

5. Admitted that this answering party was at all times relevant a Police Officer employed the Sea Isle City Police Department and was engaged in the course and scope of her employment as an Officer of the Sea Isle City Police Department.

6. Neither admitted nor denied and plaintiff is left to his proofs.

COUNT ONE

7. Neither admitted nor denied and plaintiff is left to his proofs.

8. Neither admitted nor denied and plaintiff is left to his proofs.

9. Neither admitted nor denied and plaintiff is left to his proofs.

10. Neither admitted nor denied and plaintiff is left to his proofs.

11. Admitted.

12. Neither admitted nor denied and plaintiff is left to his proofs.

13. Neither admitted nor denied and plaintiff is left to his proofs.

14. Denied.

15. Denied.

16. Denied.

17. Neither admitted nor denied and plaintiff is left to his proofs.

18. Neither admitted nor denied and plaintiff is left to his proofs.

19. Neither admitted nor denied and plaintiff is left to his proofs.

20. Neither admitted nor denied and plaintiff is left to his proofs.

21. Denied.

22. Neither admitted nor denied and plaintiff is left to his proofs.

23. Neither admitted nor denied and plaintiff is left to his proofs.

24. Denied.

25. Neither admitted nor denied and plaintiff is left to his proofs.

26. Neither admitted nor denied and plaintiff is left to his proofs.

27. Denied.

28. Denied.

29. Denied.

30. Neither admitted nor denied and plaintiff is left to his proofs.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT TWO

31. This answering party repeats the answer to the preceding paragraphs as if set forth at length herein.

32. Neither admitted nor denied and plaintiff is left to his proofs.

33. Neither admitted nor denied and plaintiff is left to his proofs.

34. Denied that this answering party violated plaintiff's constitutional rights.

35. Denied that this answering party violated plaintiff's constitutional rights.

36. Neither admitted nor denied and plaintiff is left to his proofs.

37. Neither admitted nor denied and plaintiff is left to his proofs.

38. Neither admitted nor denied and plaintiff is left to his proofs.

39. Neither admitted nor denied and plaintiff is left to his proofs.

40. Neither admitted nor denied and plaintiff is left to his proofs.

41. Neither admitted nor denied and plaintiff is left to his proofs.

42. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT THREE

43. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

44. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT FOUR

45. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

46. Denied.

47. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT FIVE

48. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

49. Denied.

50. Denied.

51. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT SIX

52. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

53. Denied.

54. Denied.

55. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT SEVEN

56. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

57. Denied.

58. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT EIGHT

59. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

60. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT NINE

61. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

62. Neither admitted nor denied and plaintiff is left to his proofs.

63. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

COUNT TEN

64. This answering party repeats her answer to the allegations of the preceding paragraphs as if set forth at length herein.

65. Denied.

66. Denied.

WHEREFORE, the defendant Officer Misty Kingsland hereby demands judgment dismissing plaintiff's Complaint with prejudice, together with counsel fees and costs of suit.

SEPARATE DEFENSES
First Separate Defense

The answering defendant hereby raises the pertinent Statute of Limitations defenses.

SECOND SEPARATE DEFENSE

The answering defendant hereby raises all defenses available under the Affidavit of Merit of Statute. N.J.S.A. 2A:53-26, et seq.

THIRD SEPARATE DEFENSE

The answering defendant specifically denies negligence.

FOURTH SEPARATE DEFENSE

The answering defendant performed each and every duty owed to the plaintiff.

FIFTH SEPARATE DEFENSE

The answering defendant denies plaintiffs' claims of proximate causation.

SIXTH SEPARATE DEFENSE

The losses and injuries alleged to have been sustained by plaintiff were caused by the sole negligence of the plaintiff.

SEVENTH SEPARATE DEFENSE

The losses and injuries alleged to have been sustained by plaintiff were caused by the acts of others than the answering defendant and the defendant hereby pleads the Comparative Negligence Act of the State of New Jersey. N.J.S.A. 2A:15-1, et seq.

EIGHTH SEPARATE DEFENSE

The losses and injuries alleged by plaintiff were caused by and arose out of risks of which the plaintiff had full knowledge and had assumed.

NINTH SEPARATE DEFENSE

The answering defendant fulfilled all duties and obligations to properly inform the patient of all potential risks and complications.

TENTH SEPARATE DEFENSE

The negligence, if any, was that of others over whom the answering defendant owed no duty and to whom this answering defendant exercised no control.

ELEVENTH SEPARATE DEFENSE

The plaintiff has failed to state a cause of action upon which relief may be granted.

TWELFTH SEPARATE DEFENSE

The answering defendant asserts that plaintiff's alleged losses and injuries are the result of an act by an independent intervening agency or instrumentality over which the answering defendant had no power or control.

THIRTEENTH SEPARATE DEFENSE

To the extent that it may be applicable, plaintiff's complaint is barred by laches.

FOURTEENTH SEPARATE DEFENSE

To the extent that it may be applicable, defendant raises the affirmative defense of *res judicata*.

FIFTEENTH SEPARATE DEFENSE

The proximate cause of the alleged injuries was the existing and pre-existing physical condition of the plaintiff.

SIXTEENTH SEPARATE DEFENSE

To the extent applicable, plaintiff's Complaint is barred or limited by lack of personal and/or subject matter jurisdiction.

