CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, New Jersey 08625-0112
Attorney for Defendant
Edward Baksa

By: Martin J. Burns
Attorney ID. No.: 021542000
Deputy Attorney General
T: (609)777-4889
F: (609)984-6446
martin.burns@dol.lps.state.nj.us

PIA WILSON, Plaintiff, v. NEW JERSEY TRANSIT, JAMES SCHWORN, ANTHONY BAK, ED BAKSA, and ROBERT LAVELL, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - ESSEX COUNTY DOCKET NO. ESX-L-000094-17 Civil Action **DEFENDANT EDWARD BAKSA'S ANSWER TO THE COMPLAINT WITH SEPARATE DEFENSES AND JURY DEMAND**

Defendant Edward Baksa ("Baksa"), by way of Answer to the Complaint of Plaintiff Pia Wilson ("Plaintiff"), states:

THE PARTIES

1. Admitted in part. Denied in part. Baksa admits that Plaintiff was an NJT employee during certain time periods alleged in the Complaint. Baksa also admits that James Schworn, Anthony Bak, and Robert Lavell appear to be Caucasian males. Baksa further admits that Plaintiff appears to be an African-American female. The remaining allegations of this paragraph are deemed conclusions of law to which no response is required.

2. Admitted in part. Denied in part. Baksa admits that Plaintiff was an NJT employee during certain time periods alleged in the Complaint. The remaining allegations of this paragraph are deemed conclusions of law to which no response is required.

3. Admitted in part. Denied in part. Baksa admits that James Schworn appears to be a Caucasian male. Baksa further admits that Mr. Schworn was an NJT employee during certain time periods alleged in the Complaint. The remaining allegations of this paragraph are denied.

4. Admitted in part. Denied in part. Baksa admits that Anthony Bak appears to be a Caucasian male. Baksa further admits that Mr. Bak was an NJT employee during certain time periods alleged in the Complaint. The remaining allegations of this paragraph are denied.

5. Admitted in part. Denied in part. Baksa admits that he is a Caucasian male who was a Deputy General Manager of Equipment for NJT during the time period alleged in the Complaint. The remaining allegations of this paragraph are denied.

6. Admitted in part. Denied in part. Baksa admits that Robert Lavell appears to be a Caucasian male who was an NJT employee during certain time periods alleged in the Complaint. The remaining allegations of this paragraph are denied.

VENUE

7. Denied. The allegations of this paragraph are deemed conclusions of law to which no response is required.

FIRST COUNT
(Retaliation In Violation of the LAD)

8. Baksa repeats and incorporates his answers to the previous paragraphs of the Complaint as if set forth at length herein.

9. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

10. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

11. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

12. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

13. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

14. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this

paragraph which are therefore denied.

15. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

16. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

17. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

18. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

19. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

25. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

26. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

27. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

28. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

29. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

30. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

31. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

32. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this

paragraph which are therefore denied.

33. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

34. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

35. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

36. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

37. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

38. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

44. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

45. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

46. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

47. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

48. Denied.

49. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

50. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

51. Denied. Baksa is without knowledge or information

sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

52. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

53. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

54. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

55. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

56. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

57. Denied.

58. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

59. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this

paragraph, including the allegations in subparagraphs (a) through (k), which are therefore denied.

60. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

61. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

62. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

63. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

64. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

65. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

66. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

67. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

68. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

69. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

70. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

71. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

72. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

73. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

74. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this

paragraph which are therefore denied.

75. Denied.

76. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

77. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

78. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

79. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

80. Denied. The allegations of this paragraph are deemed conclusions of law to which no response is required.

81. Denied.

82. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

83. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

84. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied. Furthermore, the allegations of this paragraph are deemed conclusions of law to which no response is required.

85. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

86. Denied. Baksa is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph which are therefore denied.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

WHEREFORE, Baksa demands judgment in his favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice, plus costs and attorney's fees.

SECOND COUNT
(Aiding and Abetting Discrimination Against Defendants Schworn, Bak, Baksa and Lavell)

92. Baksa repeats and incorporates his answers to the previous paragraphs of the Complaint as if set forth at length herein.

93. Denied. The allegations of this paragraph are deemed conclusions of law to which no response is required.

94. Denied. The allegations of this paragraph are deemed conclusions of law to which no response is required.

95. Denied. The allegations of this paragraph are deemed conclusions of law to which no response is required.

96. Denied.

97. Denied.

98. Denied.

WHEREFORE, Baksa demands judgment in his favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice, plus costs and attorney's fees.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim on which relief can be granted.

SECOND SEPARATE DEFENSE

Recovery is barred in this action by reason of the applicable statute of limitations and/or doctrine of laches.

THIRD SEPARATE DEFENSE

At all times relevant hereto, Edward Baksa acted in good faith and without fraud or malice.

FOURTH SEPARATE DEFENSE

There is no basis for the imposition of punitive damages.

