

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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ROY DEN HOLLANDER,

Index No. 000854/2016

Plaintiff,

**ANSWER**

-against-

EPIQ SYSTEMS, INC., DOMINICK OLIVO  
and JUAN DOE, an apparent illegal alien  
working for Select Office Suites,

Defendants.

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Defendants DOMINICK OLIVO and JAIRO FRANCO S/H/A JUAN DOE, by and through their attorneys, the Law Offices of Charles J. Siegel, answering the unverified complaint of the plaintiff herein, alleges upon information and belief:

**FIRST:** Denies any knowledge or information sufficient to form a belief as to paragraphs designated "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "18", "19", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39" of the unverified complaint.

**SECOND:** Denies paragraphs except "21" of the unverified complaint and refers all questions of law to the Court at the time of trial.

**THIRD:** Denies paragraphs "12", "13", "14", "15", "16", "17", "20", "40", "41", "42", "43", "44", "45", "46", "47", "48", "50", "51", "52", "53", "54" and "55" of the unverified complaint.

**FIRST AFFIRMATIVE DEFENSE**

The Complaint, and each of its causes of action, fails to state facts sufficient to constitute a cause of action.

**SECOND AFFIRMATIVE DEFENSE**

The Complaint and each of its causes of action and requests for relief is barred by the doctrine of unclean hands.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff has waived the right to pursue the Complaint, and each of its causes of action, by reason of his own actions and course of conduct.

**FOURTH AFFIRMATIVE DEFENSE**

The Complaint, and each of its cause of action, is barred because Defendants did not engage in the alleged discrimination or harassment set forth in the Complaint.

**FIFTH AFFIRMATIVE DEFENSE**

The Complaint and each of its cause of action fail as to individual Defendants because individual and/or supervisors cannot be liable for the conduct alleged in those claims as a matter of law.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendants allege that they currently have insufficient knowledge or information on which to form belief as to whether they may have additional, as yet unstated defenses available. Defendants expressly reserve the right to assert additional affirmative defenses in the event discovery indicates those would be appropriate.

**NINTH AFFIRMATIVE DEFENSE**

In the event that the plaintiff recovers any judgment against these defendants, then these defendants demand that any such judgment be diminished in accordance with Article 16 of the CPLR and more particularly Section 1601 thereof.

**TENTH AFFIRMATIVE DEFENSE**

Defendants, DOMINICK OLIVO and JAIRO FRANCO S/H/A JUAN DOE pursuant to Section 1412 of the CPLR, alleges on information and belief, that if plaintiff sustained any

injuries or damages at the time and place alleged in his unverified complaint, such injuries or damages were the result of the culpable conduct of the plaintiff or because of the plaintiff's negligence and assumption of risk. Should it be found however, that the answering defendants is liable to the plaintiff herein, any liability being specifically denied, then the answering defendants alleges that if any damages are found, they are to be apportioned among the plaintiff and defendants according to the degree of responsibility that each is found to have in the occurrence, in proportion to the entire measure of responsibility for the occurrence.

**ELEVENTH AFFIRMATIVE DEFENSE**

The plaintiff has failed to mitigate damages.

**TWELFTH AFFIRMATIVE DEFENSE**

If the plaintiff, ROY DEN HOLLANDER sustained damages as alleged, such damages occurred while plaintiff was engaged in an activity into which he entered, knowing the hazard, risk and danger of the activity and he assumed the risks incidental to and attending the activity.

**THIRTEENTH AFFIRMATIVE DEFENSE**

This action is not ripe for adjudication in a court of law as plaintiff has failed to avail himself to administrative remedies prior to the institution of this action.

**FOURTEENTH AFFIRMATIVE DEFENSE**

That the plaintiff has failed to join all parties who are necessary to this action and therefore the complaint should be dismissed.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Information and believe, the written statement content information that is true and based on investigation at that time.

**SIXTEENTH AFFIRMATIVE DEFENSE**

That the Court does not have jurisdiction over the person of the defendants due to improper service of process.

