

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X Civ. Action No.1:20-cv-4029
Plymouth Beef Co., Inc.,

Plaintiff,

ANSWER

-against-

Wonder Food Distributors, David Hamedan, Jack
Hamedan, Nations Best Meat Wholesalers, Inc.,
James Hyland and Guy Robinson,

Defendants.

-----X
Wonder Food Distributors, David Hamadani, and Jack Hamadani (the “Defendants”), through
their attorneys, the Law Offices of Morris Fateha, as and for their answer to the Complaint (the
“Complaint”) of Plaintiff, respectfully alleges as follows:
And

AS AND FOR PRELIMINARY STATEMENT

1. Denies knowledge and information contained in paragraph 1 of the Complaint.

AS AND FOR PARTIES

2. Denies knowledge and information contained in paragraph 2 of the Complaint.
3. Admits the allegations contained in paragraph 3 of the Complaint.
4. Denies knowledge and information contained in paragraph 4 of the Complaint.
5. Denies allegations contained in paragraph 5 of the Complaint.
6. Denies knowledge and information contained in paragraph 6 of the Complaint.
7. Denies knowledge and information contained in paragraph 7 of the Complaint.
8. Denies knowledge and information contained in paragraph 8 of the Complaint.

AS AND FOR JURISDICTION AND VENUE

9. Denies knowledge and information contained in paragraph 9 of the Complaint.
10. Denies knowledge and information contained in paragraph 10 of the Complaint.

11. Denies knowledge and information contained in paragraph 11 of the Complaint.

AS AND FOR BACKGROUND OF PLAINTIFF AND THE TRADEMARKS AT ISSUE

12. Denies the allegations contained in paragraph 12 of the Complaint.

13. Denies knowledge and information contained in paragraph 13 of the Complaint.

14. Denies knowledge and information contained in paragraph 14 of the Complaint.

15. Denies knowledge and information contained in paragraph 15 of the Complaint.

16. Denies knowledge and information contained in paragraph 16 of the Complaint.

17. Denies knowledge and information contained in paragraph 17 of the Complaint.

18. Denies knowledge and information contained in paragraph 18 of the Complaint.

19. Denies allegations contained in paragraph 19 of the Complaint.

AS AND FOR DEFENDANT'S UNLAWFUL ACTIVITIES

20. Denies allegations contained in paragraph 20 of the Complaint.

21. Denies the allegations contained in paragraph 21 of the Complaint.

22. Denies the allegations contained in paragraph 22 of the Complaint.

23. Denies allegations contained in paragraph 23 of the Complaint.

24. Denies allegations contained in paragraph 24 of the Complaint.

25. Denies the allegations contained in paragraph 25 of the Complaint.

26. Denies the allegations contained in paragraph 26 of the Complaint.

27. Denies the allegations contained in paragraph 27 of the Complaint.

28. Denies allegations contained in paragraph 28 of the Complaint.

29. Denies allegations contained in paragraph 29 of the Complaint.

30. Denies allegations contained in paragraph 30 of the Complaint.

31. Denies allegations contained in paragraph 31 of the Complaint.

32. Denies allegations contained in paragraph 32 of the Complaint.

33. Denies allegations contained in paragraph 33 of the Complaint.

34. Denies allegations contained in paragraph 34 of the Complaint.

AS AND FOR COUNT I

Federal Trademark Information Under 15 U.S.C §1114(1)

35. Defendant repeats, reiterates and realleges each and every statement above, as if fully set forth al length herein.

36. Denies allegations contained in paragraph 36 of the Complaint.

37. Denies allegations contained in paragraph 37 of the Complaint.

38. Denies allegations contained in paragraph 38 of the Complaint.

39. Denies allegations contained in paragraph 39 of the Complaint.

AS AND FOR COUNT II

Unfair Competition Under 15 U.S.C §1125(a)

40. Defendant repeats, reiterates and realleges each and every statement above, as if fully set forth al length herein.

41. Denies allegations contained in paragraph 41 of the Complaint.

42. Denies allegations contained in paragraph 42 of the Complaint.

43. Denies allegations contained in paragraph 43 of the Complaint.

44. Denies allegations contained in paragraph 44 of the Complaint.

45. Denies allegations contained in paragraph 45of the Complaint.

46. Denies allegations contained in paragraph 46 of the Complaint.

AS AD FOR COUNT III

Deceptive Practices and Acts Under New York GBL §349

47. Defendant repeats, reiterates and realleges each and every statement above, as if fully set forth al length herein.
48. Denies allegations contained in paragraph 48 of the Complaint.
49. Denies allegations contained in paragraph 49 of the Complaint.

AS AND FOR COUNT V

Common Law Trademark Infringement and Unfair Competition

50. Defendant repeats, reiterates and realleges each and every statement above, as if fully set forth al length herein.
51. Denies allegations contained in paragraph 51 of the Complaint.
52. Denies allegations contained in paragraph 52 of the Complaint.
53. Denies allegations contained in paragraph 53 of the Complaint.

AS AND FOR COUNT VI

Common Law Tortious Interference With Economic Relations

54. Defendant repeats, reiterates and realleges each and every statement above, as if fully set forth al length herein.
55. Denies allegations contained in paragraph 55 of the Complaint.
56. Denies allegations contained in paragraph 56 of the Complaint.

57. Denies allegations contained in paragraph 57 of the Complaint.

58. Denies allegations contained in paragraph 58 of the Complaint.

59. Denies allegations contained in paragraph 59 of the Complaint.

60. Denies allegations contained in paragraph 60 of the Complaint.

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61. The allegations contained in the WHEREFORE clause of the Complaint constitute legal conclusions to which no response is required and, to the extent a response is required, the Defendant denies the allegations contained in the WHEREFORE clause of the Complaint.

DEMAND FOR A JURY TRIAL

62. The Defendants hereby demand a trial by jury as to any and all issues raised in the Complaint and this Answer which are triable before a jury.

FIRST AFFIRMATIVE DEFENSE

63. The Complaint should be dismissed for failure to state a claim upon which relief can be granted pursuant to FRCP 12(b)(6) and for Plaintiff's failure to properly serve the Summons and Complaint in the manner provided by the Federal Rules of Civil Procedure or the New York Civil Law and Practice Law and Rules.

SECOND AFFIRMATIVE DEFENSE

64. Plaintiff's claims may be barred in whole or in part by waiver, estoppel and/or the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

65. Plaintiff's claims may be illegal or in violation of public policy.

FOURTH AFFIRMATIVE DEFENSE

66. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

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