FIFTH SEPARATE DEFENSE

Damages, if any, sustained by Plaintiff are the result of her own actions and/or inactions.

SIXTH SEPARATE DEFENSE

Plaintiff's damages, if any, are barred because Plaintiff has failed to mitigate damages.

SEVENTH SEPARATE DEFENSE

Edward Baksa did not aid or abet any conduct or action of any individual relating to Plaintiff's Complaint.

EIGHTH SEPARATE DEFENSE

Plaintiff was not subject to any bias, unlawful discrimination, harassment or retaliation.

NINTH SEPARATE DEFENSE

Any actions taken by Edward Baksa with regard to Plaintiff's employment were for legitimate non-discriminatory, non-retaliatory business reasons.

TENTH SEPARATE DEFENSE

New Jersey Transit has a reasonable policy against discrimination, harassment and retaliation that was properly followed and applied to Plaintiff's complaints.

ELEVENTH SEPARATE DEFENSE

The Settlement Agreement and Release, Addendum to Settlement Agreement and Release, and Stipulation of Dismissal with Prejudice and Without Costs entered into in connection with the matter captioned as Wilson, et al. v. New Jersey Transit, et al. (Docket Number ESX-L-263-14), which are incorporated herein by reference, preclude any and all future claims regarding the allegations underlying that matter.

TWELFTH SEPARATE DEFENSE

The Plaintiff's claims are barred by the doctrines of collateral estoppel and/or res judicata and/or entire controversy and/or issue preclusion.

THIRTEENTH SEPARATE DEFENSE

Edward Baksa has not deprived Plaintiff of any right, privilege or immunity secured to her by the New Jersey or United States Constitutions or any Act of Congress or the Legislature of New Jersey.

FOURTEENTH SEPARATE DEFENSE

Edward Baksa is immune from suit.

FIFTEENTH SEPARATE DEFENSE

Damages, if any sustained by the Plaintiff, were the result of the actions of persons and/or entities over whom Edward Baksa had no control.

SIXTHTEENTH SEPARATE DEFENSE

Edward Baksa reserves the right to interpose each and every such other separate defense that his continuing investigation and discovery may indicate.

SEVENTEENTH SEPARATE DEFENSE

Edward Baksa did not violate any duty to Plaintiff.

EIGHTEENTH SEPARATE DEFENSE

Plaintiff did not suffer the damages alleged.

NINETEENTH SEPARATE DEFENSE

Plaintiff's work performance was below expectations, deficient and/or sub-par.

TWENTIETH SEPARATE DEFENSE

Plaintiff failed to exhaust administrative remedies available to her.

TWENTY-FIRST SEPARATE DEFENSE

Plaintiff's recovery is barred, limited, or subject to setoff, in this action by the provisions of the Worker's Compensation Act.

TWENTY-SECOND SEPARATE DEFENSE

Plaintiff's claims are baseless and were made with the intent to defraud the State and/or harass the Defendants.

TWENTY-THIRD SEPARATE DEFENSE

Plaintiff has been treated no differently than other NJT employees in terms of her work hours and job expectations.

DEMAND FOR STATEMENT OF DAMAGES

PLEASE TAKE NOTICE that in accordance with R. 4:5-21, Edward Baksa requests within five (5) days of service upon you that Plaintiff furnish a written statement of the amount of damages claimed as against him.

DEMAND FOR DOCUMENTS REFERRED TO IN PLEADING

PLEASE TAKE NOTICE that in accordance with R. 4:18-2, Edward Baksa requests that any and all documents or papers referred to in the Complaint, not annexed thereto, shall be served upon him within five (5) days after service of this Answer.

RESERVATION OF RIGHTS

Edward Baksa reserves the right, at or before trial, to move to dismiss the Complaint and/or for summary judgment, on the ground that the Complaint fails to state a claim upon which relief can be granted and/or he is entitled to judgment as a matter of law, based on any or all of the above defenses.

JURY DEMAND

Edward Baksa demands trial by a jury on all issues.

NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4

PLEASE TAKE NOTICE that the undersigned attorney hereby demands, pursuant to the above-cited Rules of Court, that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, and

all documents, papers and other material referred to therein, received from any party, upon the under-signed attorney, and TAKE NOTICE that this is a CONTINUING demand.

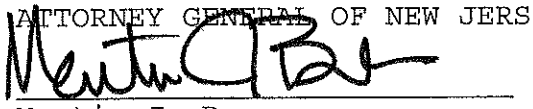
DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, the Court is advised that Deputy Attorney General Martin J. Burns is hereby designated as trial counsel.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

I certify in accordance with R. 4:5-1 that to the best of my knowledge as of the date herein there are no other proceedings either pending or contemplated with respect to the matter in controversy in this action and no other parties who should be joined in the action.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Martin J. Burns
Deputy Attorney General
Attorney for Defendant
Edward Baksa

Dated: March 16, 2017