

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
LUCY AMADOR, STACIE CALLOWAY, TONIE  
COGGIN, NATASHA DOCKERY, TANYA JONES,  
BOBBIE KIDD, BETTE JEAN MCDONALD, KRISTINA  
MUEHLEISEN, JEANETTE PEREZ, LAURA PULLEN,  
CORILYNN ROCK, DENISE SAFFIOTI, SHENYELL,  
SMITH, HOPE SUSOH, and NAKIA THOMPSON, on  
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

DEPARTMENT OF CORRECTIONAL SERVICES  
("DOCS") SUPERINTENDENTS ANGINELL  
ANDREWS, ROBERTA COWARD, DENNIS  
CROWLEY, ALEXANDREENA DIXON, ELAINE LORD,  
RONALD MOSCICKI and MELVIN WILLIAMS; DOCS  
DEPUTY SUPERINTENDENT DONAL WOLFE; DOCS  
DIRECTOR OF PERSONNEL TERRY BAXTER; DOCS  
INSPECTOR GENERAL RICHARD ROY; DOCS  
DIRECTOR OF THE SEX CRIMES UNIT OF THE  
INSPECTOR GENERAL'S OFFICE BARBARA D.  
LEONE, DOCS DIRECTOR OF THE BUREAU OF  
LABOR RELATIONS PETER BROWN; DOCS  
COMMISSIONER GLENN S. GOORD, OFFICE OF  
MENTAL HEALTH COMMISSIONER JAMES STONE,  
DOCS CORRECTION OFFICERS CLARENCE DAVIS  
M. EVANS, SERGEANT MICHAEL GALBREATH,  
OFFICERS JOHN E. GILBERT III, LARIE. RICO  
MEYERS, MICHAEL PINQUE, JEFFREY SHAVER,  
ROBERT SMITH, DELROY THORE, and PETE  
ZAWIISLAK,

Defendants.

\_\_\_\_\_  
Defendant, RICK LARUE, by and through his attorneys, Cronin & Byczek, LLP, hereby  
answer Plaintiffs' Complaint as follows:

**PRELIMINARY STATEMENT**

Denies, except admit that plaintiffs purport to bring this action for injunctive and declaratory  
relief, and for money damages, to redress alleged violations of their rights under the First, Fourth,

**ANSWER TO CLASS  
ACTION FIRST AMENDED  
COMPLAINT**

03 CV 0650 (KTD) (GWG)

Eighth and Fourteenth Amendments of the United States Constitution.

**JURISDICTION AND VENUE**

1. Denies each and every allegation in paragraph "1" of Complaint except admits that plaintiffs purport to bring this action as detailed.

**PARTIES**

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "2" of the Complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "3" of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of the Complaint.

**CORRECTIONAL STAFF DEFENDANTS**

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of the Complaint except admits that C.O. Rick LaRue was an employee of DOCS and acting under color of state law at all relevant times.

a Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5b" of the Complaint.

c Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5c" of the Complaint.

- d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5d" of the Complaint.
- e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5e" of the Complaint.
- f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5f" of the Complaint.
- g. Denies each and every allegation set forth in paragraph "5g" of the Complaint.
- h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5h" of the Complaint.
- i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5i" of the Complaint.
- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5j" of the Complaint.
- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5l" of the Complaint.
- m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5m" of the Complaint.
- n. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5n" of the Complaint.
- o. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5o" of the Complaint.

## SUPERVISORY DEFENDANTS

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "6" of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7" of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8" of the Complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "9" of the Complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "10" of the Complaint.
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "11" of the Complaint.
12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "12" of the Complaint.
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "13" of the Complaint.

## FACTUAL ALLEGATIONS

### SUPERVISORY DEFENDANTS KNOW THAT WOMEN PRISONERS ARE AT SUBSTANTIAL RISK OF SEXUAL MISCONDUCT BY DOCS STAFF BUT FAIL TO TAKE NECESSARY AND APPROPRIATE ACTION.

