.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**(Aiding and Abetting Tortious Interference With Contract Against M, A and J)**

23. The Fourth Cause of Action stated in the Complaint refers to B's actions in aiding and abetting E's tortious interference with the \_\_\_\_\_ Agreement and the resulting damages/ relief that Plaintiff seeks herein against Defendants J, and A, to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraphs “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

**AS AND FOR A FIFTH CAUSE OF ACTION**

**(Tortious Interference With Business Relationship Against E)**

24. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint. Furthermore, Defendant repeats and reiterates each and every response made in this Answer to the allegations incorporated by reference in Paragraph “1” through “\_” of the Complaint with the same force and effect as if set forth at length herein.
25. Defendant denies the allegations set forth in Paragraph “\_” through “\_” of the Complaint.

**AS AND FOR A SIXTH CAUSE OF ACTION**

**(Aiding and Abetting Tortious Interference With Business Relationship Against M, A and T)**

26. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” thorough “\_” of the Complaint. Furthermore, Defendant repeats and reiterates each and every response made in this Answer to the allegations incorporated by reference in Paragraph “1” through “\_” of the Complaint with the same force and effect as if set forth at length herein.
27. Defendant denies the allegations set forth in Paragraph “\_” of the Complaint.
28. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint.
29. Defendant denies the allegations set forth in Paragraph “\_” of the Complaint which specifically refers to E's tortious interference with the Business Relationship. Defendant otherwise denies knowledge or information sufficient to form a belief as to the truth or falsity of all other allegations set forth in Paragraph “\_” of the Complaint.

30. Defendant otherwise denies knowledge or information sufficient to form a belief as to the truth or falsity of all other allegations set forth in Paragraph “\_” of the Complaint.
31. The allegations set forth in Paragraph “\_” through “\_” of the Complaint refers to action of B employees in aiding and abetting E's tortious interference with the Business Relationship to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

**(Fraud against B)**

32. The Seventh Cause of Action stated in the Complaint refers to B's actions amounting to fraud and the resulting damages/ relief that Plaintiff seeks herein against B to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

**AS AND FOR A EIGHTH CAUSE OF ACTION**

**Aiding and Abetting Fraud (against M, A and J**

33. The Fourth Cause of Action stated in the Complaint refers to aiding and abetting Fraud against Defendants M, A and J and the resulting damages/ relief that Plaintiff seeks herein against B employees to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” through “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.
34. Responding to the Plaintiff demand for judgment against Defendants contained in Plaintiff's Complaint, Defendant denies, generally and specifically,
- (a) Damages in the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) with interest thereon at the default rate of nine (\_\_\_%) percent per annum are necessary or appropriate in this case on the First Cause of Action against Defendant B.

- (b) Damages in an amount to be determined at trial on the Second Cause of Action against Defendant B.
- (c) Damages in the sum of in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_), with both punitive damages and interest thereon at the default rate of nine (\_\_\_\_%) percent per annum on the Fourth Cause of Action against Defendants J, M and A.
- (d) Damages in the sum of in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_), with both punitive damages and interest thereon at the default rate of nine (\_\_\_\_%) percent per annum on the Seventh Cause of Action against Defendant B.

The Plaintiff's demands for judgment against Defendants in the Complaint contains aforesaid damages/ relief that Plaintiff seeks herein against B and its employees, to which no response is required and none is given. To the extent a response is deemed to be required, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “\_” of the Complaint and respectfully refers to all questions of law, fact or conclusions raised therein to be determined by the Court.

35. Defendant denies, generally and specifically that damages in the sum of in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_), with both punitive damages and interest thereon at the default rate of nine (\_\_\_\_%) percent per annum are necessary or appropriate in this case on the Third Cause of Action against Defendant E.
36. Defendant denies, generally and specifically that damages in the sum of in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_) with both punitive damages and interest thereon at the default rate of nine (\_\_\_\_%) percent per annum are necessary or appropriate in this case on the Fifth Cause of Action against Defendant E.
37. Defendant denies, generally and specifically, that damages in the sum of in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_), with both punitive damages and interest thereon at the default rate of nine (\_\_\_\_%) percent per annum are necessary or appropriate in this case on the Sixth Cause of Action against Defendants J, M and A.

### **AFFIRMATIVE DEFENSES**

#### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

38. That any damages sustained by Plaintiff, as alleged in the complaint, were caused in whole or in part by the culpable conduct of said Plaintiff and not as a result of any conduct on the part of the answering Defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

39. That the complaint of the Plaintiff fails to state a cause of action upon which relief may be granted, cognizable in equity or law, against the answering Defendant, and must therefore be dismissed.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

40. If the Plaintiff sustained any damages as alleged in the complaint, which allegations are expressly denied, and then same were sustained because of the culpable conduct of a third-party or parties over whom this answering Defendant was not obligated to exercise supervision or control.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

41. At the time and place mentioned in the complaint, this answering Defendant did not act with the intent of interfering with the Business Relationship by causing N to lose the Business Relationship causing the termination of the Business Relationship.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

42. At the time and place mentioned in the complaint, this answering Defendant did not threaten N's employees that they would never work in a B facility again unless they immediately stopped working for N and started working for E

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

43. At the time and place mentioned in the complaint, this answering Defendant did not take any intentional, illegal, willful and malicious actions designed to procure B's breach of the contract with N.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

44. The Plaintiff's cause of action is barred by the applicable Statute of Limitations.

**AS AND FOR A EIGHT AFFIRMATIVE DEFENSE**

45. The claims of the Plaintiff s including but not limited to the claims for Tortious Interference and resulting damages are barred in whole or in part by Plaintiff's own inactions.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

46. This action should be dismissed pursuant to the doctrine of equitable estoppel, waiver and laches.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

47. If any damages have been sustained by Plaintiff, which damages are expressly denied, then all such damages will have been caused and/or brought about by the affirmative wrongdoing, fault and poor business judgment of the Plaintiff and/or Plaintiff's agents, servants or employees.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**

48. Plaintiff's complaint should be dismissed for failure to mitigate damages.

**AS AND FOR A TWELVTH AFFIRMATIVE DEFENSE**

49. The Plaintiff has failed to comply with the conditions necessary to recover under the contract.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

50. The Plaintiff's complaint is barred by the application of the doctrines of accord and satisfaction, and release.

**WHEREFORE**, Defendant, E, by and through its attorneys, \_\_\_\_\_, respectfully demands judgment dismissing the Plaintiff's Complaint, herein together with the costs and disbursements of this action; and for such other and further relief as to this Honorable Court may seem just, proper and equitable.

Dated: New York, New York

Yours, etc.