

Gary Ahladianakis, Esq. – ID#017292004

CARLUCCIO, LEONE, DIMON, DOYLE & SACKS, L.L.C.

9 Robbins Street

Toms River, NJ 08753

732-797-1600

Attorneys for Defendant, Toms River Regional School District

Our File No. 5876-078

ANN M. MILLARD,

Plaintiff,

v.

TOMS RIVER BOARD OF
EDUCATION and DAVID M.
HEALY, Individually and in his
official capacity,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

Civil Action

DOCKET NO. OCN-L-000864-18

ANSWER

Defendant, TOMS RIVER BOARD OF EDUCATION, by way of Answer to the
Plaintiff's Complaint, say(s):

PARTIES

1. Admitted.

2. Admitted.

3. This Defendant admits to the first sentence of this allegation. The remainder of the allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

ALLEGATIONS

4. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

5. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein. Furthermore, the allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by

this Defendant.

6. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

7. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

8. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

9. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

10. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein. Furthermore, the allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

11. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein. Furthermore, the allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

12. This Defendant admits the allegations only to the extent that letter dated June 23, 2017 was sent by Plaintiff's attorney to the attention of William Doering. As to the remainder of the allegations contained in this paragraph, this Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein. Furthermore, the allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

13. Denied.

14. This Defendant admits that an investigation was performed by Defendant, Toms River Board of Education, and the results of the said investigation were reported to the Board.

15. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein.

16. Admitted.

17. The allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

18. Admitted that on October 9, 2017, Superintendent Healy spoke to an assembly-sized crowd at a Professional Development Day. This Defendant is without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained therein.

19. Admitted that on October 13, 2017, Principal Thomas contacted Megan Osborn about information Plaintiff had relayed to Principal Thomas and that on October 19, 2017, Plaintiff advised Megan Osborn that she objected to Assistant Superintendent Coleman's participation in a meeting with her. This Defendant denies the remainder of the allegations contained therein.

20. Admitted that on October 25, 2017 Megan Osborn met with Plaintiff and William Dishon. This Defendant denies the remainder of the allegations contained therein.

21. Admitted that Megan Osborn sent correspondence, dated November 2, 2017, to Plaintiff. This Defendant denies the remainder of the allegations contained therein.

22. Admitted that, on November 13, 2017, Plaintiff sent an e-mail to Megan Osborn in response to the aforementioned correspondence of November 2, 2017. This Defendant denies the remainder of the allegations contained therein.

23. The allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

COUNT I

24. This Defendant repeats each and every answer to the allegations contained in the previous counts of this Complaint and makes the same a part hereof as though fully set forth at length herein.

25. Denied.

26. This Defendant is without sufficient knowledge or information to form a belief as to

the truth of the allegations contained therein.

27. Denied.

28. The allegations contained in this paragraph state conclusions of law to which no answer is required, but are otherwise denied by this Defendant.

29. Denied that Defendant, Healy's complained-of conduct constituted sexual harassment.

30. Denied.

31. Denied.

32. Denied.

COUNT II

33. This Defendant repeats each and every answer to the allegations contained in the previous counts of this Complaint and makes the same a part hereof as though fully set forth at length herein.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

COUNT III

41. This Defendant repeats each and every answer to the allegations contained in the previous counts of this Complaint and makes the same a part hereof as though fully set forth at length herein.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

WHEREFORE, this Defendant demands judgment in its favor dismissing the Complaint in its entirety with prejudice together with costs, attorney's fees and such other relief as the Court may deem equitable and just.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint of the plaintiff(s) fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The cause of action alleged in the Complaint falls within the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq. and the defendant(s) is therefore immune from liability.

THIRD AFFIRMATIVE DEFENSE

The defendant(s), under the collateral source rule, N.J.S.A. 2A:15-97, is entitled to a disclosure and deduction of such benefits/awards received by plaintiff(s) from any other source other than a joint tortfeasor, less any premium paid directly to an insurer.

FOURTH AFFIRMATIVE DEFENSE

The Answering Defendant performed each and every duty owed to Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

At all times relevant hereto, the Answering Defendant acted in a reasonable and proper manner.