14. Denies each and every allegation set forth in paragraph "14" of the Complaint.
15. Denies each and every allegation set forth in paragraph "15" of the Complaint.

16. Denies each and every allegation set forth in paragraph "16" of the Complaint.

17. Denies each and every allegation set forth in paragraph "17" of the Complaint.

**DEFENDANT REFERS ALL QUESTIONS OF LAW TO THIS TRIAL COURT**

**SUPERVISORY DEFENDANTS KNOW THAT WOMEN PRISONERS ARE AT  
SUBSTANTIAL RISK OF SEXUAL MISCONDUCT BY DOCS STAFF**

18. Denies each and every allegation set forth in paragraph "18" of the Complaint

19. Denies each and every allegation set forth in paragraph "19" of the Complaint

a. Denies each and every allegation set forth in paragraph "19a" of the Complaint

b. Denies each and every allegation set forth in paragraph "19b" of the Complaint

20. Denies each and every allegation set forth in paragraph "20" of the Complaint

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "21" of the Complaint

**SUPERVISORY DEFENDANTS FAIL APPROPRIATELY TO SCREEN, ASSIGN,  
TRAIN, AND SUPERVISE STAFF**

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "22" of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23" of the Complaint

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23a" of the Complaint

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23b" of the Complaint

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23c" of the Complaint

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23d" of the Complaint

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24 of the Complaint

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24a" of the Complaint

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24b" of the Complaint

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25" of the Complaint

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25a" of the Complaint

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25b" of the Complaint

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25c" of the Complaint

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25d" of the Complaint

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25e" of the Complaint

**SUPERVISORY DEFENDANTS' SYSTEM FOR REPORTING AND INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT IS GROSSLY INADEQUATE**

26. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "26" of the Complaint

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "27" of the Complaint

a. Denies each and every allegation set forth in paragraph "27a" of the Complaint

b. Denies each and every allegation set forth in paragraph "27b" of the Complaint.

c. Denies each and every allegation set forth in paragraph "27c" of the Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "28" of the Complaint

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "29" of the Complaint

a. Denies knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraph "29a" of the Complaint

b. Denies knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraph "29b" of the Complaint.

c. Denies each and every allegation set forth in paragraph "29c" of the Complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "30" of the Complaint

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "31" of the Complaint

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "32" of the Complaint

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "33" of the Complaint

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "34" of the Complaint
35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "35" of the Complaint
  - a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "35a of the Complaint
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "35b of the Complaint
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "35c of the Complaint
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "36" of the Complaint
  - a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "36a" of the Complaint
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "36b" of the Complaint
37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "37" of the Complaint
38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "38" of the Complaint
39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "39" of the Complaint



**SUPERVISORY DEFENDANTS FAIL TO PROVIDE NECESSARY OR ADEQUATE  
MENTAL HEALTH TREATMENT TO WOMEN WHO COMPLAIN OF SEXUAL  
MISCONDUCT BY DOCS STAFF**

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40" of the Complaint
- a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40a" of the Complaint
- b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40b" of the Complaint
- c. Denies each and every allegation set forth in paragraph "40c" of the Complaint
- d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40d" of the Complaint
- e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40e" of the Complaint

**THE NAMED PLAINTIFFS HAVE SUFFERED REPEATED AND UNNECESSARY  
SEXUAL ABUSE**

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41" of the Complaint
- a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41a" of the Complaint
- b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41b" of the Complaint
- c. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "41c" of the Complaint

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41d" of the Complaint

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41e" of the Complaint

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41f" of the Complaint

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41g" of the Complaint

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41h" of the Complaint

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41i" of the Complaint

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41j" of the Complaint

k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41k" of the Complaint

l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41l" of the Complaint

m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41m" of the Complaint

n. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41n" of the Complaint

- o. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41o" of the Complaint.
- p. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41p" of the Complaint.
- q. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41q" of the Complaint.
- r. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41r" of the Complaint.
- s. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41s" of the Complaint.
- t. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41t" of the Complaint.
- u. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41u" of the Complaint.
- v. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41v" of the Complaint.
- w. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41w" of the Complaint.
- 42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42" of the Complaint.
  - a. Denies each and every allegation set forth in paragraph "42a" of the Complaint
  - b. Denies each and every allegation set forth in paragraph "42b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "42c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42e" of the Complaint

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42f" of the Complaint

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42g" of the Complaint

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42h" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42j" of the Complaint.

k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42k" of the Complaint.

l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "42l" of the Complaint.

