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Pfund McDonnell, P.C.
139 Prospect Street, 2nd Floor
Ridgewood, NJ 07450
(201) 857-5040

Attorneys for Defendant, North Arlington Public Library

Plaintiff(s)
IRENE COLAO

vs.

Defendant(s)
NORTH ARLINGTON PUBLIC LIBRARY,
JOHN & JANE DOES

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO. MON-L-891-23

CIVIL ACTION

**ANSWER, SEPARATE DEFENSES,
REQUEST FOR DAMAGES, JURY
DEMAND, DESIGNATION OF TRIAL
COUNSEL, AND CERTIFICATION**

Defendant, North Arlington Public Library, by way of Answer to the Complaint filed herein,
hereby says:

PARTIES & VENUES

1. This Defendant has insufficient knowledge at this time upon which to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to her proofs.

2. This Defendant has insufficient knowledge at this time upon which to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to her proofs.

3. This Defendant has insufficient knowledge at this time upon which to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to her proofs.

4. This Defendant has insufficient knowledge at this time upon which to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to her proofs.

5. This Defendant denies the allegations contained in this paragraph.

SPECIFIC ALLEGATIONS

6. This Defendant admits the allegations contained in this paragraph.

7. This Defendant denies the allegations contained in this paragraph.

8. This Defendant denies the allegations contained in this paragraph.

9. This Defendant denies the allegations contained in this paragraph.

10. This Defendant denies the allegations contained in this paragraph.

11. This Defendant denies the allegations contained in this paragraph.

12. This Defendant denies the allegations contained in this paragraph.

13. This Defendant denies the allegations contained in this paragraph.

14. This Defendant denies the allegations contained in this paragraph.

15. This Defendant admits the allegations contained in this paragraph.

16. This Defendant denies the allegations contained in this paragraph.

17. This Defendant denies the allegations contained in this paragraph.

18. This Defendant denies the allegations contained in this paragraph.

19. This Defendant denies the allegations contained in this paragraph.

20. This Defendant denies the allegations contained in this paragraph.

21. This Defendant denies the allegations contained in this paragraph.

22. This Defendant denies the allegations contained in this paragraph.

23. This Defendant denies the allegations contained in this paragraph.
24. This Defendant denies the allegations contained in this paragraph.

AS TO THE FIRST COUNT

25. This Defendant repeats and reiterates each and every answer to the allegations contained in the previous paragraphs of the Complaint as if set forth herein at length and verbatim.
26. This Defendant denies the allegations contained in this paragraph.
27. This Defendant denies the allegations contained in this paragraph.
28. This Defendant denies the allegations contained in this paragraph.

FIRST SEPARATE DEFENSE

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

SECOND SEPARATE DEFENSE

Plaintiff's common law claims are barred by the application of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. seq.

THIRD SEPARATE DEFENSE

Defendant did not harass/discriminate Plaintiff.

FOURTH SEPARATE DEFENSE

Plaintiff has failed to exhaust her available administrative remedies.

FIFTH SEPARATE DEFENSE

Defendant did not unlawfully discriminate against Plaintiff.

SIXTH SEPARATE DEFENSE

Defendant did not subject Plaintiff to a hostile work environment.

SEVENTH SEPARATE DEFENSE

Plaintiff was not subjected to disparate treatment by Defendant.

EIGHTH SEPARATE DEFENSE

Plaintiff's work conditions were not so severe and pervasive so as to create a hostile work environment.

NINTH SEPARATE DEFENSE

Defendant did not violate Plaintiff's rights as protected by the New Jersey Law Against Discrimination.

TENTH SEPARATE DEFENSE

The claims against this Defendant may be barred by the applicable Statute of Limitations.

ELEVENTH SEPARATE DEFENSE

Plaintiff cannot prove the Intentional Infliction of Emotional Distress since Plaintiff cannot prove a severe and disabling emotional or mental condition which is permanent in nature.

TWELFTH SEPARATE DEFENSE

At all times relevant hereto Defendant acted within the scope of its lawful authority or apparent authority.

THIRTEENTH SEPARATE DEFENSE

Defendant is immune from liability because it acted in good faith in the execution or enforcement of state law, state regulations promulgated by the Department of Community Affairs and Town Ordinance pursuant to the qualified or good faith immunity.

FOURTEENTH SEPARATE DEFENSE

Venue is not proper.

FIFTEENTH SEPARATE DEFENSE

This Defendant reserves the right to assert additional defenses upon completion of Discovery and Investigation.

REQUEST FOR DAMAGES

You are hereby requested and required to furnish the undersigned, within five (5) days a written statement of the amount of damages claimed in this action.

JURY DEMAND

Please take notice that demand is hereby made for trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, David T. Pfund, Esq. is designated as Trial Counsel.

CERTIFICATION

I hereby certify that pursuant to Rule 4:5-1: (1) the within matter in controversy is not the subject of any other action pending in any other court or arbitration; (2) no other action or arbitration proceeding is contemplated, and (3) no other necessary party to be joined in the subject litigation is presently known.

I hereby certify that the foregoing pleading has been served within the time provided by Rule 4.6.

PFUND MCDONNELL, P.C.
Attorneys for Defendant,
North Arlington Public Library

By: 

DAVID T. PFUND, ESQ.

Dated: May 1, 2023

David T. Pfund, Esq. - Attorney ID #: 039431991

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DOCKET NO. MON-L-891-23

CIVIL ACTION

PROOF OF MAILING

STATE OF NEW JERSEY)

SS:

COUNTY OF BERGEN)

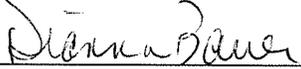
I, DIANNA BAUER, of full age, being duly sworn according to law, upon her oath deposes and says:

1. I am a secretary to DAVID T. PFUND, Attorney-at-Law of the State of New Jersey and a member with the law firm of PFUND MCDONNELL, P.C.

2. In compliance with Rule 1:6, et seq., Defendant(s) Answer has been filed via e-Courts and the following attorneys have been simultaneously served with the moving papers via e-Courts.

Ravi Sattiraju, Esq.
Sattiraju & Tharney, LLP
50 Millstone Road
Bldg. 300, Suite 202
East Windsor, NJ 08520

Pursuant to Rule 1:4-4(b), 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.


DIANNA BAUER

Dated: May 1, 2023

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-000891-23

Case Caption: COLAO IRENE VS NORTH ARLINGTON
PUBLIC LIBRAR

Case Initiation Date: 03/22/2023

Attorney Name: DAVID T PFUND

Firm Name: PFUND MC DONNELL PC

Address: 139 PROSPECT ST 2ND FL

RIDGEWOOD NJ 07450

Phone: 2018575040

Name of Party: DEFENDANT : NORTH ARLINGTON
PUBLIC LIBRARY

Name of Defendant's Primary Insurance Company
(if known): QBE INSURANCE CORP

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Answer W/Jury Demand

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

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: IRENE COLAO? 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)

05/01/2023

Dated

/s/ DAVID T PFUND

Signed

