SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF \_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_X

\_\_\_\_\_\_\_\_\_\_\_\_\_ Index # \_\_\_\_\_

                                                      Plaintiff,               ANSWER

                        -against-

\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_X

Defendant [NAME] answering the Complaint of the Plaintiff [NAME] herein, alleges as follows:

GENERAL DENIAL

Except as expressly admitted herein, Defendant denies each allegation contained in the Complaint. To the extent any of the headings or sub-headings in the Complaint contain allegations of fact to which a response is required, Defendant denies all the allegations contained therein. Defendant also denies that Plaintiff is entitled to any of the relief sought in the demand for relief set forth in the Complaint. To the extent Defendant uses terms defined in the Complaint in this Answer, such use is not an acknowledgment or admission of any characterization Plaintiff seeks to associate with any such defined term.

AS TO THE COMPLAINT

Defendant denies the allegations in paragraphs \_\_\_ through \_\_\_\_ of the Complaint.

Defendant admits the allegations in paragraphs \_\_\_ through \_\_\_ of the Complaint.

Defendant does not have information sufficient to form a response to the allegations in \_\_\_\_ through \_\_\_\_ of the Complaint.

AFFIRMATIVE DEFENSES

1. The Complaint is barred as it fails to state a cause of action.
2. The Complaint is barred by the doctrine of laches by reason of the Plaintiffs' gross delay in prosecuting this action.
3. The Complaint is barred by the statute of frauds.
4. To the extent the Complaint is barred by the statutes of limitations it must be dismissed.
5. This Court lacks subject matter jurisdiction over this action or the issues raised herein.
6. This Court lacks personal jurisdiction over the Defendant by reason of the defective pleadings and/or legal service of process in this action.
7. The Complaint is barred by the doctrine of waiver.
8. Plaintiff has been paid in full.
9. Plaintiff has failed to produce an accounting of money allegedly due.
10. The Complaint is barred by their failure to mitigate their alleged damages.
11. The Plaintiff may not recover on the claims sued upon by reason of their unclean hands.
12. Defendant has a defense founded upon documentary evidence.
13. Plaintiff has failed to comply with necessary condition(s) precedent to the commencement of this action including, but not limited to, any applicable contractual notice of claim provisions.
14. Interpretation of any contract is a question of law and to the extent any paragraph purports to offer a contract interpretation, it is a legal conclusion that requires no response.
15. The Plaintiff has failed and/or has refused to produce any documentation needed to reasonably verify the debt it claims is owed. At the present time, no evidence has been produced to prove the debt is valid or that the Defendant owes the Plaintiff anything, whatsoever.
16. The Complaint is barred for the lack of particularity and failure to verify the pleadings as required by Article 30 of the CPLR.
17. Defendants reserve the right to assert other affirmative defenses as may be warranted as discovery proceeds as well as any counterclaims.

COUNTERCLAIMS

1. [Insert relevant facts in support of your counterclaim(s).]

WHEREFORE, Defendant respectfully requests judgment against the Plaintiff dismissing this action with prejudice together with costs and disbursements of this action pursuant to statute and such other, further and different relief as this court deems, just proper and equitable.

Dated:

New York, New York

By: \_\_\_\_//s//\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

NAME