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Attorneys for Defendants, Zucker Goldberg & Ackerman, LLC and Michael Ackerman, Esq.

CAROLYN BAILEY, PRO SE

Plaintiff,

vs.

ZUCKER GOLDBERG & ACKERMAN, LLC,
MICHAEL S. ACKERMAN, ESQ.

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION ESSEX COUNTY

Docket No.: ESX-L-8231-13

CIVIL ACTION

Defendants, Zucker Goldberg & Ackerman, LLC and Michael Ackerman, Esq
("Defendants"), by and through their attorneys, and by way of Answer to the Complaint file
herein, say:

1. Defendants deny the allegations contained in paragraph 1 of the Complaint.
2. Defendants deny the allegations contained in paragraph 2 of the Complaint.
3. Defendants deny the allegations contained in paragraph 3 of the Complaint.
4. Defendants deny the allegations contained in paragraph 4 of the Complaint.
5. Defendants deny the allegations contained in paragraph 5 of the Complaint.

6. Defendants admit that plaintiff resides at 14 Cliff Street, Newark, New Jersey 07106 but deny the remaining allegations of paragraph 6.

7. Defendants deny the allegations contained in paragraph 7 of the Complaint.

8. Defendants admit the allegations contained in paragraph 8 of the Complaint.

9. Defendants admit that Michael Ackerman, Esq., is managing member of Zucker Goldberg & Ackerman, LLC.

10. Defendants lack knowledge or information sufficient to form a basis as to the truth of the allegations set forth in Paragraph 10 of the Complaint, and, therefore leaves Plaintiff to her proofs.

JURISDICTION AND VENUE

11. This allegation contains a legal conclusion to which no response is required. To the extent a response is required, these allegations are denied.

BACKGROUND

12. This allegations in this paragraph are irrelevant, speculative and require no response. To the extent a response is required, Defendants leave Plaintiff to her proof.

13. This allegations in this paragraph are irrelevant, speculative and require no response. To the extent a response is required, Defendants leave Plaintiff to her proof.

14. This allegations in this paragraph are irrelevant, speculative and require no response. To the extent a response is required, Defendants leave Plaintiff to her proof.

15. This allegations in this paragraph are irrelevant, speculative and require no response. To the extent a response is required, Defendants leave Plaintiff to her proof.

FIRST CAUSE OF ACTION

16. Defendants incorporate its responses to the preceding paragraphs as if set forth fully herein.

17. Defendants deny the allegations contained in paragraph 17 of the Complaint.

18. Defendants deny the allegations contained in paragraph 18 of the Complaint.

19. Defendants deny the allegations contained in paragraph 19 of the Complaint.

20. Defendants deny the allegations contained in paragraph 20 of the Complaint.

21. Defendants deny the allegations contained in paragraph 21 of the Complaint.

22. Defendants deny the allegations contained in paragraph 22 of the Complaint.

23. Defendants deny the allegations contained in paragraph 23 of the Complaint.

24. Defendants deny the allegations contained in paragraph 24 of the Complaint.

25. Defendants deny the allegations contained in paragraph 25 of the Complaint.

26. Defendants deny the allegations contained in paragraph 26 of the Complaint.

SECOND CAUSE OF ACTION

(Aiding and Abetting against All Defendants)

27. Defendants incorporate its responses to the preceding paragraphs as if set forth fully herein.

28. Defendants deny the allegations contained in paragraph 28 of the Complaint.

29. Defendants deny the allegations contained in paragraph 29 of the Complaint.

30. Defendants deny the allegations contained in paragraph 30 of the Complaint.

31. Defendants deny the allegations contained in paragraph 31 of the Complaint.

32. Defendants deny the allegations contained in paragraph 32 of the Complaint.

THIRD CAUSE OF ACTION

(Equitable Fraud as to All Defendants)

33. Defendants incorporate its responses to the preceding paragraphs as if set forth fully herein.

34. Defendants deny the allegations contained in paragraph 34 of the Complaint.

35. Defendants deny the allegations contained in paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in paragraph 38 of the Complaint.