**AS AND FOR A CROSS-CLAIM AGAINST THE DEFENDANT  
EPIQ SYSTEMS, INC , THE DEFENDANTS,  
DOMINICK OLIVO and JAIRO FRANCO S/H/A JUAN DOE ALLEGE(S),  
UPON INFORMATION AND BELIEF, PURSUANT TO CPLR 3019 (b):**

That if the plaintiff(s) sustained the damages alleged in the complaint through any negligence and/or breach of warranty and/or breach of contract and/or breach of indemnification agreement other than their own, such damages were caused by and resulted from the negligence and/or breach of warranty and/or breach of contract and/or breach of indemnification agreement of the above-named co-defendant(s)

That if the plaintiff(s) recover(s) a verdict against the answering defendant(s) for the damages alleged in the complaint, such liability will have been caused by the negligence and/or breach of warranty and/or breach of contract and/or breach of indemnification agreement of the above-named co-defendant(s).

That by reason of the foregoing, if any verdict or judgment is rendered in favor of the plaintiff(s) against the answering defendants, then the above named co-defendant(s) will be liable to the answering defendants, in whole or in part, for said verdict and for costs and expenses incurred by the said answering defendant(s) in the defense of this action.

**WHEREFORE**, the answering defendants' demands judgment dismissing the complaint herein and further demands judgment over and against the co-defendant(s) hereinbefore named, in whole or in part, for any verdict or judgment rendered against the answering defendant(s), together with the costs and disbursements of this action and the attorney's fees and expenses incurred herein.

Dated: New York, New York  
February 18, 2016

Yours, etc.,

Law Offices of  
CHARLES J. SIEGEL

Attorneys for Defendant  
Dominick Olivo and JAIRO FRANCO S/H/A JUAN DOE  
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By: *Loretta J. Hottinger*  
Loretta Hottinger, Esq.

To:  
Roy Den Hollander, Esq.  
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Epiq Systems, Inc.  
777 Third Avenue  
New York, NY 10017

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Index No. 000854/2016

Plaintiff,

-against-

**DEMAND FOR BILL  
OF PARTICULARS**

EPIQ SYSTEMS, INC., DOMINICK OLIVO  
and JUAN DOE, an apparent illegal alien  
working for Select Office Suites,

Defendants.

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**PLEASE TAKE NOTICE** that, pursuant to relevant Sections of the Civil Practice Law and Rules, you are hereby required to serve a Verified Bill of Particulars upon Defendants, within thirty (30) days after receipt of this Demand.

1. Plaintiff's date of birth, and place of birth.

**BATTERY**

2. Date of the alleged Battery incident.
3. Time of the alleged Battery incident.
4. Address of the premises where the alleged Battery occurred and the floor, room or location within the premises.
5. Names and addresses of each and every person involved in the alleged Battery to the plaintiff.
6. If plaintiff is not aware of the name, then provide a description by height, weight, sex and other identifying characteristics of the persons involved.
7. Set forth the nature and extent of the injuries claimed to have been sustained as a result of the alleged Battery.
8. Specify any pre-existing injury or condition that is claimed to exacerbate as a repeat of

the allegations in this lawsuit.

9. Describe the injuries claimed to be permanent in their nature and consequences in sufficient detail to permit definite identification.
10. State the length of time the Plaintiff, was confined to:
  - (a) bed;
  - (b) house;
  - (b) hospital;
  - (c) nursing home or other rehabilitative institution.
11. State separately the total amounts claimed by the Plaintiff as special damages for each of the following:
  - (a) Physicians' services and medical services with names and addresses of all providers who treated the Plaintiff for said injuries, and the dates of each;
  - (b) Nurses' services;
  - (c) Medical supplies, with a description of the supplies;
  - (d) hospital expenses, with the names and addresses of all hospitals and dates of confinement at each hospital;
  - (e) each projected or anticipated item of future expense which Plaintiff will claim at trial;
  - (f) Miscellaneous expenses.
12. If the Plaintiff have received reimbursement for any of medical expenses incurred in connection with the treatment of the injuries complained of in the complaint, set forth:
  - (a) the source of the reimbursement, including:
    - (i) the name of the indemnitor (such as Blue Cross, GHI, etc.),
    - (ii) the group or policy number and Plaintiff-decedent's identification number for each provider,
    - (iii) Medicaid and/or Medicare number;
  - (b) the dates and amounts of reimbursement.

