

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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R&R ASSETS LLC, Index No. 604547/2023

Plaintiff, **ANSWER**

-against-

OFER BITON and VERED BITON,
Defendants.

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Defendants, OFER BITON and VERED BITON (together, “Defendants”), by their attorneys, Blank Rome LLP, as and for their answer to the Complaint (“Complaint”) (NYSCEF Doc. No. 2) herein, hereby respond as follows:

NATURE OF THE CASE

1. Defendants deny the allegations contained in paragraph 1 of the Complaint.

THE PARTIES

2. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Complaint.

3. Defendants deny the allegations contained in paragraph 3 of the Complaint, and respectfully refer the Court to the referenced document.

4. Defendants deny the allegations contained in paragraph 4 of the Complaint, and respectfully refer the Court to the referenced document.

JURISDICTION AND VENUE

5. Defendants deny the allegations contained in paragraph 5 of the Complaint.

FACTUAL BACKGROUND

6. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Complaint.

7. Defendants deny the allegations contained in paragraph 7 of the Complaint, and respectfully refer the Court to the referenced document.

8. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint.

9. Defendants deny the allegations contained in paragraph 9 of the Complaint, and respectfully refer the Court to the referenced document.

10. Defendants deny the allegations contained in paragraph 10 of the Complaint, and respectfully refer the Court to the referenced document.

11. Defendants deny the mischaracterization of alleged payment obligations set forth in the subject commercial lease (the "Lease"), contained in paragraph 11 of the Complaint, and respectfully refer the Court to the referenced document.

12. Defendants deny the mischaracterization contained in paragraph 12 of the Complaint, and respectfully refer the Court to the referenced document.

13. Defendants deny the mischaracterization contained in paragraph 13 of the Complaint, and respectfully refer the Court to the referenced document.

14. Defendants deny the allegations contained in paragraph 14 of the Complaint, and respectfully refer the Court to the referenced document.

15. Defendants deny the allegations contained in paragraph 15 of the Complaint, and respectfully refer the Court to the referenced document.

16. Defendants deny the allegations contained in paragraph 16 of the Complaint, and respectfully refer the Court to the referenced document.

17. Defendants deny the allegations contained in paragraph 17 of the Complaint, and respectfully refer the Court to the referenced document.

18. Defendants deny the allegations contained in paragraph 18 of the Complaint, and respectfully refer the Court to the referenced document.

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 admit the allegations contained in paragraph 23 of the Complaint.

AS AND FOR A FIRST CAUSE OF ACTION

24. Defendants repeat their responses set forth above regarding paragraphs 1 through 23 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.

27. Defendants deny the allegations contained in paragraph 27 of the Complaint.

28. While paragraph 28 of the Complaint calls for a legal conclusion, and therefore no response is required, to the extent a response is necessary, Defendants deny the allegations contained in paragraph 28 of the Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

29. Defendants repeat their responses set forth above regarding paragraphs 1 through 28 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.

33. While paragraph 33 of the Complaint calls for a legal conclusion, and therefore no response is required, to the extent a response is necessary, Defendants deny the allegations contained in paragraph 33 of the Complaint.

AS AND FOR A THIRD CAUSE OF ACTION

34. Defendants repeat their responses set forth above regarding paragraphs 1 through 33 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. While paragraph 37 of the Complaint calls for a legal conclusion, and therefore no response is required, to the extent a response is necessary, Defendants deny the allegations contained in paragraph 37 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

38. Plaintiff's claims are barred, in whole or in part, because the Complaint fails to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

39. Plaintiff's claims are barred, in whole or in part, because Plaintiff breached its duty of good faith and fair dealing.

THIRD AFFIRMATIVE DEFENSE

40. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands as Plaintiff has committed wrongdoing(s), and this lawsuit is attempting to benefit from the wrongdoing(s).

FOURTH AFFIRMATIVE DEFENSE

41. Plaintiff's claims are barred, in whole or in part, because Defendants did not damage Plaintiff in the sum or manner alleged, or in any sum or manner at all.

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