43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43a" of the Complaint.

- b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43b" of the Complaint.
- c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43c" of the Complaint.
- d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43d" of the Complaint.
- e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43e" of the Complaint.
- f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43f" of the Complaint.
- g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43g" of the Complaint.
- h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43h" of the Complaint.
- i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43i" of the Complaint.
- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43j" of the Complaint.
- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43l" of the Complaint.
- m. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "43m" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43mi" of the Complaint.

ii. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43mii" of the Complaint.

iii. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "43miii" of the Complaint.

44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "44f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "44g" of the Complaint.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45g" of the Complaint.

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45h" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45j" of the Complaint.

- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45l" of the Complaint.
- 46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46" of the Complaint.
  - a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46a" of the Complaint.
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46c" of the Complaint.
  - d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46d" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46e" of the Complaint.
  - f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46f" of the Complaint.
  - g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46g" of the Complaint.
  - h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46h" of the Complaint.
  - i. Denies knowledge or information sufficient to form a belief as to the truth of the



allegations set forth in paragraph "46i" of the Complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47g" of the Complaint.

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47h" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47j" of the Complaint.

- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "47l" of the Complaint.
- 48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48" of the Complaint.
  - a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48a" of the Complaint.
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48c" of the Complaint.
  - d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48d" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48e" of the Complaint.
  - f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48f" of the Complaint.
  - g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48g" of the Complaint.
  - h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48h" of the Complaint.
  - i. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "48i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48j" of the Complaint.

k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48k" of the Complaint.

l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48l" of the Complaint.

m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48m" of the Complaint.

n. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48n" of the Complaint.

o. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48o" of the Complaint.

p. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48p" of the Complaint.

q. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48q" of the Complaint.

r. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48r" of the Complaint.

s. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48s" of the Complaint.

t. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48t" of the Complaint.

u. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48u" of the Complaint.

v. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48v" of the Complaint.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49g" of the Complaint.

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49h" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "49i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49j" of the Complaint.

k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49k" of the Complaint.

l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49l" of the Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5-d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50g" of the Complaint.

- h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50h" of the Complaint.
- i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50i" of the Complaint.
- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50j" of the Complaint.
- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50l" of the Complaint.
- m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50m" of the Complaint.
- 51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51" of the Complaint.
  - a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51a" of the Complaint.
  - b. Denies each and every allegation set forth in paragraph "51b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51c" of the Complaint.
  - d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51d" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51e" of the Complaint.

f Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51f" of the Complaint.

g Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51g" of the Complaint.

h Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51h" of the Complaint except admits that Officer LaRue continues to be employed at Albion.

i Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51i" of the Complaint.

j Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51j" of the Complaint.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52" of the Complaint.

a Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52a" of the Complaint.

b Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52b" of the Complaint.

c Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52c" of the Complaint.

d Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52d" of the Complaint.

e Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52e" of the Complaint.

- f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52f" of the Complaint.
- g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52g" of the Complaint.
- h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52h" of the Complaint.
- i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52i" of the Complaint.
- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52j" of the Complaint.
- k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52k" of the Complaint.
- l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52l" of the Complaint.
- m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52m" of the Complaint.
- n. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52n" of the Complaint.
- o. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52o" of the Complaint.
- p. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52p" of the Complaint.
- q. Denies knowledge or information sufficient to form a belief as to the truth of the



allegations set forth in paragraph "52q" of the Complaint.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53g" of the Complaint.

