

P:/cases/MTB68044/Legal/AnswerX Claim/JVW:aag

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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JENINE T. LOWE, DEANNA M. JOHNSON, COREY  
MANSON, TAMARA RIDDICK-CATOR, RONNIE ARGO,

**Index No.: 702126/2024**

Plaintiffs,

**VERIFIED ANSWER  
TO VERIFIED  
COMPLAINT WITH  
CROSS-CLAIM(S)**

-against-

MTA BUS COMPANY, NEW YORK CITY TRANSIT  
AUTHORITY, METROPOLITAN TRANSPORTATION  
AUTHORITY, GREGORY SNEED, JOHNNY EXPRESS  
CORPORATION, JOHN DOE,

Defendants.

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C O U N S E L O R S:

Defendants, MTA BUS COMPANY, METROPOLITAN TRANSPORTATION  
AUTHORITY and NEW YORK CITY TRANSIT AUTHORITY, by their attorneys BARRY  
McTIERNAN & MOORE LLC answering the Summons and Verified Complaint of the  
plaintiffs, state as follows:

**AS AND FOR THE FIRST CAUSE OF ACTION ON  
BEHALF OF JENINE T. LOWE:**

1. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraphs “1”, “2”, “3”, “4”, “5”, “9”, “10”, “11”, “12”, “21”, “23”, “25” and “27” of the Verified Complaint.
2. Deny each and every allegation contained in paragraphs “6”, “7”, “8”, “13”, “15”, “17”, “19”, “20”, “22”, “26”, “28”, “29”, “30”, “31” and “32” of the Verified Complaint.
3. Admit each and every allegation contained in paragraphs “14”, “16” and “18” of the Verified Complaint.

4. Admit each and every allegation contained in paragraph “24” of the Verified Complaint as to MTA Bus Company only.

**AS AND FOR THE SECOND CAUSE OF ACTION ON  
BEHALF OF DEANNA M. JOHNSON**

5. Answering paragraph numbered “33” of the Verified Complaint, answering defendants, repeat, reiterate and reallege each and every response contained in paragraphs “1” through “4” of this Verified Answer.

6. Deny each and every allegation contained in paragraphs “34”, “35”, “36”, “37”, “38”, “39” and “40” of the Verified Complaint.

**AS AND FOR THE THIRD CAUSE OF ACTION ON  
BEHALF OF COREY MANSON**

7. Answering paragraph numbered “41” of the Verified Complaint, answering defendants, repeat, reiterate and reallege each and every response contained in paragraphs “1” through “6” of this Verified Answer.

8. Deny each and every allegation contained in paragraphs “42”, “43”, “44”, “45”, “46”, “47” and “48” of the Verified Complaint.

**AS AND FOR THE FOURTH CAUSE OF ACTION ON  
BEHALF OF TAMARA RIDDICK-CATOR**

9. Answering paragraph numbered “49” of the Verified Complaint, answering defendants, repeat, reiterate and reallege each and every response contained in paragraphs “1” through “8” of this Verified Answer.

10. Deny each and every allegation contained in paragraphs “50”, “51”, “52”, “53”, “54”, “55” and “56” of the Verified Complaint.

**AS AND FOR THE FIFTH CAUSE OF ACTION ON  
BEHALF OF TAMARA RIDDICK-CATOR**

11. Answering paragraph numbered “57” of the Verified Complaint, answering defendants, repeat, reiterate and reallege each and every response contained in paragraphs “1” through “10” of this Verified Answer.

12. Deny each and every allegation contained in paragraphs “58” “59”, “60”, “61”, “62”, “63” and “64” of the Verified Complaint.

**AS AND FOR A FIRST SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

13. That the subject accident was the result of a sudden unforeseen circumstance which constitutes an emergency and may not serve as the basis for finding of negligence against defendant(s).

**AS AND FOR A SECOND SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

14. The personal injuries alleged to have been sustained by the plaintiff(s) was/were caused entirely or in part as a result of the culpable conduct attributable to the plaintiff(s) and answering defendants seek a dismissal or reduction in any recovery had by plaintiff(s) in the proportion which the culpable conduct attributable to the plaintiffs bear to the culpable conduct which caused the damages.

**AS AND FOR A THIRD SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

15. The plaintiff’s action is barred by §5102 et seq. of the Insurance Law regarding

threshold requirements.

**AS AND FOR A FOURTH SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

16. That by failing and neglecting to exercise ordinary care in making timely use of the available lap/shoulder belt and/or infant safety device(s), Plaintiff(s) acted unreasonably and in disregard of Plaintiff(s) own best interests and that all or a portion of the injuries Plaintiff(s) sustained could have been eliminated or minimized by the use of said device(s).

**AS AND FOR A FIFTH SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

17. Pursuant to CPLR 1603, answering defendants assert the terms, provisions, limitations and rights afforded under CPLR 1601 and 1602 and all rights contained therein.

**AS AND FOR A SIXTH SEPARATE AND  
AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

18. That answering defendants assert the terms, provisions, limitations and rights contained in §4545(c) of the CPLR.

**AS AND FOR A SEVENTH SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

19. The Complaint fails to state a cause of action upon which relief may be granted against METROPOLITAN TRANSPORTATION AUTHORITY and NEW YORK CITY TRANSIT AUTHORITY.

**AS AND FOR AN EIGHTH SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE ANSWERING  
DEFENDANTS ALLEGE THE FOLLOWING UPON  
INFORMATION AND BELIEF**

20. Plaintiff failed to serve a Notice of Claim/demand letter pursuant to §1276 of the Public Authorities Law against METROPOLITAN TRANSPORTATION AUTHORITY and NEW YORK CITY TRANSIT AUTHORITY.

**AS AND FOR A CROSS-CLAIM AGAINST  
CO-DEFENDANT, JOHNNY EXPRESS CORPORATION  
ANSWERING DEFENDANTS ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:**

21. That if the plaintiff was caused to sustain damages at the time and place set forth in the plaintiff's Complaint through any carelessness, recklessness and/or negligence other than the Plaintiff's(s') own, such damages were sustained in whole or in part by reason of the carelessness, recklessness and negligence and/or negligent acts of omission or commission by the co-defendant JOHNNY EXPRESS CORPORATION his/her/their agents, servants and/or employees.

22. Further if plaintiff should recover judgment against these answering defendants, then the co-defendant JOHNNY EXPRESS CORPORATION shall be liable to the answering defendants on the basis of apportionment of responsibility for the alleged occurrence and the answering defendants are entitled to contribution from and judgment over and against the co-defendant JOHNNY EXPRESS CORPORATION for all or part of any verdict or judgment which plaintiffs may recover in such amounts as a Jury or Court may direct.

23. These answering defendants demand judgment dismissing the complaint herein as to the answering defendants and further demand judgment over and against the co-defendant JOHNNY EXPRESS CORPORATION for the amount of any judgment which may be obtained

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