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Attorneys for Defendants,
Brick Township Board of Education and
Sean S. Cranston

BRIAN FLYNN	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: OCEAN COUNTY
Plaintiff	:	DOCKET NO.: OCN-L-876-20
-vs.-	:	
	:	Civil Action
BRICK TOWNSHIP BOARD OF	:	
EDUCATION and SEAN S.	:	ANSWER TO COMPLAINT,
CRANSTON	:	SEPARATE DEFENSES
Defendants	:	AND JURY DEMAND
	:	

Defendants Brick Township Board of Education and Sean S. Cranston, by way of
answer to plaintiff's Complaint, say:

PARTIES

1. These defendants admit plaintiff was employed by the defendant Brick Township Board of Education as one of the grounds crew, and leave plaintiff to his proofs with respect to the remaining allegations contained in Paragraph 1.
2. These defendants admit the allegations contained in Paragraph 2.
3. These defendants admit the allegations contained in Paragraph 3.

ALLEGATIONS COMMON TO ALL COUNTS

4. These defendants repeat their answer to the first three paragraphs as if set forth at length herein in response to Paragraph 4.

5. These defendants admit that on or about February 19, 2019, plaintiff was instructed to report to Human Resources, and leave plaintiff to his proofs with respect to the remaining allegations contained in Paragraph 5.

6. These defendants admit the allegations contained in Paragraph 6.

7. These defendants admit that portion of Paragraph 7 wherein plaintiff admits he had used cocaine (which was confirmed in the test he was aware he would be undergoing) and leave plaintiff to his proofs with respect to the remaining allegations contained in Paragraph 7.

8. These defendants admit the allegations contained in Paragraph 8.

9. These defendants admit the allegations contained in Paragraph 9.

10. Inasmuch as the letter dated March 1, 2019 speaks for itself, no further response is deemed necessary. These defendants are presently without sufficient information and belief with respect to the remaining allegations contained in Paragraph 10.

11. These defendants are presently without sufficient information and belief with respect to the allegations contained in Paragraph 11 and thus leave plaintiff to his proofs.

AS TO FIRST COUNT
Disability Discrimination in Violation of the New Jersey Law Against
Discrimination

12. These defendants repeat their answer to the first 11 paragraphs as if set forth at length herein in response to Paragraph 12 of the First Count.

13. Inasmuch as the allegations contained in Paragraph 13 constitute an averment of law, no further response is deemed necessary.

14. Inasmuch as the allegations contained in Paragraph 14 constitute an averment of law, no further response is deemed necessary.

15. These defendants deny the allegations contained in Paragraph 15.

16. These defendants deny the allegations contained in Paragraph 16.

AS TO SECOND COUNT

Failure to Make Reasonable Accommodations in Violation of the New Jersey Law
Against Discrimination

17. These defendants repeat their answer to the first 16 paragraphs as if set forth at length herein in response to Paragraph 17 of the Second Count.

18. Inasmuch as the allegations contained in Paragraph 18 constitute an averment of law, no further response is deemed necessary.

19. Inasmuch as the allegations contained in Paragraph 19 constitute an averment of law, no further response is deemed necessary.

20. Inasmuch as the allegations contained in Paragraph 20 constitute an averment of law, no further response is deemed necessary.

21. These defendants are presently without sufficient information and belief with respect to the allegations contained in Paragraph 21 and thus leave plaintiff to his proofs.

22. These defendants deny the allegations contained in Paragraph 22.

23. These defendants deny the allegations contained in Paragraph 23.

24. These defendants deny the allegations contained in Paragraph 24.

25. These defendants deny the allegations contained in Paragraph 25.

AS TO THIRD COUNT
Selective Enforcement

26. These defendants repeat their answer to the first 25 paragraphs as if set forth at length herein in response to Paragraph 26 of the Third Count.

27. Inasmuch as the Policy Manual referred to in Paragraph 27 speaks for itself, no further response is deemed necessary.

28. These defendants deny that portion of Paragraph 28 which states that other employees have had "the same or similar situations as the plaintiff" and leave plaintiff to his proofs with respect to the remaining allegations contained in Paragraph 28.

29. These defendants deny the allegations contained in Paragraph 29.

30. These defendants deny the allegations contained in Paragraph 30.

AS TO FOURTH COUNT
Breach of Contract

31. These defendants repeat their answer to the first 30 paragraphs as if set forth at length herein in response to Paragraph 31 of the Fourth Count.

32. Inasmuch as the Policy Manual referred to in Paragraph 32 speaks for itself, no further response is deemed necessary.

32. (mis-numbered). These defendants are presently without sufficient information and belief with respect to the allegations contained in mis-numbered Paragraph 32 and leave plaintiff to his proofs.

