

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
RICHARD C. EDELSON,

Plaintiff,

- against -

ROBERT A. AZUD, THE CAPITOL THEATRE, THE
CAPITOL THEATRE, LLC., PETER SHAPIRO, M.
RAVIKOFF ASSOCIATES, INC., MARVIN RAVIKOFF,
TELCO HOLDING CORP., GARCIA'S, CAPITOL
ENTERPRISES, INC., THE BOWERY PRESENTS,
LLC.,

Defendants.
-----X

Index No: 2015-50602E

**VERIFIED ANSWER TO
AMENDED COMPLAINT
WITH CROSS-CLAIMS
AND DEMAND TO
ANSWER**

PLEASE TAKE NOTICE, that defendant, ROBERT A. AZUD, by his attorneys,
O'CONNOR REDD LLP, as and for his Verified Answer to the Amended Verified
Complaint, sets forth the following, upon information and belief:

ANSWERING THE FIRST CAUSE OF ACTION

FIRST: Denies any knowledge or information sufficient to form a belief as to
the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint
marked and designated "1", "3", "4", "5", "6", "7", "7a", "8", "9", "10", "13", "14", "15", "16",
"16a", "17", "18", "19", "20", "23", "24", "25", "26", "27", "27a", "28", "29", "32", "33", "34",
"35", "36", "37", "37a", "38", "39", "42", "43", "44", "45", "46", "46a", "47", "48", "51", "52",
"53", "54", "55", "56", "56a", "57", "58", "61", "62", "63", "64", "65", "66", "66a", "67", "68",
"71", "72", "73", "74", "75", "75a", "76", "77", "78", "81", "82", "83", "84", "85", "85a", "86",
"87", "88", "97" and "99".

SECOND: Admits each and every allegation contained in the paragraphs of the
Amended Verified Complaint marked and designated "2" and "92".

THIRD: Denies in the form alleged each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "11", "12", "21", "22", "30", "31", "40", "41", "49", "50", "59", "60", "69", "70", "79", "80", "89", "90", "104", "105", "106" and "108" insofar as refers to defendant, ROBERT A. AZUD.

FOURTH: Denies in the form alleged each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "12a", "91", "93", "94", "95", "96", "100", "101", "102", "103", "107" and "110".

FIFTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "98", "111", "112", "113", "114" and "115" and respectfully refers all questions of law to the Court.

SIXTH: Denies each and every allegation contained in the paragraph of the Amended Verified Complaint marked and designated "109" insofar as refers to defendant, ROBERT A. AZUD.

ANSWERING THE SECOND CAUSE OF ACTION

SEVENTH: As to paragraph "116" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "115" as if said denials were more fully and specifically set forth at length herein.

EIGHTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "117", "124", "125" and "126".

NINTH: Admits each and every allegation contained in the paragraph of the Amended Verified Complaint marked and designated "118".

TENTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "119", "120", "121", "122" and "123" insofar as refers to defendant, ROBERT Z. AZUD and respectfully refers all questions of law to the Court.

ANSWERING THE THIRD CAUSE OF ACTION

ELEVENTH: As to paragraph "127" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "126" as if said denials were more fully and specifically set forth at length herein.

TWELFTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "128", "135", "136" and "137".

THIRTEENTH: Admits each and every allegation contained in the paragraph of the Amended Verified Complaint marked and designated "129".

FOURTEENTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "130", "131", "132", "133" and "134" insofar as refers to defendant, ROBERT Z. AZUD and respectfully refers all questions of law to the Court.

ANSWERING THE FOURTH CAUSE OF ACTION

FIFTEENTH: As to paragraph "138" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "137" as if said denials were more fully and specifically set forth at length herein.

SIXTEENTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "139", "140", "146", "147" and "148".

SEVENTEENTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "141", "142", "143", "144" and "145" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE FIFTH CAUSE OF ACTION

EIGHTEENTH: As to paragraph "149" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "148" as if said denials were more fully and specifically set forth at length herein.

NINETEENTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "150", "157", "158" and "159".

TWENTIETH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the paragraph of the Amended Verified Complaint marked and designated "151" insofar as refers to defendant, ROBERT A. AZUD.

TWENTY-FIRST: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "152", "153", "154", "155" and "156" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE SIXTH CAUSE OF ACTION

TWENTY-SECOND: As to paragraph "160" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "159" as if said denials were more fully and specifically set forth at length herein.

TWENTY-THIRD: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "161", "168", "169" and "170".