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53h" of the Complaint.

i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53i" of the Complaint.

j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53j" of the Complaint.

k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53k" of the Complaint.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54a" of the Complaint.

b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54b" of the Complaint.

c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54c" of the Complaint.

d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54d" of the Complaint.

e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54e" of the Complaint.

f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54f" of the Complaint.

g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54g" of the Complaint.

h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54h" of the Complaint.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55" of the Complaint.

a. Denies knowledge or information sufficient to form a belief as to the truth of the

- allegations set forth in paragraph "55a" of the Complaint.
- b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55c" of the Complaint.
  - d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55d" of the Complaint.
    - i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55i" of the Complaint.
    - ii. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55ii" of the Complaint.
    - iii. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55iii" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55e" of the Complaint.
  - f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55f" of the Complaint.
  - g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55g" of the Complaint.
  - h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55h" of the Complaint.
  - i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55i" of the Complaint.

- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55j" of the Complaint.
  - k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55k" of the Complaint.
  - l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55l" of the Complaint.
  - m. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55m" of the Complaint.
  - n. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55n" of the Complaint.
  - o. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "55o" of the Complaint.
56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56" of the Complaint.
- a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56a" of the Complaint.
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56c" of the Complaint.
  - d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56d" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the

- allegations set forth in paragraph "56c" of the Complaint.
- f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56f" of the Complaint.
  - g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56g" of the Complaint.
  - h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56h" of the Complaint.
  - i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56i" of the Complaint.
  - j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56j" of the Complaint.
  - k. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56k" of the Complaint.
  - l. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56l" of the Complaint.
57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57" of the Complaint.
- a. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57a" of the Complaint.
  - b. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57b" of the Complaint.
  - c. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57c" of the Complaint.

- d. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57d" of the Complaint.
- e. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57e" of the Complaint.
- f. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57f" of the Complaint.
- g. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57g" of the Complaint.
- h. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57h" of the Complaint.
- i. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57i" of the Complaint.
- j. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "57j" of the Complaint.

**CLASS ACTION ALLEGATIONS**

58. Denies each and every allegation set forth in paragraph "58" of the Complaint except admit that plaintiffs purport to bring this action on behalf of all women prisoners in DOCS custody.
- a. Denies each and every allegation set forth in paragraph "58a" of the Complaint
  - b. Denies each and every allegation set forth in paragraph "58b" of the Complaint.
  - c. Denies each and every allegation set forth in paragraph "58c" of the Complaint.
  - d. Denies each and every allegation set forth in paragraph "58d" of the Complaint.
  - e. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph "58e" of the Complaint.

f. Denies each and every allegation set forth in paragraph "58f" of the Complaint.

### **CLAIMS FOR RELIEF**

#### **CLAIMS ON BEHALF OF THE PLAINTIFF CLASS**

##### **FIRST CAUSE OF ACTION**

###### **Cruel and Unusual Punishment**

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "59" of the Complaint.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "60" of the Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "61" of the Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "62" of the Complaint.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "63" of the Complaint.

##### **SECOND CAUSE OF ACTION**

###### **Violations of the Right to Be Free From Sexual Abuse and Harassment and of the Right to Bodily Integrity and Privacy Without Due Process of Law**

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "64" of the Complaint.

##### **THIRD CAUSE OF ACTION**

###### **Violations of the Right to Freedom Speech**

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "65" of the Complaint.

#### **FOURTH CAUSE OF ACTION**

##### **Violations of the Right to Equal Protection of the Laws**

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "66" of the Complaint.

##### **NAMED PLAINTIFFS' INDIVIDUAL CLAIMS FOR DAMAGES**

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "67" of the Complaint.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "68" of the Complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "69" of the Complaint.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "70" of the Complaint.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "71" of the Complaint.

72. Denies each and every allegation set forth in paragraph "72" of the Complaint.

73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "73" of the Complaint.

74. Denies knowledge or info Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "74" of the Complaint.



75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "75" of the Complaint.

76. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "76" of the Complaint.

77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "77" of the Complaint.

78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "78" of the Complaint.

79. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "79" of the Complaint.

80. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "80" of the Complaint.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "81" of the Complaint.

82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "82" of the Complaint.

