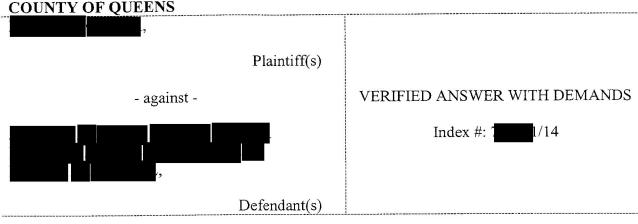
SUPREME COURT OF THE STATE OF NEW YORK



by the undersigned answering the VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

#### ANSWERING A FIRST CAUSE OF ACTION

FIRST: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: 1, 8, 12, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52

SECOND: Denies each and every allegation contained in paragraphs numbered and designated as: 9, 10, 11, 16, 17, 18, 19, 20, 21, 22, 23, 53, 54, 55, 56, 57, 58, 59, 60

THIRD: Admits each and every allegation contained in paragraphs numbered and designated as: 2, 3, 4, 5, 6, 7, 13, 14, 15

#### ANSWERING A SECOND CAUSE OF ACTION

FOURTH: Answering paragraph 61 repeats and reiterates each and every admission and denial heretofore made to paragraphs set therein with the same force and effect as if more fully set forth herein.

FIFTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: 62

SIXTH: Denies each and every allegation contained in paragraphs numbered and designated as: 63, 64

SEVENTH: Admits each and every allegation contained in paragraphs numbered and designated as: Enter appropriate information.

## AS AND FOR AN AFFIRMATIVE DEFENSE - COMPARATIVE NEGLIGENCE

The personal injuries and/or property damage alleged to have been sustained by the plaintiff(s) were caused entirely or in part through the culpable conduct attributable to the plaintiff(s) and the Defendant(s) seeks a dismissal or reduction in any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

## AS AND FOR AN AFFIRMATIVE DEFENSE - HELMET/PROTECTIVE GEAR

The plaintiff failed to use a helmet and/or other appropriate protective gear and the failure to do so caused the damages allegedly sustained or that if used would have mitigated the injuries alleged.

# AS AND FOR AN AFFIRMATIVE DEFENSE – ASSUMPTION OF THE RISK

The injuries and damages allegedly suffered by the plaintiff(s) were sustained while he was engaged in an activity that the plaintiff(s) entered knowing the risks inherent therein and which risks were assumed by plaintiff(s).

AS AND FOR AN AFFIRMATIVE DEFENSE - GENERAL OBLIGATIONS LAW

Plaintiff(s) recovery must be offset by a settlement pursuant General Obligations Law section 15-108.

WHEREFORE, defendant(s) demand(s) judgment dismissing the plaintiff(s) complaint herein together with the costs and disbursements of this action.

DATED:

Westbury, New York

July 22, 2014