TWENTY-FOURTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the paragraph of the Amended Verified Complaint marked and designated "162" insofar as refers to defendant, ROBERT A. AZUD.

TWENTY-FIFTH: Denies each and every allegation contained in the paragraphs

of the Amended Verified Complaint marked and designated "163", "164", "165", "166" and "167" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE SEVENTH CAUSE OF ACTION

TWENTY-SIXTH: As to paragraph "171" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "170" as if said denials were more fully and specifically set forth at length herein.

TWENTY-SEVENTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "172", "179", "180" and "181".

TWENTY-EIGHTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the paragraph of the Amended Verified Complaint marked and designated "173" insofar as refers to defendant, ROBERT A. AZUD.

TWENTY-NINTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "174", "175", "176", "177" and "178" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE EIGHTH CAUSE OF ACTION

THIRTIETH: As to paragraph "182" of the plaintiff's Amended Verified Complaint,

the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "181" as if said denials were more fully and specifically set forth at length herein.

THIRTY-FIRST: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "183", "190", "191" and "192".

THIRTY-SECOND: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the paragraph of the Amended Verified Complaint marked and designated "184" insofar as refers to defendant, ROBERT A. AZUD.

THIRTY-THIRD: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "185", "186", "187", "188" and "189" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE NINTH CAUSE OF ACTION

THIRTY-FOURTH: As to paragraph "193" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "192" as if said denials were more fully and specifically set forth at length herein.

THIRTY-FIFTH: Denies any knowledge or information sufficient to form a belief

as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "194", "201", "202" and "203".

THIRTY-SIXTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the paragraph of the Amended Verified Complaint marked and designated "195" insofar as refers to defendant, ROBERT A. AZUD.

THIRTY-SEVENTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "196", "197", "198", "199" and "200" insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all questions of law to the Court.

ANSWERING THE TENTH CAUSE OF ACTION

THIRTY-EIGHTH: As to paragraph "204" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "203" as if said denials were more fully and specifically set forth at length herein.

THIRTY-NINTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "205", "212", "213" and "214".

FORTIETH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "206", "207", "208", "209", "210" and "211", insofar as refers to defendant, ROBERT A. AZUD, and respectfully refers all

questions of law to the Court.

ANSWERING THE ELEVENTH CAUSE OF ACTION

FORTY-FIRST: As to paragraph "215" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "214" as if said denials were more fully and specifically set forth at length herein.

FORTY-SECOND: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "216", "217", "218", "219", "220", "221", "222", "223" and "224".

ANSWERING THE TWELFTH CAUSE OF ACTION

FORTY-THIRD: As to paragraph "225" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "224" as if said denials were more fully and specifically set forth at length herein.

FORTY-FOURTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "226", "227", "228", "229", "230", "231", "232", "233" and "234".

ANSWERING THE THIRTEENTH CAUSE OF ACTION

FORTY-FIFTH: As to paragraph "235" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "234" as if said denials were more fully and specifically set forth at length herein.

FORTY-SIXTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "236", "237", "238", "239", "240", "241", "242", "243" and "244".

ANSWERING THE FOURTEENTH CAUSE OF ACTION

FORTY-SEVENTH: As to paragraph "245" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "244" as if said denials were more fully and specifically set forth at length herein.

FORTY-EIGHTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "246", "247", "248", "249", "250", "251", "252", "253" and "254".

ANSWERING THE FIFTEENTH CAUSE OF ACTION

FORTY-NINTH: As to paragraph "255" of the plaintiff's Amended Verified

Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "254" as if said denials were more fully and specifically set forth at length herein.

FIFTIETH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "256", "257", "258", "259", "260", "261", "262", "263" and "264".

ANSWERING THE SIXTEENTH CAUSE OF ACTION

FIFTY-FIRST: As to paragraph "265" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "264" as if said denials were more fully and specifically set forth at length herein.

FIFTY-SECOND: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "266", "267", "268", "269", "270", "271", "272", "273" and "274".

ANSWERING THE SEVENTEENTH CAUSE OF ACTION

FIFTY-THIRD: As to paragraph "275" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "274" as if said denials were more fully and

specifically set forth at length herein.

FIFTY-FOURTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "276", "277", "278", "279", "280", "281", "282", "283" and "284".

ANSWERING THE EIGHTEENTH CAUSE OF ACTION

FIFTY-FIFTH: As to paragraph "285" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "284" as if said denials were more fully and specifically set forth at length herein.

FIFTY-SIXTH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "286", "287", "288", "289", "290", "291", "292", "293" and "294".

