

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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ELIZABETH COMBIER,

Plaintiff(s),

ANSWER

-against-

FRED ANDERSON, CHARLES AMSTEIN,
J. RICHARD FREY, THE SESSION, THE
TRUSTEES, THE DEACONS OF MADISON
AVENUE PRESBYTERIAN CHURCH individually
and collectively in office on or about
March 31, 1998, and thereafter, with the
exception of SESSION MEMBER ERIC SELCH
and THE PRESBYTERY OF NEW YORK CITY,

Defendant(s).

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Defendants, FRED ANDERSON, CHARLES AMSTEIN, J. RICHARD FREY,
THE SESSION, THE TRUSTEES, THE DEACONS OF MADISON AVENUE
PRESBYTERIAN CHURCH, by their attorneys, the LAW OFFICES OF MICHAEL
E. PRESSMAN, ESQS., as and for their Answer to plaintiff's
Complaint, respectfully allege and set forth, upon information and
belief, as follows:

1. Deny knowledge and information sufficient to form a belief as to each and every allegation contained in paragraphs "FIRST," "FOURTH," and "FIFTH" of plaintiff's Complaint.
2. Deny each and every allegation contained in paragraph "NINTH" of plaintiff's Complaint except admit that THE SESSION, THE TRUSTEES and THE DEACONS are composed of members of the church.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION:

3. Deny knowledge and information sufficient to form a belief as to each and every allegation contained in paragraphs "ELEVENTH," "TWELFTH," "THIRTEENTH," "FOURTEENTH," and "TWENTY-FOURTH" of plaintiff's Complaint.

4. Deny each and every allegation contained in paragraph "FIFTEENTH" of plaintiff's Complaint insofar as allegations refer to answering defendants and except as so denied, deny knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "FIFTEENTH" of plaintiff's Complaint.

5. Deny each and every allegation contained in paragraphs "SIXTEENTH," "SEVENTEENTH," "EIGHTEENTH," "NINETEENTH," "TWENTIETH," "TWENTY-FIRST," "TWENTY-SECOND," "TWENTY-THIRD," "TWENTY-FIFTH," "TWENTY-SIXTH," "TWENTY-SEVENTH," "TWENTY-EIGHTH," "TWENTY-NINTH," "THIRTIETH," "THIRTY-ONE," "THIRTY-TWO," "THIRTY-THREE," "THIRTY-FOUR," "THIRTY-FIVE," "THIRTY-SIX," "THIRTY-SEVEN," "THIRTY-EIGHT," "THIRTY-NINE," "FORTY," "FORTY-ONE," "FORTY-TWO," "FORTY-THREE," and "FORTY-FOUR" of plaintiff's Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

6. That this Court lacks jurisdiction to hear and determine all or a portion of this alleged action by reason of the First Amendment to the Constitution of the United States of America.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

7. That plaintiff is barred from recovery herein by the principle of res judicata.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

8. That this Court lacks jurisdiction over some or all of the answering defendants by reason of the lack of service of process upon them or defects in the manner such service may have been attempted.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

9. That, at all times mentioned in the Complaint, answering defendants, their agents, servants and/or employees, if any, acted in good faith and in a reasonable manner.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

10. That the actions and conduct of, or attributable to, answering defendants are entitled to full and complete immunity from any liability towards plaintiff.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

11. That the actions and conduct of, or attributable to, answering defendants are entitled to a qualified immunity from liability towards plaintiff.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:

12. That any and all statements made, spoken, written or published by answering defendants were true.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE:

13. That the alleged cause of action is barred by the expiration of the applicable statute of limitations.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE:

14. That the Complaint fails to state a valid cause of action upon which relief may be granted.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE:

14. That plaintiff lacks the capacity and standing to sue for some or all of the alleged cause of action.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE:

15. That insofar as plaintiff may seek to recover upon a claim related to an alleged Surrogate Court matter, same is unripe and states no cause of action.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE:

16. That this action should not proceed in the absence of necessary and indispensable party(s) not joined to the within action.


AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE:

17. Upon information and belief, the injuries and damages alleged were caused, in whole or in part, by the contributory negligence and/or culpable conduct of plaintiff.

WHEREFORE, answering defendants demand judgment dismissing plaintiff's Complaint herein, together with the costs, disbursements and attorneys' fees of this action.

Dated: New York, New York
September 22, 1999

Yours,
LAW OFFICES OF
MICHAEL E. PRESSMAN


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