83. Denies each and every allegation set forth in paragraph "83" of the Complaint

84. Denies each and every allegation set forth in paragraph "84" of the Complaint

85. Denies each and every allegation set forth in paragraph "85" of the Complaint

86. Denies each and every allegation set forth in paragraph "86" of the Complaint

#### **PRAYER FOR RELIEF**

1. Denies each and every allegation set forth in paragraph "1" of the Complaint

2. Denies each and every allegation set forth in paragraph "2" of the Complaint

3. Denies each and every allegation set forth in paragraph "3" of the Complaint
4. Denies each and every allegation set forth in paragraph "4" of the Complaint
5. Denies each and every allegation set forth in paragraph "5" of the Complaint
6. Denies each and every allegation set forth in paragraph "6" of the Complaint

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. Defendant LARUE did not violate any rights, privileges or amenities guaranteed to Plaintiffs by the Constitution or laws of the United States or of the State of New York, nor has he violated any act of Congress provided for the protection of civil rights.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. Plaintiffs Complaint fails to state a claim upon which relief can be granted as against Defendant LARUE in his official capacity and/or in his personal capacity.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

3. That the injuries that the Plaintiffs allege that they suffered were caused all or in part by their own culpable conduct.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

4. Probable cause existed for all actions taken by Defendant LARUE.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

5. That the individual Defendant LARUE acted reasonably and in good faith in discharging his official duties and his responsibilities, and as such, is entitled to qualified immunity.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

6. Defendant LARUE did not violate any rights of the Plaintiffs of which a reasonable person would have known and thus is entitled to qualified immunity.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

7. This Court has not acquired jurisdiction over Defendant LARUE in his individual or official capacity, due to lack of personal jurisdiction and improper service, and failure to proceed against Defendant LARUE within the Statute of Limitations.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

8. The Defendant LARUE acted reasonably and in good faith in discharging his official duties and responsibilities.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

9. Any and all contact by defendant LARUE with plaintiffs was with consent.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

10. If Defendant LARUE had any contact with plaintiffs, he did not know of any facts and/or conditions which may make plaintiffs incapable to consent.

**AS AND FOR A FIRST CROSS-CLAIM  
AGAINST DEPARTMENT OF CORRECTIONAL SERVICES (“DOCS”)**

11. If plaintiffs were caused damages as alleged in plaintiffs complaint due to any culpable conduct, then such damages were subsequently due to the culpable conduct, negligent acts or omissions or commissions of all other defendants.

12. All of the actions of the answering defendant, P.O. LaRue, were performed within the scope of his duties and within the scope of his employment and any liability to plaintiff must be assumed by his employer pursuant to the principle of respondent superior.

13. Pursuant to this principle of law, co-defendant, DOCS should represent and/or pay the judgment and any defense costs for their employee, Police Officer LaRue.

**AS AND FOR A SECOND CROSS-CLAIM  
OF RICK LARUE, POLICE OFFICER,  
AGAINST DEFENDANT DEPARTMENT OF CORRECTIONAL SERVICES (“DOCS”)**

14 If plaintiffs were caused damages as alleged in plaintiff complaint due to any culpable conduct, then such damages were subsequently due to the culpable conduct, negligent acts or omissions or commissions of all other defendants.

15 All of the actions of the answering defendant, P.O. Rick LaRue were performed within the scope of his official duties and within the scope of his employment and any liability to plaintiffs must be assumed by his employer, pursuant to the principle of respondent superior.

16. Pursuant to this principle of law, if the plaintiff receives judgment against the answering defendant said plaintiffs are entitled to recover the amount of such judgment from co-defendant employer, Department of Correctional Services and New York State.


WHEREFORE, the answering Defendants, demand judgment:

- A. Dismissing the Complaint against Defendant LaRue in all respects;
- B. Awarding Defendant LaRue the costs and disbursements of this action, including reasonable attorneys fees.

Dated: Lake Success, New York  
March 31, 2005

Yours, etc.

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Attorneys for Defendant,  
RICK LARUE



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