39. Defendants deny the allegations contained in paragraph 39 of the Complaint.

40. Defendants deny the allegations contained in paragraph 40 of the Complaint.

FOURTH CAUSE OF ACTION

(Negligent Misrepresentation against All Defendants)

41. Defendants incorporate its responses to the preceding paragraphs as if set forth fully herein.

42. Defendants deny the allegations contained in paragraph 42 of the Complaint.

43. Defendants deny the allegations contained in paragraph 43 of the Complaint.

44. Defendants deny the allegations contained in paragraph 44 of the Complaint.

45. Defendants deny the allegations contained in paragraph 45 of the Complaint.

46. Defendants deny the allegations contained in paragraph 46 of the Complaint.

47. Defendants deny the allegations contained in paragraph 47 of the Complaint.

48. Defendants deny the allegations contained in paragraph 48 of the Complaint.

49. Defendants deny the allegations contained in paragraph 49 of the Complaint.

50. Defendants deny the allegations contained in paragraph 50 of the Complaint.

51. Defendants deny the allegations contained in paragraph 51 of the Complaint.

FIFTH CAUSE OF ACTION

(New Jersey Civil RICO, N.J.S.A. 2C:41-1 et seq.)

52. Defendants incorporate its responses to the preceding paragraphs as if set forth fully herein.

53. Defendants deny the allegations contained in paragraph 53 of the Complaint.

54. Defendants deny the allegations contained in paragraph 54 of the Complaint.

55. Defendants deny the allegations contained in paragraph 55 of the Complaint.

56. Defendants deny the allegations contained in paragraph 56 of the Complaint.

57. Defendants deny the allegations contained in paragraph 57 of the Complaint.

58. Defendants deny the allegations contained in paragraph 58 of the Complaint.

59. Defendants deny the allegations contained in paragraph 59 of the Complaint.

60. Defendants deny the allegations contained in paragraph 60 of the Complaint.

61. Defendants deny the allegations contained in paragraph 61 of the Complaint.

62. Defendants deny the allegations contained in paragraph 62 of the Complaint.

63. Defendants deny the allegations contained in paragraph 63 of the Complaint.

64. Defendants deny the allegations contained in paragraph 64 of the Complaint.

65. Defendants deny the allegations contained in paragraph 65 of the Complaint.

66. Defendants deny the allegations contained in paragraph 66 of the Complaint.

67. Defendants deny the allegations contained in paragraph 67 of the Complaint.

68. Defendants deny the allegations contained in paragraph 68 of the Complaint.

69. Defendants deny the allegations contained in paragraph 69 of the Complaint.

70. Defendants deny the allegations contained in paragraph 70 of the Complaint.
71. Defendants deny the allegations contained in paragraph 71 of the Complaint.
72. Defendants deny the allegations contained in paragraph 72 of the Complaint.
73. Defendants deny the allegations contained in paragraph 73 of the Complaint.
74. Defendants deny the allegations contained in paragraph 74 of the Complaint.
75. Defendants deny the allegations contained in paragraph 75 of the Complaint.
76. Defendants deny the allegations contained in paragraph 76 of the Complaint.
77. Defendants deny the allegations contained in paragraph 77 of the Complaint.
78. Defendants deny the allegations contained in paragraph 78 of the Complaint.
79. Defendants deny the allegations contained in paragraph 79 of the Complaint.
80. Defendants deny the allegations contained in paragraph 80 of the Complaint.
81. Defendants deny the allegations contained in paragraph 81 of the Complaint.
82. Defendants deny the allegations contained in paragraph 82 of the Complaint.
83. Defendants deny the allegations contained in paragraph 83 of the Complaint.
84. Defendants deny the allegations contained in paragraph 84 of the Complaint.
85. Defendants deny the allegations contained in paragraph 85 of the Complaint.
86. Defendants deny the allegations contained in paragraph 86 of the Complaint.
87. Defendants deny the allegations contained in paragraph 87 of the Complaint.
88. Defendants deny the allegations contained in paragraph 88 of the Complaint.
89. Defendants deny the allegations contained in paragraph 89 of the Complaint.
90. Defendants deny the allegations contained in paragraph 90 of the Complaint.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

At the time and place mentioned in the Complaint, this Defendants violated no legal duty owing by it to Plaintiff.

SECOND SEPARATE DEFENSE

At the time and place mentioned in the Complaint, this Defendants owed no duty to Plaintiff.

THIRD SEPARATE DEFENSE

Plaintiff's Complaint fails to state a claim against Defendants for which relief may be granted.

FOURTH SEPARATE DEFENSE

Defendants' conduct was not the actual or approximate cause of Plaintiff's alleged injury.

FIFTH SEPARATE DEFENSE

The damages claimed by Plaintiff were solely and proximately caused by the negligence of third parties over whom Defendants had no direction or control.

