

RIKER DANZIG SCHERER HYLAND & PERRETTI LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 538-0800
Attorneys for Defendant David M. Healy

ANN M. MILLARD,

Plaintiff(s),

vs.

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
DOCKET NO. OCN-L-864-18

CIVIL ACTION

ANSWER

Defendant David M. Healy ("Defendant"), by and through his attorneys, Riker Danzig Scherer Hyland & Perretti LLP, by way of Answer to the Complaint filed by Plaintiff Ann Millard ("Plaintiff"), hereby states the following:

AS TO PARTIES

1. Upon information and belief, Defendant admits the allegations of Paragraph 1.
2. Defendant admits the allegations of Paragraph 2.
3. Defendant admits the allegations of Paragraph 3, except that he neither admits nor denies the capacity in which he is sued.

AS TO ALLEGATIONS

4. Defendant denies the allegations of Paragraph 4, except that he admits that Plaintiff was the "master of ceremonies" of the Senior Awards Night and that he spoke briefly with Plaintiff at the conclusion of that event.

5. Defendant denies the allegations of Paragraph 5, except that he admits that the named individuals are supervisory employees of the Toms River Board of Education ("TRBOE") and he admits that they were present at the Senior Awards Night event.

6. Defendant denies the allegations of Paragraph 6, except that he neither admits nor denies encountering Plaintiff outside Toms River High School on October 18, 2016.

7. Defendant denies the allegations of Paragraph 7, except that he admits attending Parent Night event in January 2017.

8. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraph 8.

9. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of the first sentence of Paragraph 9, admits the allegations of the second sentence of Paragraph 9, and denies the remaining allegations of Paragraph 9.

10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraph 10.

11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraph 11, except that he denies causing any physical toll or mental anguish.

12. As to the allegations of Paragraph 12, Defendant admits that Plaintiff's attorney sent a letter dated June 22, 2017, alleging sexual harassment, and Defendant states that the letter speaks for itself. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of the fourth sentence of Paragraph 12. Defendant denies the allegations of the fifth sentence of Paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraph 13.

14. Upon information and belief, Defendant admits the allegations of Paragraph 14, except that he denies the characterization of the June 22, 2017 letter as a “complaint.”

15. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of the first sentence of Paragraph 15. As to the remaining allegations of Paragraph 15, Defendant admits the media accounts of Plaintiff’s “complaint,” and states that those accounts speak for themselves; admits that comments were made at the October 2017 and November 2017 board meetings; lacks knowledge or information sufficient to form a belief as to alleged pain, humiliation, suffering, embarrassment, and indignity; admits that the TRBOE retained an investigator; and admits that the TRBOE received investigation findings.

16-17. As to the allegations of Paragraphs 16 and 17, Defendant admits that the TRBOE attorney sent a letter to Plaintiff’s attorney on August 9, 2017, and states that the letter speaks for itself.

18. Defendant denies the allegations of Paragraph 18, except that he admits that he provided opening remarks at a Professional Day meeting in October 2017, but he lacks knowledge or information sufficient to form a belief as to the allegations of the last sentence of Paragraph 18.

19-20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraphs 19 and 20.

21. As to the allegations of Paragraph 21, Defendant admits that Megan Osborn sent a letter dated November 2, 2017 to Plaintiff, and states that the letter speaks for itself.

22. Defendant lacks knowledge or information sufficient to form a belief as to the allegations of Paragraph 22.

23. Defendant denies the allegations of Paragraph 23, except that he admits that the TRBOE has not disclosed any investigation report.

AS TO COUNT I

24. Defendant repeats his answers to the allegations of Paragraphs 1 to 23 as if fully set forth herein.

25-27. Defendant denies the allegations of Paragraphs 25 to 27.

28. Paragraph 28 states a legal conclusion as to which no response is required.

29-32. Defendant denies the allegations of Paragraphs 29 to 32.

AS TO COUNT II

33. Defendant repeats his answers to the allegations in Paragraphs 1 to 32 as if fully set forth herein.

34. Defendant denies the allegations of Paragraph 34, except that he admits that he has supervisory authority over Plaintiff.

35-40. Defendant denies the allegations of Paragraphs 35 to 40.

AS TO COUNT III

41. Defendant repeats his answers to the allegations of Paragraphs 1 to 40 as if fully set forth herein.

42-46. Paragraphs 42 through 46 state no allegations against Defendant, and therefore no response is required.

FIRST SEPARATE DEFENSE

The Complaint should be dismissed for failure to state a claim against Defendant upon which relief can be granted.

SECOND SEPARATE DEFENSE

The Complaint should be dismissed pursuant to applicable statutes of limitations.

THIRD SEPARATE DEFENSE

All or some of Plaintiff's claims are barred because Defendant engaged in no acts of discrimination, harassment or retaliation toward Plaintiff

FOURTH SEPARATE DEFENSE

All or some of Plaintiff's claims are barred because Plaintiff has suffered no adverse employment action.

FIFTH SEPARATE DEFENSE

All or some of Plaintiff's claims are barred because the misconduct alleged by Plaintiff is neither sufficiently severe nor pervasive to be actionable.

SIXTH SEPARATE DEFENSE

All or some of Plaintiff's claims are barred because Plaintiff has suffered no damages.

SEVENTH SEPARATE DEFENSE

Plaintiff's claim for punitive damages must fail as Defendant did not engage in any conduct which would permit recovery of same.

Defendant reserves the right to amend this Answer and to assert additional defenses and/or supplement, alter, or change its answers upon completion of appropriate investigation and discovery.

WHEREFORE, Defendant requests judgment:

- (a) dismissing the Complaint in its entirety with prejudice;
- (b) for costs, including reasonable attorneys' fees;
- (c) for such relief as the Court may deem just and appropriate.

RIKER DANZIG SCHERER HYLAND
& PERRETTI LLP
Attorneys for Defendant
David M. Healy

By: /s/ Brenda C. Liss
Brenda C. Liss

Date: May 29, 2018

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, Brenda C. Liss is hereby designated as trial counsel for Defendant David M. Healy.

CERTIFICATION PURSUANT TO R. 4:5-1(b)(2)

To the best of my knowledge, information and belief, I certify that the matter in controversy is not the subject of an action pending in any court or of a pending arbitration proceeding in connection with the subject of the action, and none is contemplated. I am not aware of any other party or parties who should be joined in this action. I 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.

CERTIFICATION PURSUANT TO R. 4:5-1(b)(3)

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).

RIKER DANZIG SCHERER HYLAND
& PERRETTI LLP
Attorneys for Defendant
David M. Healy

By: /s/ Brenda C. Liss
Brenda C. Liss

Date: May 29, 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: STEPHEN M TURNER

Firm Name: RIKER DANZIG SCHERER HYLAND ET AL,
LLP

Address: HEADQUARTERS PLZ ONE SPEEDWELL AVE
MORRISTOWN NJ 07962-1981

Phone:

Name of Party: DEFENDANT : HEALY, DAVID, M

Name of Defendant's Primary Insurance Company

(if known): None

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)?** YES

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)*

05/29/2018

Dated

/s/ STEPHEN M TURNER

Signed