SEVENTEENTH SEPARATE DEFENSE

To the extent applicable, plaintiff's claims are barred or limited by the entire controversy doctrine.

EIGHTEENTH SEPARATE DEFENSE

To the extent applicable, plaintiff's claim is barred by the provisions of the New Jersey Tort Claims Act.

NINETEENTH SEPARATE DEFENSE

To the extent applicable, defendant(s) is entitled to a credit for any and all medical bills or other benefits for which plaintiff either received or is entitled to received benefits from any collateral source pursuant to N.J.S.A. 2A:15-97.

TWENTIETH SEPARATE DEFENSE

Defendant hereby reserves the right to amend this Answer to assert additional separate defenses as revealed or suggested by the completion of ongoing investigation and discovery.

CROSSCLAIM FOR CONTRIBUTION OR SETTLEMENT CREDIT

While denying any liability to plaintiffs on the Complaint and specifically denying that the defendant(s) deviated from the standard of care or that there exists any proximate relationship between this defendant's conduct and any damages allegedly sustained by the plaintiff based upon information and belief, and while asserting that there is no basis for liability as to other defendant(s), the answering defendant(s) nevertheless hereby asserts a claim for contribution from the co-defendants pursuant to the "Joint Tortfeasors Act of the State of New Jersey" and the "Comparative Negligence Act of the State of New Jersey" and, in the alternative, the answering defendant(s) contend that in the event the proofs at trial establish any basis for liability on the part of any other co-defendant or in the event any other co-defendant or defendants enter into a settlement agreement, in whole or in part with the plaintiff, then defendant(s) hereby asserts a claim for a credit reducing the amount of any judgment in favor of the plaintiff against the defendant(s) reflecting the percentage of fault of the settling co-defendant pursuant to the opinion of the Supreme Court of the State of New Jersey in Young v Latta, 123 N.J. 584 (1991).

CROSSCLAIM FOR INDEMNIFICATION

The defendant(s) by way of Crossclaim for Indemnification against the co-defendants, says that:

1. Claim has been made against defendant(s) on behalf of Plaintiff in which it is alleged that defendant(s) is responsible for certain injuries allegedly suffered by plaintiff, which responsibility is disputed and denied.
2. While denying that defendant(s) has any responsibility for plaintiff's alleged injuries, defendant(s) herewith asserts that any finding of responsibility would be secondary and passive in nature when compared with the active and primary responsibility of the co-defendants.
3. By reason of the active and primary responsibility of the co-defendants, the co-defendants owe defendant(s) a Common Law duty and obligation to hold defendant(s) financially harmless from the plaintiff's claim.
4. The co-defendants have breached their Common Law duty and responsibility to hold defendant(s) financially harmless from the plaintiff's claim.

WHEREFORE, the defendant, Officer Misty Kingsland demands Judgment obligating the co-defendants to fully and completely Indemnify the defendant(s), from any and all amounts which may be assessed against him/her on account of Plaintiff's claim inclusive of damages, interest, counsel fees and costs of suit.

ANSWER TO CROSSCLAIMS

The answering defendant denies each and every allegation of any and all crossclaims which may have been or may be asserted against defendant(s).

DESIGNATION OF TRIAL COUNSEL

Thomas B. Reynolds, Esquire, is hereby designated as trial counsel for the defendant, Officer Misty Kingsland in the above captioned matter.

JURY TRIAL DEMAND

The undersigned, attorney for the defendant, Officer Misty Kingsland hereby demands
Trial by jury as to all issues.

REYNOLDS & DRAKE, P.C.

By: 

Thomas B. Reynolds, Esquire
Attorney for Defendant,
Officer Misty Kingsland

Dated: July 19, 2010

REYNOLDS & DRAKE, P.C.
29 North Shore Road
Absecon, New Jersey 08201
(609) 645-7406
Attorneys for Defendant, City of Brigantine & Police Dept
File No. 7316-TBR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

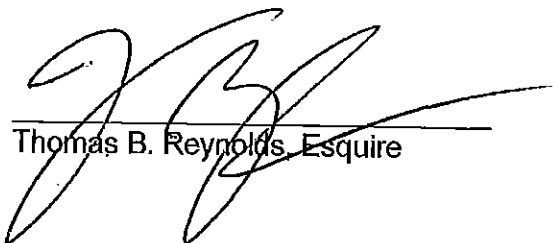
CHRISTOPHER MILTENBERG, Plaintiff, vs. OFFICER MISTY KINGSLAND, Defendant.	Civil Case No. CV-02606-JBS-JS CIVIL ACTION PROOF OF MAILING
--	--

1. On July 19, 2010, I, the undersigned, caused to be filed by Electronic Court filing an original of the within Answer with the USDC , U.S. Courthouse, 1 John F. Gerry Plaza, Camden, NJ 08101.

2. On July 19, 2010, I, the undersigned, caused to be mailed via ordinary mail one copy of the within Answer, and Proof of Mailing to Vincent Reilly, Esq., REILLY, JANICZEK & MCDEVITT, P.C., 2500 McClellan Bvd., Suite 240, Merchantville , NJ 08109, and all defense counsel at last known address.

3. 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.

Dated: July 19, 2010


Thomas B. Reynolds, Esquire