

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JONATHAN ANTONIO,

Index No. 504135/2024

Plaintiff(s),

-against-

VERIFIED ANSWER

ALISA WALDMAN and "JOHN DOE",

Defendant(s).

-----X

The defendant, ALISA WALDMAN, by her attorneys, GALLO VITUCCI KLAR LLP, answering the Verified Complaint of the plaintiff herein states as follows:

AS AND FOR AN ANSWER TO THE CAUSE OF ACTION

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "1" and "4" of the Verified Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the Verified Complaint and respectfully refers all questions of law to the court at the time of trial.
3. Denies the allegations contained in paragraphs "5", "7", "8", "9", "10", "11", "12" and "13" of the Verified Complaint.
4. Admits to the allegations contained in paragraphs "2" and "3" of the Verified Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. Upon information and belief, any damage or damages sustained by the plaintiff herein was not caused by the wrongdoing on the part of the answering defendant, her servants, agents or employees, but were caused solely or in part by the wrongdoing of the plaintiff and that such conduct

requires diminution of any award, verdict or judgment that plaintiff may recover against said answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

6. Upon information and belief, plaintiff's economic loss, if any, as specified in Section 4545 of the CPLR, was replaced or indemnified, in whole or in part, from collateral sources, and these answering defendant is entitled to have the court consider the same in determining such special damages as provided in Section 4545 of the CPLR.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

7. Upon information and belief, the injuries sustained by plaintiff are such that they do not fall within the requirements of Insurance Law Section 5101, et seq.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

8. Upon information and belief, this Court lacks jurisdiction over the answering defendant by reason of improper service of process.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

9. Upon information and belief, this action must be dismissed for plaintiff's failure to state a cause of action.

AND FOR A SIXTH AFFIRMATIVE DEFENSE

10. Upon information and belief, defendant, LISA WALDMAN, denies striking the plaintiff and/or making contact with the plaintiff.

WHEREFORE, defendant, ALISA WALDMAN, demands:

1. Judgment dismissing the Verified Complaint; together with the costs and disbursements of this action.

Dated: New York, New York
March 26, 2024

Yours, truly,

GALLO VITUCCI KLAR LLP

By: *Grant M. Meisels*

Grant M. Meisels, Esq.

Attorneys for Defendant
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TO: HARMON, LINDER & ROGOWSKY, ESQS.
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VERIFICATION PURSUANT TO CPLR 3020(D)(2)

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

The undersigned, an attorney admitted to practice law in the State of New York, affirms:

That the undersigned a partner of the firm of GALLO VITUCCI KLAR LLP, attorneys of record for defendant(s) ALISA WALDMAN, in the within action; that the undersigned has read the foregoing Verified Answer and knows the contents thereof; that the same are true to affirmant's own knowledge, except as to the matters therein stated to be alleged on information and belief; and as to those matters affirmant believes them to be true.

The undersigned further states that the reason this affirmation is made by the undersigned and not by defendant is because said parties do not have a place of business in the country where your affirmant maintains her office.

The grounds of affirmant's belief as to all matters not stated to be upon affirmant's own knowledge, are investigative material contained in affirmant's file.

The undersigned affirms that the foregoing statements are true, under the penalty of perjury.

Dated: New York, New York
March 26, 2024

Grant M. Meisels
GRANT M. MEISELS

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JONATHAN ANTONIO,

Index No. 504135/2024

Plaintiff(s),

-against-

ALISA WALDMAN and "JOHN DOE",

**DEMAND FOR A VERIFIED
BILL OF PARTICULARS**

Defendant(s).
-----X

S I R S:

PLEASE TAKE NOTICE that, pursuant to this Demand, you are required to serve a verified Bill of Particulars with the following information with thirty (30) days:

1. Age of plaintiff(s), date of birth and place of birth.
2. Date of accident.
3. Time of accident.
4. Place of accident.
5. General description of the occurrence together with identification of the parts of any motor vehicle or other instrumentality involved in said occurrence.
6. Acts of wrongdoing claimed separately, against each defendant.
7. Whether actual notice of a defective, deficient or unsafe condition is alleged,

and, if so:

- (a) The person or persons to whom given;
- (b) The place or places where given;
- (c) The date or dates when given;
- (d) The person or persons by whom given.

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