

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JANE DOE,

Plaintiff,

Index No.: 520605/2020E

-against-

ANONYMOUS #1, As An Individual, and
ANONYMOUS #2-4 Corporate Entities

**VERIFIED ANSWER
WITH COUNTERCLAIMS**

Defendants.
-----X

Defendants as for their Verified Answer with Counterclaims, respectfully allege the following:

1. Defendants Anonymous #1-4 deny the truth of the allegations contained paragraphs 1-3, 5, 9-12, 15-17, 19-29, 31-36, 38-43, 45-50, 52-57, and 59-60 of the unverified amended complaint.
2. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 4 of the unverified amended complaint.
3. Defendant Anonymous #2 admits that it advertises itself as a business engaged in providing clients with wellness treatments as alleged in paragraph 13 of the unverified amended complaint.
4. Defendant Anonymous #1 admits to the allegation in paragraphs 6 and 14 with respect to being a certified user of FDA approved devices known as BioWell and Ondamed and being a reiki master but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraphs 6 and 14 of the unverified amended complaint.
5. Defendants Anonymous #2-3 admit to being domestic corporations with offices located at 1994 Coney Island Ave., 2nd floor, Brooklyn, NY 11223 but deny the truth of the remaining allegations contained in paragraph 7 of the unverified amended complaint.

6. Defendant Anonymous #1 admits to the allegation of being an employee of Anonymous #2-3 in paragraph 8 but denies the truth of the remaining allegations in paragraph 8 of the unverified amended complaint.

7. Defendants neither admit nor deny the allegations contained in paragraphs 61-65 of the unverified amended complaint as said allegations call for a conclusion of law.

8. Defendants repeat and reallege each and every response to paragraphs 18, 30, 37, 44, 51 and 58 as though fully set forth herein.

9. Defendants deny that Plaintiff is entitled to a judgment or any other relief requested in the unnumbered "WHEREFORE" paragraph, and each of its subparagraphs.

GENERAL DENIAL

10. Defendants deny any and all allegations not specified above.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. Plaintiff fails to state a claim upon which the court can grant relief.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

12. Plaintiff's claims are barred by the statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

13. Any alleged touching was with the consent of Plaintiff.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

14. Whatever damages plaintiff may have sustained in this action were caused in whole or in part by the culpable conduct of plaintiff. The amount of damages recovered, if any, shall therefore be diminished in the proportion to which culpable conduct attributable to plaintiff.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

15. Defendants hereby give notice that they intend to rely upon any other additional defenses that are now or may become available during or as a result of the discovery proceedings in

this action, and hereby reserve their right to amend this Verified Answer to assert such defenses.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

16. Upon information and belief, Defendants, at all relevant times herein, did not owe Plaintiff a duty of care.

AS AND FOR A FIRST COUNTERCLAIM
(Defamation Per Se)

17. At all times relevant herein, Plaintiff wrote and disseminated to third parties that Defendant Anonymous #1 was a criminal who had committed crimes.

18. Plaintiff knew said defamatory statements were false and were made by Plaintiff in an attempt to coerce Anonymous #1 and 2 into settling a dispute over money charged to Plaintiff for services rendered by Defendants.

19. Plaintiff's defamatory statement subjected Anonymous #1 and #2 to ridicule, hatred, contempt and shame in the community.

20. Plaintiff acted maliciously and with the intent of destroying Anonymous #1 and 2's reputation in the community at large and in the business community in which Plaintiff and Defendant both provided similar services.

21. As a result of Plaintiff's malicious, intentional and defamatory statements, Defendants Anonymous#1's and Anonymous #2-4's reputations have been damaged per se in an amount to be determined at trial.

AS AND FOR A SECOND COUNTERCLAIM
(Conversion)

22. Defendants repeat and reallege each and every response from paragraphs 1 through 21 as though fully set forth herein.

23. Defendants Anonymous #1 and #2 are the owners of a Biowell Biofield Device (the "Property"), which is a treatment machine used in the course of treating their clients.

24. In or about December 2019, Plaintiff intentionally interfered with Defendants' use of the Property when she removed it from Defendants' place of business without their knowledge or consent thereby depriving Defendants of the use of the Property.

25. Plaintiff is in possession of the Property, has dominion and control over the Property and has converted it to her own use for servicing her clients.

26. As a result of Plaintiff's tortious conduct, Defendants Anonymous #1 and #2 have been damaged in an amount to be determined at trial.

AS AND FOR A THIRD COUNTERCLAIM
(Theft of Proprietary Information)

27 Defendants repeat and reallege each and every response from paragraphs 1 through 26 as though fully set forth herein.

28. Defendants Anonymous #1 and 2 are in the business of providing clients with wellness and health treatments.

29. Defendants maintain a list of their clients, which is confidential and proprietary information.

30. In or about December 2019, Plaintiff solicited Defendants Anonymous #1 and 2 to invest in her business venture in the wellness and health field. When Defendants declined to invest in Plaintiff's business, Plaintiff misappropriated Defendants' client list without their knowledge and consent.

31. Upon information and belief, Plaintiff has contacted Defendants' clients and offered her services, which are substantially identical to services provided by Defendants.

32. As a result of Plaintiff's tortious conduct, Defendants Anonymous #1 and 2 have been damaged in an amount to be determined at trial.

AS AND FOR A FOURTH COUNTERCLAIM
(Negligent Infliction of Extreme Emotional Distress)

33. Defendants repeat and reallege each and every response from paragraphs 1 through 32 as though fully set forth herein.

34. As a client, Plaintiff was given access to Defendants' offices during the course of her treatments and debt relief negotiations.

35. In or about December 2019, Plaintiff negligently threatened Anonymous #1 with physical violence and false statements as follows; "I know people who can hurt you"; "You better give me my money"; "I'm gonna ruin your marriage and your reputation in the community"; and "I know people who can make your life miserable."

36. Due to Plaintiff's extreme and outrageous conduct, Defendant Anonymous #1 has been unable to sleep and is overcome with anxiety and fear that his life would be ruined by Plaintiff's threats.

37. As a result of Plaintiff's extreme and outrageous negligent conduct, Defendant Anonymous #1 has been damaged in an amount to be determined at trial.

WHEREFORE, Defendants respectfully demand judgment as follows:

- A. Dismiss Plaintiff's Amended Complaint in its entirety, together with costs and disbursements;
- B. award Defendants money damages for Counterclaims 1 through 4 in an amount to be determined at trial; and
- C. for such other and further relief as to this court may deem just and proper.

Dated: Bronx, New York
March 18, 2021

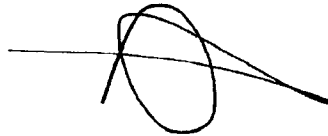
BILSKI & ASSOCIATES, PLLC
Christopher P. Bilski, Esq.
Attorneys for Defendants
2705 Eastchester Road
Bronx, NY 10469
(t) 718-515-0300
(f) 718-515-4366

VERIFICATION

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

ANONYMOUS #1 being duly sworn, deposes and says:

I am an individual Defendant in the within action; I have read the foregoing Verified Answer with Counterclaims and know the contents thereof; and that the same is true of our own knowledge, except as to those matters therein stated to be alleged to be on information and belief, and as to those matters, I believe the same to be true.



ANONYMOUS #1

Sworn to before me,
on March 10, 2021
23


Notary Public

ANDREA MENDEZ
Notary Public - State of New York
No. 62ME6396289
Qualified in New York County
My Commission Expires 7/22/2023