SIXTH SEPARATE DEFENSE

Defendants reserve the right to move to dismiss the Complaint on the grounds that it did not violate any of their alleged fiduciary duties.

SEVENTH SEPARATE DEFENSE

Defendants reserve the right to move at or before the time of trial to dismiss the Complaint on the grounds that Plaintiff's claim for damages is barred by the applicable Statute of Limitations and/or Statute of Repose.

EIGHTH SEPARATE DEFENSE

At the time and place mentioned in the Complaint, Defendants were not guilty of any negligence which was a proximate cause of the alleged breach and damages complained of.

NINTH SEPARATE DEFENSE

The claims of the Plaintiff are barred, in whole or in part, by the doctrine of comparative negligence and contributory negligence and are subject New Jersey's Comparative Negligence Act and Joint Tortfeasor Contribution Liability Act.

TENTH SEPARATE DEFENSE

The claims of Plaintiff are barred, in whole or in part, by lack of privity.

ELEVENTH SEPARATE DEFENSE

Plaintiff's claim is barred, in whole or in part, by the Doctrine of Laches.

TWELFTH SEPARATE DEFENSE

Plaintiff's claim is barred, in whole or in part, by the Doctrine of Estoppel.

THIRTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred, in whole or in part, by the Doctrine of Res Judicata.

FOURTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred by the Doctrine of Waiver.

FIFTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred, in whole or in part, by the Doctrine of Avoidable Consequences.

SIXTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred by Doctrine of Accord and Satisfaction.

SEVENTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred by the Doctrine of Duress.

EIGHTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred by the Doctrine of Unclean Hands.

NINETEENTH SEPARATE DEFENSE

The Complaint is barred in whole, or in part, by the doctrine of set-off.

TWENTIETH SEPARATE DEFENSE

Plaintiff's claim is barred by the lack of consideration.

TWENTY-FIRST SEPARATE DEFENSE

The action is subject to N.J.S.A. 2A:53A-26 et. seq. and is subject to all its requirements, including but not limited to, service of an appropriate affidavit of merit.

TWENTY-SECOND SEPARATE DEFENSE

Plaintiff cannot maintain a claim against Defendants under N.J.S.A. 56:8-1 et seq.

TWENTY-THIRD SEPARATE DEFENSE

Defendants acted in good faith at all times.

TWENTY-FOURTH SEPARATE DEFENSE

Plaintiff has incurred no damages as a result of any act or omission by Defendants.

TWENTY-FIFTH SEPARATE DEFENSE

Defendants did not participate in the alleged wrongdoing nor did it have control over any party that participated in the alleged wrongdoing.

TWENTY-SIXTH SEPARATE DEFENSE

Plaintiff cannot sustain his burden to establish his claims against Defendants for punitive damages and/or attorneys' fees.

TWENTY-SEVENTH SEPARATE DEFENSE

Defendants acted with due care at all relevant times and has complied with all applicable laws and standards and otherwise acted reasonably.

TWENTY-EIGHTH SEPARATE DEFENSE

Defendants reserves its right to amend its Answer and to assert additional defenses or supplement, alter or change this Answer upon the revelation of more definite facts during or upon the completion of further discovery and investigation.

TWENTY-NINTH SEPARATE DEFENSE

No illegal conduct has occurred that would give rise to Plaintiff's RICO claims either or the part of Defendants or by any allege conspirators.

REQUEST FOR STATEMENT OF DAMAGES

Pursuant to the provisions of Rule 4:5-2, it is requested that within five days of service hereof, you furnish a written statement specifying the amount of damage claimed by the plaintiff in the above entitled action.

TRIAL DESIGNATION

Pursuant to R. 4:25-4, ANDREW C. SAYLES, ESQ., is hereby designated as trial counsel.

JURY DEMAND

Defendant hereby demands a trial by jury as to all issues so triable.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy is not, to my knowledge, currently the subject of any other action pending in any Court or of a pending arbitration proceeding, nor that any other action or arbitration proceeding is contemplated. I further certify that no other action or arbitration proceeding is contemplated at this time.

I hereby certify that the foregoing statement made by me is true. I also certify that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CONNELL FOLEY LLP
Attorneys for Defendants, Zucker Goldberg
& Ackerman, LLC and Michael Ackerman,
Esq.

BY:



Andrew C. Sayles

Dated: December 17, 2013