

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RICHARD COX : NO.: 3:22-cv-01209 (JBA)
: :
v. : :
: :
CITY OF NEW HAVEN, ET AL : NOVEMBER 21, 2022

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT, CITY OF NEW HAVEN

1. The Defendant, City of New Haven, does not answer the FIRST, SECOND, THIRD, SEVENTH, EIGHTH, NINTH, ELEVENTH, TWELFTH, THIRTEENTH, FOURTEENTH, FIFTEENTH, SIXTEENTH and SEVENTEENTH COUNTS, as they are not directed to the Defendant City of New Haven.

FOURTH COUNT

1-15. As to paragraphs 1-15, the Defendant lacks knowledge or information sufficient to base a belief about the truth of the matters contained therein and therefore leaves the Plaintiff to his burden of proof.

16. The Defendant denies paragraph 16.

FIFTH COUNT

1-14. As to paragraphs 1-14, the Defendant lacks knowledge or information sufficient to base a belief about the truth of the matters contained therein and therefore leaves the Plaintiff to his burden of proof.

15. The Defendant denies paragraph 15.

SIXTH COUNT

1-8. As to paragraphs 1-8, the Defendant lacks knowledge or information sufficient to base a belief about the truth of the matters contained therein and therefore leaves the Plaintiff to his burden of proof.

9-14 The Defendant denies paragraphs 9-14.

TENTH COUNT

1-15. As to paragraphs 1-15, the Defendant lacks knowledge or information sufficient to base a belief about the truth of the matters contained therein and therefore leaves the Plaintiff to his burden of proof.

16. The Defendant denies paragraph 16.

EIGHTEENTH COUNT

1-17. As to paragraphs 1-17, the Defendant lacks knowledge or information sufficient to base a belief about the truth of the matters contained therein and therefore leaves the Plaintiff to his burden of proof.

18. The Defendant denies paragraph 18.

BY WAY OF AFFIRMATIVE DEFENSES

First Affirmative Defense

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

Second Affirmative Defense

The claims against the Defendant are barred by governmental immunity.

Third Affirmative Defense

The claims against the Defendant are barred by contributory negligence.

JURY DEMAND

The Defendant demands a trial by jury.

DEFENDANT,
CITY OF NEW HAVEN

By /s/ Thomas R. Gerarde
Thomas R. Gerarde (ct05640)
Howd & Ludorf, LLC
65 Wethersfield Avenue
Hartford, CT 06114-11921
Ph: (860) 249-1361
Fax: (860) 249-7665
E-mail: tgerarde@hl-law.com

CERTIFICATION

This is to certify that on November 21, 2022, a copy of the foregoing Answer and Affirmative Defenses on behalf of the City of New Haven was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Thomas R. Gerarde

Thomas R. Gerarde