13. If applicable, state:
- (a) occupation of the Plaintiff, at the time of the alleged injuries by the Defendant, together with the name and address of the Plaintiff's employer at such time.
  - (b) if self-employed, state the address of the place of employment and the type of business or occupation in which Plaintiff was engaged immediately prior to the occurrence;
  - (c) the length of time Plaintiff was unable to attend to her employment or her business;
  - (d) the amount of money Plaintiff, was alleged to have earned during the year prior to the occurrence from any and all sources, including pension, social security and/or disability payments.;
  - (b) the amount of earnings the Plaintiff, is alleged to have lost as a result of the Defendants' negligence.
  - (c) the name and/or description of each and every test answering Defendants failed to take or administer and the alleged date of such omission;
14. If it is claimed that the answering Defendants, are responsible vicariously for the acts or omissions of other(s), state the name of each such individual or the identity of the entity for who Plaintiff allege the answering Defendants are vicariously liable. If the name is not known, describe the physical appearance and/or address with sufficient clarity for ready identification, and state the occupation of each such person and the date and place of the act or omission.

#### **HARASSMENT**

15. State the acts constituting the alleged harassment claimed against each the above named defendants.
16. State the injuries that Plaintiff, suffered as a result of the alleged harassment of each Defendants.
17. Set forth, with specificity, the identity of each individual who purported harassed the



plaintiff.

18. If it is claimed that the actual harassment of plaintiff(s) was committed in writing, attach a copy of each such writing to the bill of particulars, and, if it is claimed that said actionable harassment was oral, set forth a statement setting forth the substance of each such instance of harassment, including a statement as to the identify of the person making such harassment statement, any other individuals who were present when such statements were made, the date, time and place of such harassment and circumstances under which said alleged harassment took place.
19. If any statutes, laws, or rules are claimed to have been violated by the Defendants, set forth the title of any such law and the section or sections and subsection or subsections claimed to have been violated by the answering Defendants, including in what way the answering Defendants violated same.
20. Set forth name and address of each person who ridiculed you or held you in contempt as a result of any statements claimed to have been made by defendants
21. State how and in what manner your reputation has been injured, including the name and address of each person in whose opinion your reputation has been damaged, as a result of the acts of complained of.
22. State the name and address or each person who has knowledge of your reputation in the community.
23. Itemize all of special damages you claim to have sustained as a result of any statements made by defendants.
24. Set forth name and address of each person who has knowledge of relevant facts,

information or circumstances of this case, including those persons who have special knowledge concerning special damages you claim to have suffered?

**ITEMS AS TO TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS**

25. Set forth each aspect of the alleged Tortious Interference with Contractual Relations by the defendants.
26. The date, time and place of the making of the contract.
27. Whether oral or written.
  - (a) If oral, set for the substance thereof.
  - (b) If written, set forth a copy thereof.
28. The name of the person entering into the contract on behalf of the plaintiff.
29. The name of the person entering into the contract on behalf of each defendant or other entity.
30. Each and every act or omission constituting the alleged Interference with the contract.
31. List each item of damage resulting from the alleged Interference with the amount thereof.
32. List any other damages general or special which it is claimed resulted from the alleged action by the defendants.

**INJURIOUS FALSEHOODS AND DEFAMATION**

33. Set forth the statements alleged to be "False Accusations."
34. Was the "False Accusation" oral or in writing?
35. Set forth the names and persons who is alleged to have prepared the "False Accusations"?
36. Set forth whom to whom plaintiff alleges these "False Accusations" were published and or distributed.


37. Have you set forth all of the false or malicious or defamatory statements claimed to have been made by defendant, of or concerning you, in your complaint filed herein?
38. If not, state:
- (a) The words you claim were defamatory;
  - (b) The date and place where the words were spoken or published; and
  - (c) The name and address of each person to whom such words were uttered or published.

**PLEASE TAKE FURTHER NOTICE**, that in the event plaintiff fails to comply with the foregoing demand within thirty (30) days; the defendants above will move to preclude the offering of any evidence as to the matters herein demanded, together with the costs of such application.

Dated: New York, New York  
February 23, 2016

Yours, etc.,

Law Offices of  
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