33. These defendants deny the allegations contained in Paragraph 33.

34. These defendants deny the allegations contained in Paragraph 34.

AS TO FIFTH COUNT
Intentional Infliction of Emotional Distress

35. These defendants repeat their answer to the first 34 paragraphs as if set forth at length herein in response to Paragraph 35 of the Fifth Count.

36. These defendants deny the allegations contained in Paragraph 36.

37. These defendants deny the allegations contained in Paragraph 37.

38. These defendants deny the allegations contained in Paragraph 38.

39. These defendants deny the allegations contained in Paragraph 39.

SEPARATE DEFENSES

1. The complaint fails to state a claim upon which relief may be granted.

2. The court lacks jurisdiction over the subject matter of this complaint.

3. Plaintiff's complaint is barred by the applicable statute of limitations.

4. Plaintiff's complaint is barred by the Doctrine of Laches.

5. Plaintiff's complaint is barred by the Doctrine of Estoppel, Waiver, Res Judicata and Unclean Hands.

6. Plaintiff has failed to exhaust administrative remedies.

7. Plaintiff has failed to comply with the notice provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-1 et seq.

8. Plaintiff's claim is barred by the applicable provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., including but not limited to N.J.S.A. 59:2-1; 59:2-2; 59:2-3; 59:2-4; 59:2-5; 59:2-9; 59:3-1; 59:3-2; 59:3-3; 59:3-4; 59:3-5; 59:3-6; 59:3-8; 59:3-10; and 59:3-13.

9. Defendants at all times acted in good faith and without malice.

10. Defendants did not breach any contract with the plaintiff.

11. Any damages sustained by the plaintiff were the result of his own acts.

12. These defendants are not guilty of any negligence and violated no duty to the plaintiff.

13. Plaintiff failed to mitigate his damages.

14. Plaintiff's exclusive remedy is under workers' compensation.

15. These defendants acted pursuant to applicable rules and regulations which they reasonably believed were valid.

16. Plaintiff's claims are barred, in whole or in part, by lack of consideration and privity.

17. All of plaintiff's claims relying solely or in part on the New Jersey Law Against Discrimination are barred by the choice of law doctrine.

18. Plaintiff's claims for punitive damages are barred by virtue of the lack of any willful and malicious conduct sufficient to warrant punitive damages and the absence of respondeat superior liability.

19. Plaintiff's claim is barred by his at will employment status.

20. All actions taken by these defendants were in good faith and based on legitimate, non-discriminatory business reasons.

21. Defendants complied with all relevant statutes, laws and regulations in connection with their dealings with plaintiff.

DEMAND FOR STATEMENT OF DAMAGES

These defendants demand that plaintiffs furnish a Statement of Damages for each count of the complaint in accordance with and within the time prescribed by R. 4:5-2.

JURY DEMAND

Defendants hereby demand trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Howard M. Nirenberg, Esq., of the firm Nirenberg & Varano, LLP, is designated as trial counsel for the defendants Brick Township Board of Education and Sean S. Cranston in the within matter.

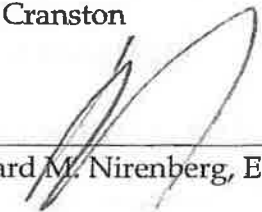
NOTICE OF OTHER CLAIM

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other pending or contemplated court action or arbitration.

CERTIFICATION

I hereby certify that the original and copy of the within pleading was filed and served pursuant to R. 4:6-1(d).

NIRENBERG & VARANO, LLP
Attorneys for Defendants,
Brick Township Board of Education
and Sean S. Cranston

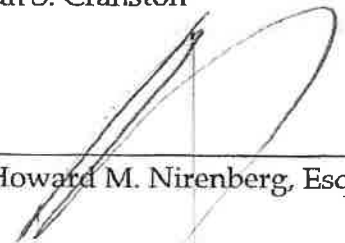
BY: 
Howard M. Nirenberg, Esq.

DATED: May 1, 2020

CERTIFICATION OF COMPLIANCE WITH R.1:38-7(c)

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 R. 1:38-7(c).

NIRENBERG & VARANO, LLP
Attorneys for Defendants,
Brick Township Board of Education
and Sean S. Cranston

BY: 
Howard M. Nirenberg, Esq.

DATED: May 1, 2020

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000876-20

Case Caption: FLYNN BRIAN VS BRICK TWP. BOARD OF EDUCATION

Case Initiation Date: 03/30/2020

Attorney Name: HOWARD M NIRENBERG

Firm Name: NIRENBERG & VARANO LLP

Address: 32 MERCER STREET

HACKENSACK NJ 07601

Phone: 2019961121

Name of Party: DEFENDANT : CRANSTON, SEAN, S

Name of Defendant's Primary Insurance Company

(if known): New Jersey Schools Insurance Group

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Answer

Jury Demand: YES - 6 JURORS

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

Are sexual abuse claims alleged? 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:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

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)*

05/01/2020

Dated

/s/ HOWARD M NIRENBERG

Signed

