

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10-cv-6005 (RWS)

Plaintiff,

-against-

REPLY

THE CITY OF NEW YORK, et al,

Defendants.
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Plaintiff, by the undersigned counsel, hereby replies to the Counterclaims (Dkt. # 231) filed by Defendant Steven Mauriello as follows:

1. Denies the allegations in paragraph 1 of the Counterclaims, except admits that Defendant Mauriello purports to assert the legal conclusion set forth therein.

2. Denies the allegations in paragraph 2 of the Counterclaims, except admits that Defendant Mauriello purports to assert the claims set forth therein.

3. Denies the allegations in paragraph 3 of the Counterclaims and denies the characterization of the nature or substance of the recording referenced therein and respectfully refers the Court to the recording for its contents.

4. Denies the allegations in paragraph 4 of the Counterclaims and denies the characterization of the nature or substance of the recording referenced therein and respectfully refers the Court to the recording for its contents.

5. Denies the allegations in paragraph 5 of the Counterclaims and denies the characterization of the nature or substance of the recording referenced therein and

respectfully refers the Court to the recording for its contents.

6. Denies the allegations in paragraph 6 of the Counterclaims and denies the characterization of the nature or substance of the recording referenced therein and respectfully refers the Court to the recording for its contents.

7. Denies the allegations in paragraph 7 of the Counterclaims.

8. Denies the allegations in paragraph 8 of the Counterclaims.

9. Denies the allegations in paragraph 9 of the Counterclaims and respectfully refers the Court to the various documents referenced vaguely therein for their content.

10. Denies the allegations in paragraph 10 of the Counterclaims.

11. Denies the allegations in paragraph 11 of the Counterclaims.

12. Denies the allegations in paragraph 12 of the Counterclaims.

13. Denies the allegations in paragraph 13 of the Counterclaims.

14. Denies the allegations in paragraph 14 of the Counterclaims.

15. Denies the allegations in paragraph 15 of the Counterclaims.

DEFENSES AND AFFIRMATIVE DEFENSES

16. The Counterclaims fail to state a plausible or a cognizable claim for relief.

17. The Counterclaims fail to state with specificity the allegedly injurious or defamatory statements alleged therein.

18. The Counterclaims are barred by the applicable statutes of limitations and are also barred by the undue delay by Defendant Mauriello in filing the Counterclaims such that he is guilty of laches.

19. The Counterclaims are barred by prior findings against Defendant Mauriello, which operates to preclude him under the doctrine of issue preclusion or claim preclusion from raising the issues asserted in the Counterclaims.

20. The Counterclaims are insufficient as a matter of law and fact because Defendant Mauriello suffered no cognizable damages as a result of anything that Plaintiff said or did.

21. Plaintiff at all relevant times acted within the scope of his duties as a Police Officer and in the proper and lawful performance of those duties.

22. Any injury or damage allegedly sustained by Defendant Mauriello was caused by his own culpable conduct or the culpable conduct of others, and was not caused or contributed to by plaintiff.

23. Plaintiff at all times acted reasonably, properly, with probable cause and in good faith in connection with the performance of his duties and is shielded and protected from suit under the doctrines of absolute, qualified, and/or common law immunity.

24. The Counterclaims should be dismissed because they fail to plead, and the Defendant cannot show or prove, special damages.

25. The actions by the plaintiff that Defendant Mauriello claims caused him damages were taken by the plaintiff by lawful and proper means.

26. Any and all action taken or not taken by Defendant Mauriello's employer, or any other person with whom he alleges his relationship was damaged, would have taken place or not taken place, notwithstanding anything that the plaintiff said or did, or is alleged to have said or did, with respect to Defendant Mauriello.

Wherefore, the plaintiff demands that judge be entered in his favor and against the Counterclaims and that the plaintiff be awarded his costs and expenses, including attorney's fees, and such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 28, 2014

s/NBS

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