

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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ELDA PANCIONE, as Executrix of the Estate of
ANTHONY F. PANCIONE, and ELDA PANCIONE,
Individually,

Index No.: 2023-54954

VERIFIED ANSWER

Plaintiffs,

against

ATLANTICARE MANAGEMENT, L.L.C., d/b/a
PUTNAM RIDGE NURSING HOME, AMBULNZ
NY 2, LLC, and BREWSTER SOUTHEAST EMS,
INC.,

Defendants.
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Defendant AMBULNZ NY 2, LLC, by its attorneys, HEIDELL, PITTONI,
MURPHY & BACH, LLP, upon information and belief, answers the Verified Complaint herein
as follows:

AS AND FOR A FIRST CAUSE OF ACTION

FIRST: Denies knowledge or information sufficient to form a belief as to the
allegations contained in the paragraphs of the Verified Complaint designated “FIRST” through
“SEVENTIETH”.

AS AND FOR A SECOND CAUSE OF ACTION

SECOND: Denies knowledge or information sufficient to form a belief as to the
allegations contained in the paragraphs of the Verified Complaint designated “SEVENTY-
FIRST” through “EIGHTY-SEVENTH”.

AS AND FOR A THIRD CAUSE OF ACTION

THIRD: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “EIGHTY-EIGHTH” through “NINTY-EIGHTH”.

AS AND FOR A FOURTH CAUSE OF ACTION

FOURTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “NINETY-NINTH” through “ONE HUNDRED FOURTEENTH”.

AS AND FOR A FIFTH CAUSE OF ACTION

FIFTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED FIFTEENTH”.

SIXTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED SIXTEENTH” except admits that Defendant AMBULNZ NY 2, L.L.C., maintains a place of business in the State of New York, County of Albany, located at 187 Wolf Road, Albany NY 12205, and begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

SEVENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraph of the Verified Complaint designated “ONE HUNDRED SEVENTEENTH”

EIGHTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED EIGHTEENTH” through “ONE HUNDRED THIRTY-FOURTH”, except admits that AMBULNZ NY 2, L.L.C. is a foreign limited liability company, and otherwise denies knowledge or information sufficient to form a belief as to the allegations within these paragraphs and begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

NINTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED THIRTY-FIFTH” “ONE HUNDRED FIFTY-FIRST”.

TENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED FIFTY SECOND” through “ONE HUNDRED FIFTY-FIFTH” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

ELEVENTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED FIFTY-SIXTH” through “ONE HUNDRED FIFTY-NINTH” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO A SIXTH CAUSE OF ACTION

TWELFTH: Answering the paragraph of the Verified Complaint designated “ONE HUNDRED SIXTIETH” Defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the Verified Complaint designated “FIRST” through “ONE HUNDRED SIXTIETH” with the same force and effect as if herein set forth at length.

THIRTEENTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED SIXTY-FIRST” through “ONE HUNDRED

SIXTY-FOURTH” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO A SEVENTH CAUSE OF ACTION

FOURTEENTH: Answering the paragraph of the Verified Complaint designated “ONE HUNDRED SIXTY-FIFTH” Defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the Verified Complaint designated “FIRST” through “ONE HUNDRED SIXTY-FOURTH” with the same force and effect as if herein set forth at length.

FIFTEENTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED SIXTY-SIXTH”, ONE HUNDRED SIXTY-EIGHTH” and “ONE HUNDRED SIXTY-NINTH” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

SIXTEENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED SIXTY-SEVENTH” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO AN EIGHTH CAUSE OF ACTION

SEVENTEENTH: Answering the paragraph of the Verified Complaint designated “ONE HUNDRED SEVENTIETH” Defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the Verified Complaint designated “FIRST” through “ONE HUNDRED SIXTY-NINTH” with the same force and effect as if herein set forth at length.

EIGHTEENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint designated “ONE

HUNDRED SEVENTY-FIRST” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

NINETEENTH: Denies the allegations contained in the paragraphs of the Verified Complaint designated “ONE HUNDRED SEVENTY-SECOND” and “ONE HUNDRED SEVENTY-THIRD” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

TWENTIETH: All paragraphs not responded to are herein deemed denied.

FOR A FIRST DEFENSE

TWENTY-FIRST: That this action was not commenced against Defendant until after the expiration of the time period specified in the applicable statute of limitations and any recovery based on the alleged causes of action herein is barred.

FOR A SECOND DEFENSE

TWENTY-SECOND: That whatever damages may have been sustained at the time and place alleged in the Verified Complaint by Plaintiffs were caused, in whole or in part, by the culpable conduct of the Plaintiffs and without any negligence on the part of Defendant. Damages, if any, are to be diminished proportionally to the culpable conduct of the Plaintiffs.

FOR A THIRD DEFENSE

TWENTY-THIRD: That as to the cause of action set forth in the Verified Complaint based upon alleged failure to obtain an informed consent, Defendant pleads the defenses in Public Health Law, §2805-d.

FOR A FOURTH DEFENSE

TWENTY-FOURTH: That the equitable share of liability, if any, of Defendant, AMBULNZ NY 2, L.L.C., shall be determined pursuant to the provisions of Article 16 of the CPLR.

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