ANSWERING THE NINETEENTH CAUSE OF ACTION
(Misabeled as another Seventeenth Cause of Action)

FIFTY-SEVENTH: As to paragraph "295" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "294" as if said denials were more fully and specifically set forth at length herein.

FIFTY-EIGHTH: Denies any knowledge or information sufficient to form a belief

as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "296", "297", "298", "299", "300", "301", "302", "303" and "304".

ANSWERING THE TWENTIETH CAUSE OF ACTION
(Mislabeled as another Eighteenth Cause of Action)

FIFTY-NINTH: As to paragraph "305" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "304" as if said denials were more fully and specifically set forth at length herein.

SIXTIETH: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "306", "307", "308", "309", "310", "311", "312", "313" and "314".

ANSWERING THE TWENTY-FIRST CAUSE OF ACTION
(Mislabeled as Nineteenth Cause of Action)

SIXTY-FIRST: As to paragraph "315" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "314" as if said denials were more fully and specifically set forth at length herein.

SIXTY-SECOND: Denies any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the paragraphs of the Amended Verified Complaint marked and designated "316", "317", "318", "319", "320", "321", "322", "323"

and "324".

ANSWERING THE TWENTY-SECOND CAUSE OF ACTION
(Misabeled as Twentieth Cause of Action)

SIXTY-THIRD: As to paragraph "325" of the plaintiff's Amended Verified Complaint, the answering defendant repeats, realleges and reiterates each and every denial of the allegations contained in the paragraphs of the Amended Verified Complaint marked and designated "1" through "324" as if said denials were more fully and specifically set forth at length herein.

SIXTY-FOURTH: Denies each and every allegation contained in the paragraphs of the Amended Verified Complaint marked and designated "326" and "327" insofar as refers to defendant, ROBERT A. AZUD.

AS AND FOR A FIRST SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SIXTY-FIFTH: Any injuries and/or damages sustained by the plaintiff, as alleged in the plaintiff's Amended Verified Complaint herein, which the answering defendant denies, were caused, in whole or in part, by the comparative negligence and/or culpable conduct of the plaintiff and not as a result of any negligence and/or culpable conduct on the part of the answering defendant.

AS AND FOR A SECOND SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SIXTY-SIXTH: The causes of action set forth in the Complaint fail to state a claim upon which relief can be granted.

AS AND FOR A THIRD SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SIXTY-SEVENTH: Upon information and belief, plaintiff either failed to use, improperly used or misused available seat belts as a result of which the alleged injuries were sustained or aggravated and by virtue of the foregoing, the damages, if any, to which the plaintiff might otherwise be entitled to recover should be mitigated accordingly.

AS AND FOR A FOURTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SIXTY-EIGHTH: A necessary or indispensable party has not been joined and, therefore, the action should not proceed and should be dismissed.

AS AND FOR A FIFTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SIXTY-NINTH: In the event plaintiff recovers a verdict or judgment against the answering defendant, then said verdict or judgment must be reduced pursuant to CPLR 4545(c) by those amounts which have been or will, with reasonable certainty, replace or indemnify plaintiff, in whole or in part, for any past or future claimed economic loss, from any collateral source such as insurance, social security, workers' compensation or employee benefit programs.

AS AND FOR A SIXTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTIETH: Pursuant to the provisions Article 16 of the CPLR, should this answering defendant be found liable for damages, such liability being 50 percent or less of the total liability assigned to all persons liable, the liability of this answering defendant for non-economic loss shall not exceed its equitable share determined in accordance with the relative culpability of all parties liable.

AS AND FOR A SEVENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-FIRST: The negligence of a third person or entity over whom this answering defendant had no control was a superseding cause and insulates the answering defendant from liability.

AS AND FOR AN EIGHTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-SECOND: Plaintiff destroyed evidence that was subject to discovery in this law suit and would be admissible in evidence at trial, thereby depriving this Court and the answering defendant of such evidence and, therefore, plaintiff's suit should be barred.

AS AND FOR A NINTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-THIRD: An unknown third-party destroyed evidence that was subject to discovery in this law suit and would be admissible in evidence at trial, thereby depriving this Court and the answering defendant of such evidence and, therefore, plaintiff's suit should be barred.

AS AND FOR A TENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-FOURTH: The accident described in the Amended Verified Complaint did not result in a "serious injury" to plaintiff as so defined in and by Section 5102(d) of the Insurance Law of the State of New York. By reason of the premise aforesaid, and as expressly provided in CPLR 3016(g) of the State of New York, plaintiff had and has no right to institute, maintain or prosecute this action and is barred from so doing.

