

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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C.V., an Infant by his Mother and Natural
Guardian ANONYMOUS PARENT #1 and
ANONYMOUS PARENT #1, Individually, J.G.,
an Infant by his Mother and Natural
Guardian ANONYMOUS PARENT #2 and
ANONYMOUS PARENT #2, Individually, and M.R.,

**VERIFIED ANSWER
WITH CROSS CLAIM**

Plaintiffs,

Index No.: 57102/2016

-against-

CHAPPAQUA CENTRAL SCHOOL DISTRICT and
CHRISTOPHER SCHRAUFNAGEL,

Defendants.

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Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, by its attorneys,
HENDERSON & BRENNAN, answering plaintiffs' complaint, respectfully
alleges as follows:

AS TO THE FIRST CAUSE OF ACTION
ON BEHALF OF INFANT PLAINTIFF, C.V.

FIRST: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies
knowledge and information sufficient to form a belief as to the truth
of the allegations set forth in paragraphs "1", "2" and "7" of
plaintiffs' complaint.

SECOND: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies
each and every allegation set forth in paragraphs "3", "6", "9",
"15", "20", "21", "22", "23", "24", "25" and "26" of plaintiffs'
complaint.

AS TO THE SECOND CAUSE OF ACTION
ON BEHALF OF INFANT PLAINTIFF, C.V.

THIRD: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, repeats and realleges each and every denial set forth in paragraphs "1" through "26" of the plaintiffs' complaint with the same force and effect as if fully set forth at length herein.

FOURTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraphs "28", "29", "30", "31" and "32" of plaintiffs' complaint.

AS TO THE THIRD CAUSE OF ACTION
ON BEHALF OF ANONYMOUS PARENT #1

FIFTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, repeats and realleges each and every denial set forth in paragraphs "1" through "32" of the plaintiffs' complaint with the same force and effect as if fully set forth at length herein.

SIXTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies knowledge and information sufficient to form a belief as to the truth of the allegation set forth in paragraph "34" of plaintiffs' complaint.

SEVENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraph "35" of plaintiffs' complaint.

AS TO THE FOURTH CAUSE OF ACTION
ON BEHALF OF INFANT PLAINTIFF, J.G.

EIGHTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraphs "37", "38" and "39" of plaintiffs' complaint.

NINTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraphs "43", "44", "50", "55", "56", "57", "58", "59", "60" and "61" of plaintiffs' complaint.

AS TO THE FIFTH CAUSE OF ACTION
ON BEHALF OF INFANT PLAINTIFF, J.G.

TENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, repeats and realleges each and every denial set forth in paragraphs "1" through "61" of the plaintiffs' complaint with the same force and effect as if fully set forth at length herein.

ELEVENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraphs "63", "64", "65", "66" and "67" of plaintiffs' complaint.

AS TO THE SIXTH CAUSE OF ACTION
ON BEHALF OF ANONYMOUS PARENT #2

TWELFTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, repeats and realleges each and every denial set forth in paragraphs "1" through "67" of the plaintiffs' complaint with the same force and effect as if fully set forth at length herein.

THIRTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies knowledge and information sufficient to form a belief as to the truth of the allegation set forth in paragraph "69" of plaintiffs' complaint.

FOURTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraph "70" of plaintiffs' complaint.

AS TO THE SEVENTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, M.R.

FIFTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraphs "71" and "72" of plaintiffs' complaint.

SIXTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraphs "73", "79", "85", "90", "91", "92", "93", "94", "95", "96" and "97" of plaintiffs' complaint.

AS TO THE SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, M.R.

SEVENTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, repeats and realleges each and every denial set forth in paragraphs "1" through "97" of the plaintiffs' complaint with the same force and effect as if fully set forth at length herein.

EIGHTEENTH: Defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, denies each and every allegation set forth in paragraphs "99", "100", "101", "102" and "103" of plaintiffs' complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

NINETEENTH: That if the plaintiffs were caused to sustain injuries and damages at the times and places and in the manner alleged in the complaint, said injuries and damages were caused or contributed to by reason of the carelessness, recklessness, negligence and/or assumption of the risk, both implied and expressed, of the plaintiffs, and if the plaintiffs recover against this answering defendant, the amount of damages shall be diminished in proportion to the culpable conduct attributable to the plaintiffs.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

TWENTIETH: That any cause of action on behalf of plaintiff, ANONYMOUS PARENT #1, must be dismissed for failure to comply with General Municipal Law section 50-h.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWENTY-FIRST: That the causes of action alleged in the complaint are barred by the applicable statute of limitations.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

TWENTY-SECOND: That the plaintiffs and are not entitled to proceed anonymously without leave of the court.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

TWENTY-THIRD: That the causes of action alleged in plaintiffs' complaint must be dismissed for failure to comply with General Municipal Law Sections 50-e and 50-i.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

TWENTY FOURTH: That plaintiffs' complaint fails to state causes of action and are improperly pleaded.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

TWENTY-FIFTH: That the defendant asserts as a defense the limited liability set forth in Article 16 of the CPLR.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

TWENTY-SIXTH: That pursuant to CPLR 4545(c), any award to the plaintiffs for economic loss shall be reduced by the amounts received from collateral sources.

**AS AND FOR A CROSS CLAIM AGAINST
DEFENDANT, CHRISTOPHER SCHRAUFNAGEL**

TWENTY-SEVENTH: That if the plaintiffs were caused to sustain injuries and damages at the times and places set forth in the plaintiffs' complaint through any carelessness, recklessness, and/or negligence, other than the plaintiffs' own carelessness, recklessness and negligence, said damages were caused and/or contributed to by reason of the carelessness, recklessness and negligence of the co-defendant, CHRISTOPHER SCHRAUFNAGEL, against whom this cross claim is pleaded, and if any judgment is recovered by the plaintiffs herein

against the defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, said defendant will be damaged thereby and against the co-defendant, CHRISTOPHER SCHRAUFNAGEL, against whom this cross claim is pleaded, is and will be wholly or partially responsible therefore.

TWENTY-EIGHTH: That by reason of the foregoing, and in the event of a recovery herein by the plaintiffs against the defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, the co-defendant, CHRISTOPHER SCHRAUFNAGEL, against whom this cross claim is pleaded, will be liable on an apportioned basis for the amount of any such liability or damage incurred by the defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, and the defendant asserts in this action its rights to such indemnity and apportionment.

WHEREFORE, the defendant, CHAPPAQUA CENTRAL SCHOOL DISTRICT, demands judgment against the plaintiffs, dismissing the complaint, and further demands judgment on the cross claim against co-defendant, CHRISTOPHER SCHRAUFNAGEL, together with costs and disbursements.

Dated: White Plains, New York
June 30, 2016

Yours etc.,

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