SIXTH AFFIRMATIVE DEFENSE

The Answering Defendant at all times relevant hereto complied with all federal, state and local statutes, regulations and/or ordinances in effect.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff is estopped from enforcing more stringent regulations and/or requirements than were in effect at the time of the alleged offense.

EIGHTH AFFIRMATIVE DEFENSE

The claims of Plaintiff are barred by her failure to mitigate damages.

NINTH AFFIRMATIVE DEFENSE

The claims of Plaintiff are barred in whole or in part by the Entire Controversy Doctrine.

TENTH AFFIRMATIVE DEFENSE

The claims of Plaintiff are barred by the doctrines of satisfaction and accord, estoppel, res judicata, and/or waiver.

ELEVENTH AFFIRMATIVE DEFENSE

Answering Defendant never took any adverse employment action against the plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff does not belong to a protected class as defined by the New Jersey LAD.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendants have legitimate, nondiscriminatory reasons for their employment decisions concerning the plaintiff.

FOURTEENTH AFFIRMATIVE DEFENSE

Answering defendant was never given an opportunity to correct any of its practices by Plaintiff.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to recover damages in accordance with the New Jersey LAD.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to recover punitive damages in accordance with the New Jersey LAD.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to attorney fees in accordance with the New Jersey LAD.

EIGHTEENTH AFFIRMATIVE DEFENSE

Answering defendant is entitled to recover litigation costs and attorney fees from plaintiff in accordance with N.J.S.A. 2A:15-59.1 because the plaintiff's claim has no basis in law or fact.

NINETEENTH AFFIRMATIVE DEFENSE

Answering defendant has no supervisory employees involved in any adverse employment action or unlawful conduct which is specifically denied.

TWENTIETH AFFIRMATIVE DEFENSE

Answering defendant did not exhibit indifference to any adverse employment action or unlawful conduct which is specifically denied.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Answering defendant did not engage in any unlawful conduct based on plaintiff's gender.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Plaintiff is not entitled to the requested equitable relief in accordance with the New Jersey LAD.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiff failed to follow all Affirmative Action Policies and Procedures and/or otherwise

issue a formal Complaint of any perceived unlawful conduct to the Plaintiff's supervisor or proper individual(s) of her employer.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

The Answering defendant hereby reserves the right to interpose such other defenses as discovery may disclose.

REQUEST FOR AMOUNT OF DAMAGES CLAIMED

Pursuant to R. 4:5-2, this Defendant requests that Plaintiff submit to the undersigned counsel, within 5 days of service of this Answer, a statement of the amount of damages claimed by you as to each Count of the Complaint.

JURY DEMAND

Defendant hereby demands a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, Gary Ahladianakis, Esq., has been designated as trial counsel in the above-captioned matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

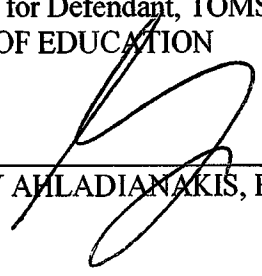
I hereby certify that to the best of my knowledge, the within matter is not the subject of any other action pending in any Court or the subject of a pending arbitration proceeding and no other action or arbitration proceeding is contemplated. Further, at this time, I know of no other parties who should be joined in this action.

CERTIFICATION PURSUANT TO R. 4:6-1

The undersigned hereby certifies that the within Answer and Affirmative Defenses are being served within the time allowed by the Rules of Court.

I HEREBY CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CARLUCCIO, LEONE, DIMON,
DOYLE & SACKS, L.L.C.
Attorneys for Defendant, TOMS RIVER
BOARD OF EDUCATION

By: 
GARY AHLADIANAKIS, ESQ.

Dated: May 17, 2018

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000864-18

Case Caption: MILLARD ANN VS TOMS RIVER BOARD
OF EDUC.

Case Initiation Date: 04/10/2018

Attorney Name: GARY AHLADIANAKIS

Firm Name: CARLUCCIO LEONE DIMON DOYLE &
SACKS, LLC

Address: 9 ROBBINS ST
TOMS RIVER NJ 08753

Phone:

Name of Party: DEFENDANT : TOMS RIVER BOARD OF
ED

Name of Defendant's Primary Insurance Company
(if known): unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Answer

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

05/17/2018
Dated

/s/ GARY AHLADIANAKIS
Signed