AS AND FOR AN ELEVENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-FIFTH: Plaintiff's cause of action is barred by Article 51, Section 5104 of the Insurance Law of the State of New York.

AS AND FOR A TWELFTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-SIXTH: The plaintiff's sole and exclusive remedy is confined and limited to the benefits and provisions of Article 51 of the Insurance Law of the State of New York.

AS AND FOR A THIRTEENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-SEVENTH: Plaintiff failed to exercise ordinary care to effect a cure and to prevent aggravation of the alleged injury and damages.

AS AND FOR A FOURTEENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-EIGHTH: The provisions, requirements, and terms of CPLR Art.2 et seq., apply to the action and non-compliance with such provisions, requirements, or terms, operates to vitiate plaintiff's right to maintain the subject action, and any verdict plaintiff may recover thereby.

AS AND FOR A FIFTEENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

SEVENTY-NINTH: The provisions of CPLR Article 50-B apply to any verdict in this case.

AS AND FOR A SIXTEENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

EIGHTIETH: At no time during the course of events as alleged in the complaint did the answering defendant own the subject vehicle.

**AS AND FOR A CROSS-CLAIM AGAINST
THE CAPITOL THEATRE, THE CAPITOL THEATRE, LLC., PETER SHAPIRO,
M. RAVIKOFF ASSOCIATES, INC., MARVIN RAVIKOFF, TELCO HOLDING CORP.,
GARCIA'S. CAPITOL ENTERPRISES, INC., and THE BOWERY PRESENTS, LLC**

EIGHTY-FIRST: If plaintiff sustained any injuries or damages as alleged in the plaintiff's Amended Verified Complaint, which this answering defendant denies, then such injuries or damages were caused by reason of the culpable conduct, acts or omissions, negligence, strict products liability, statutory violation, breach of contract, obligation or warranty of the defendants above-named.

By reason of the foregoing, the answering defendant is entitled to contractual indemnification, common-law indemnification and/or contribution from, and to have judgment against the co-defendant(s) above-named, for all or part of any verdict or judgment that plaintiff may recover against this answering defendant.

PLEASE TAKE NOTICE that demand is hereby made, pursuant to CPLR Section 3011, that the defendants above-named serve an Answer to this Cross-Claim within twenty (20) days or judgment will be taken against said defendants by default for the relief demanded herein.

WHEREFORE, defendant, ROBERT A. AZUD, demands judgment dismissing the Amended Verified Complaint or, in the event the plaintiff recovers a verdict or judgment against this answering defendant, then said answering defendant demands judgment against the co-defendants above-named, for all or part of any such verdict or judgment, together with the attorneys' fees, costs and disbursements of this action and demands, pursuant to CPLR 8303-a and Part 130 of the Rules of this Court, that an award of costs

and reasonable attorneys' fees be assessed against plaintiff and his counsel for a frivolous claim.

DATED: June 5, 2015
Port Chester, New York

Yours, etc.

O'CONNOR REDD LLP

By: _____

Joseph T. Redd
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TO: THE LAW OFFICE OF RICHARD R. MOGG, P.C.
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
RICHARD C. EDELSON,

Plaintiff,

Index No: 2015-50602E

VERIFICATION

- against -

ROBERT A. AZUD, THE CAPITOL THEATRE, THE
CAPITOL THEATRE, LLC., PETER SHAPIRO, M.
RAVIKOFF ASSOCIATES, INC., MARVIN RAVIKOFF,
TELCO HOLDING CORP., GARCIA'S, CAPITOL
ENTERPRISES, INC., THE BOWERY PRESENTS,
LLC.,

Defendants.
-----X

JOSEPH T. REDD, an attorney admitted to practice in the courts of New York State, and says that:

I am the attorney of record, or of counsel with the attorney(s) of record, for the defendant, ROBERT A. AZUD, I have read the annexed **VERIFIED ANSWER TO AMENDED VERIFIED COMPLAINT WITH CROSS-CLAIM AND DEMAND TO ANSWER**, and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following: medical records and reports, investigation, correspondence, interviews and file information contained in my possession.

The reason I make this affirmation instead of said defendants is your deponent maintains her office outside of the county in which the answering defendants maintain their place of business and/or residence.

I affirm that the foregoing statements are true under penalties of perjury.

DATED: June 5, 2015
Port Chester, New York



JOSEPH T. REDD