

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

**ALEXANDRIA GAYLE WILLIAMS and
JIMMY JON WILLIAMS AS GUARANTOR**

X

Index No. 713984-2020

Plaintiffs,

**VERIFIED ANSWER TO
DEFENDANT'S
COUNTERCLAIMS**

-against-

4545 EAST COAST LLC

Defendant.

X

MESDAMES/SIRS:

PLEASE TAKE NOTICE, that the Plaintiffs appeared in this proceeding by their attorneys, SDK Heiberger, LLP, 205 East 42nd Street, 6th Floor, New York, New York 10017, and interposes the following Verified Answer and Affirmative Defenses to Defendant's counterclaims, and demands that you serve all papers in this action upon the undersigned at the address stated below.

PLEASE TAKE FURTHER NOTICE, that Plaintiffs allege the following in response to the Counterclaims by Defendant at bar:

1. Denies each and every allegation contained in the Defendant's counterclaims except as set forth herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. Defendant's Counterclaims fail to state a cause of action upon which the relief sought by the Defendant can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

3. Defendant's Counterclaims are barred by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

4. Defendant's Counterclaims are barred by the doctrine of waiver.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

5. Defendant's Counterclaims are barred by the doctrine of estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

6. Defendant's Counterclaims are barred by the doctrine of laches.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

7. General Denial.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

8. Defendant's Counterclaims are barred by documentary evidence i.e. the agreements between the parties.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

9. Plaintiffs reserve the right to assert other defenses to Defendant's Counterclaims in the future, as well as other claims and third-party claims.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

10. Plaintiffs do not owe the sums alleged in the Counterclaims.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

11. Frustration of purpose of the lease due to the force majeure of Covid-19

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

12. Defendant's counterclaims are barred by the doctrine of Unjust Enrichment.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

13. Defendant's counterclaims are barred by the doctrine of impossibility due to unforeseen circumstances from the force majeure of Covid-19.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

14. Defendant's counterclaims are barred by the doctrine of Force Majeure due to Covid-19.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

15. Defendant's claims are barred as Plaintiff never acquired possession of the subject premises, and the proposed move-in date to the premises was changed to a different date than reflected on the lease.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

16. Failure to supply documentary support for the counterclaims.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

17. Defendant failed to mitigate alleged damages.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

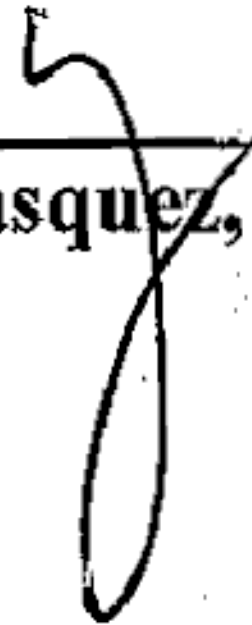
18. Defendant fails to demonstrate any of the damages they claim in their counterclaims, and they allege damages the Defendant anticipated rather than allegedly experienced. Defendant's counterclaims are vague and speculative, and must be dismissed.

WHEREFORE, Plaintiffs demand a judgment dismissing the Defendant's Counterclaims with prejudice; together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 27, 2020

SDK HEIBERGER, LLP
205 East 42nd Street, 6th Floor
New York, New York 10017
Telephone: (212) 532-0500

By:



Ricardo Vasquez, Esq.

To: **BELKIN BURDEN GOLDMAN, LLP**
270 MADISON AVENUE
NEW YORK, NEW YORK 10016

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

JIMMY JON WILLIAMS, being duly sworn, deposes and says:

1. I am a Plaintiff in the within proceeding.

2. I have read the annexed Plaintiff's **VERIFIED ANSWER TO DEFENDANT'S COUNTERCLAIMS** know the contents thereof and the same are true to my knowledge, except those matters herein which are stated to be alleged on information and belief and as to those matters I believe them to be true.

Jimmy Jon Williams
JIMMY JON WILLIAMS

Sworn to before me this **28th**
th day of **October**, 2020

Notary Public *Lauren Peck*

#19010553



VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

ALEXANDRIA GAYLE WILLIAMS, being duly sworn, deposes and says:

1. I am a Plaintiff in the within proceeding.
2. I have read the annexed Plaintiff's **VERIFIED ANSWER TO DEFENDANT'S COUNTERCLAIMS** know the contents thereof and the same are true to my knowledge, except those matters herein which are stated to be alleged on information and belief and as to those matters I believe them to be true.


ALEXANDRIA GAYLE WILLIAMS

Sworn to before me this
th day of October, 2020

Notary Public

See Attachment
For Notary Seal

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

~~Signature of Document Signer No. 1~~ ~~Signature of Document Signer No. 2 (if any)~~

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

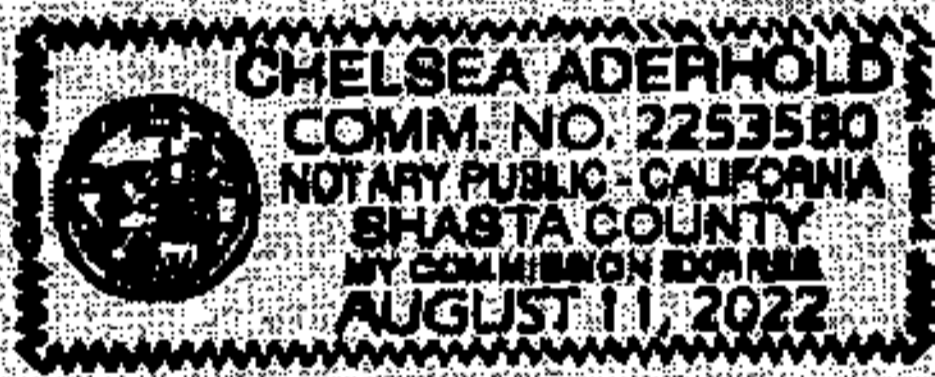
State of California
County of Shasta

Subscribed and sworn to (or affirmed) before me
on this 28 day of October, 2020
by Date Month Year

(1) Alexandria Gayle Williams
(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature Chelsea Aderhold
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Verification Document Date: 10/28/2020
Number of Pages: 1 Signer(s) Other Than Named Above: _____

Index No. 713984

Year 2020

ALEXANDRIA GAYLE WILLIAMS and
JIMMY JON WILLIAMS AS GUARANTOR

V.

4545 EAST COAST LLC

VERIFIED ANSWER TO DEFENDANT'S COUNTERCLAIMS

SDK HEIBERGER, LLP

Attorneys for

205 EAST 42ND STREET
6TH FLOOR
NEW YORK, NEW YORK 10017
(917) 351-1335
(212) 532-0500
info@sdkhlaw.com

To:

Attorney (s) for

Service of a copy of the within

is hereby admitted

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

Check Application Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the judges of the within named Court.

at
on

, at

M.

Dated: