

COURTNEY M. GACCIONE, ESSEX COUNTY COUNSEL  
BY: ALAN RUDDY, ASSISTANT COUNTY COUNSEL  
ATTORNEY ID #002411975  
HALL OF RECORDS – ROOM 535  
NEWARK, NEW JERSEY 07102  
(973) 621-5021  
(Attorney for Defendants, County of Essex, et al.)

---

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JUDITH HENRY,

Plaintiff,

vs.

ESSEX COUNTY, et al.

Defendants.

COUNTY OF ESSEX,

Defendant/Third Party  
Plaintiff,

v.

CFG HEALTH SYSTEMS, LLC  
AND JOHN DOE DOCTORS,  
JOHN DOE NURSES AND  
JOHN DOE EMPLOYEES

Third Party Defendant.

---

:

:

:

:

:

:

:

:

:

:

Civil Action No.2:20-CV-11159-KSH-CLW

**ANSWER TO THIRD AMENDED  
COMPLAINT AND THIRD PARTY  
COMPLAINT**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo,  
Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff  
Officer Jeremy Perez, and Captain Gary Nash by way of answer to the within third  
amended complaint say:

### **JURISDICTION**

They admit the allegations contained in plaintiff's third amended complaint entitled Jurisdiction.

### **VENUE**

They deny the allegations contained in plaintiff's third amended complaint entitled Venue.

### **PARTIES**

1. They are within information sufficient to form a belief as to the truth or falsity of paragraph 1 of plaintiff's third amended complaint.

2. They admit the allegations of paragraph 2 of plaintiff's third amended complaint.

3. They deny the allegations of paragraphs 3 and 4 of plaintiff's third amended complaint.

4. They admit the allegations of paragraph 5 of plaintiff's third amended complaint.

5. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 6 through 16 of plaintiff's third amended complaint.

### **BACKGROUND**

6. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 17 and 18 of plaintiff's third amended complaint.

7. They deny the allegations of paragraphs 19 through 22 of plaintiff's third amended complaint.

8. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 23 through 34 of plaintiff's third amended complaint.

9. They deny the allegations of paragraphs 35 through 37 of plaintiff's third amended complaint.

10. They are within information sufficient to form a belief as to the truth or falsity of paragraph 38 of plaintiff's third amended complaint.

### **FIRST COUNT**

#### **Abuse of Process**

11. They deny the allegations of paragraph 39 of plaintiff's third amended complaint.

12. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 40 and 41 of plaintiff's third amended complaint.

13. They deny the allegations of paragraphs 42 through 49 of plaintiff's third amended complaint.

14. They are within information sufficient to form a belief as to the truth or falsity of paragraph 50 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**SECOND COUNT**

**False Arrest and False Imprisonment  
New Jersey Tort Claims Act N.J.S.A. 59:1-1 et seq.  
New Jersey Civil Rights Act N.J.S.A. 10:62 et seq.  
And 42 U.S.C. §1983**

15. They admit the allegations of paragraphs 51 through 53 of plaintiff's third amended complaint.

16. They deny the allegations of paragraphs 54 and 55 of plaintiff's third amended complaint.

17. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 56 through 58 of plaintiff's third amended complaint.

18. They deny the allegations of paragraphs 59 through 61 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**THIRD COUNT**

**Intentional Infliction of Emotional Distress  
42 U.S.C. §1983**

19. They deny the allegations of paragraphs 62 through 67 of plaintiff's third amended complaint.

20. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 68 through 70 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**FOURTH COUNT**

**Failure to Supervise and Failure to Train  
42 U.S.C. §1983**

21. They deny the allegations of paragraphs 71 through 76 of plaintiff's third amended complaint.

22. They are within information sufficient to form a belief as to the truth or falsity of paragraph 77 of plaintiff's third amended complaint.

23. They deny the allegations of paragraph 78 of plaintiff's third amended complaint.

24. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 79 through 96 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**FIFTH COUNT**

**Fourteenth Amendment Due Process Violation  
42 U.S.C. §1983**

25. They deny the allegations of paragraphs 97 and 98 of plaintiff's third amended complaint.

26. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 99 and 100 of plaintiff's third amended complaint.

27. They deny the allegations of paragraphs 101 and 102 of plaintiff's third amended complaint.

28. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 103 through 106 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**SIXTH COUNT**

**42 U.S.C. §1983 Conspiracy**

29. They deny the allegations of paragraphs 107 and 108 of plaintiff's third amended complaint.

30. They are within information sufficient to form a belief as to the truth or falsity of paragraph 109 of plaintiff's third amended complaint.

31. They deny the allegations of paragraph 110 of plaintiff's third amended complaint.

32. They are within information sufficient to form a belief as to the truth or falsity of paragraphs 111 through 114 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

### **SEVENTH COUNT**

#### **42 U.S.C. §1985 Conspiracy**

33. They deny the allegations of paragraph 115 of plaintiff's third amended complaint.

34. They are within information sufficient to form a belief as to the truth or falsity of paragraph 116 of plaintiff's third amended complaint.

35. They deny the allegations of paragraphs 117 and 118 of plaintiff's third amended complaint.

36. They are within information sufficient to form a belief as to the truth or falsity of paragraph 118 of plaintiff's third amended complaint.

37. They deny the allegations of paragraph 119 of plaintiff's third amended complaint.

38. They are within information sufficient to form a belief as to the truth or falsity of paragraph 120 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**EIGHTH COUNT**

**New Jersey Civil Rights Act  
N.J.S.A. 10:6-2 et seq.**

39. They deny the allegations of paragraph 121 of plaintiff's third amended complaint.

40. They admit the allegations of paragraph 122 of plaintiff's third amended complaint.

41. They deny the allegations of paragraphs 123 through 126 of plaintiff's third amended complaint.

WHEREFORE, Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, demand judgment dismissing plaintiff's third amended complaint together with interest, attorney's fees, costs of suit and any other relief that the Court may deem proper and just.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

The complaint fails to state a cause of action upon which relief can be granted.



### **SECOND SEPARATE DEFENSE**

The complaint is barred by the Statutes of Limitations in **N.J.S.A.** 59:8-8 and **N.J.S.A.** 2A:14-2 and pursuant to Federal law.

### **THIRD SEPARATE DEFENSE**

Negligence, if any, on the part of these defendants was not the proximate cause of any injuries which may have been sustained by the plaintiff.

### **FOURTH SEPARATE DEFENSE**

The complaint is barred by the provisions of the New Jersey Tort Claims Act, **N.J.S.A.** 59:1-1 et seq.

### **FIFTH SEPARATE DEFENSE**

Damages, if any, sustained by the plaintiff were the result of the actions of the third parties over whom these defendants exercised no control.

### **SIXTH SEPARATE DEFENSE**

Damages, if any, were the result of the sole and/or comparative negligence of the plaintiff.

### **SEVENTH SEPARATE DEFENSE**

The defendants assert any and all defenses and limitations made available to it by the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.

### **EIGHTH SEPARATE DEFENSE**

The County of Essex is a public entity and is immune from liability under the provisions of **N.J.S.A.** Sec. 59:23 and 59:3-2 when in the face of competing demands it determines, in the exercise of its discretion the manner in which existing resources, equipment, facilities and personnel shall be utilized.

**NINTH SEPARATE DEFENSE**

The County of Essex is immune from suit pursuant to the provisions of **N.J.S.A.** 59:-6 in that it is not liable for injury caused by the failure to make any inspection or the making of any\_inadequate or negligent inspection of property.

**TENTH SEPARATE DEFENSE**

The actions of the County of Essex, its agents, servants and/or employees to protect against the alleged dangerous condition or the failure to take such actions was not palpably unreasonable.

**ELEVENTH SEPARATE DEFENSE**

The plaintiff is barred from recovery as a matter of law since the alleged claim was not made and perfected in the manner and within the time provided and required by law, statute, rule, regulation or contract upon which it is predicated.

**TWELFTH SEPARATE DEFENSE**

Any recovery to which the plaintiff might otherwise be entitled is subject to the limitations on judgment provided in N.J.S.A. 59:9-2.

**THIRTEENTH SEPARATE DEFENSE**

No liability can be imposed upon these defendants for failure to guard against a dangerous condition since the condition's precedent to the imposition of such liability pursuant to N.J.S.A. 59:4-1, et seq. have not been met.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiff has failed to comply with the procedures for the presentation of claims against public entities mandated by Chapter 8 of the New Jersey Tort Claims Act.

**FIFTEENTH SEPARATE DEFENSE**

These defendants are not liable for injury caused by an approved plan or design in the construction or improvement of public property as set forth in **N.J.S.A.** 59:4-6.

**SIXTEENTH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to provide supervision of public recreational facilities, **N.J.S.A.** 59:2-7 and 3-11.

**SEVENTEENTH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of conditions of any unimproved property **N.J.S.A.** 59:4-8.

**EIGHTEENTH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to provide sufficient equipment, personnel or facilities in a prison or other correctional facilities **N.J.S.A.** 59:-5-1.

**NINETEENTH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to make an arrest or retain an arrestee in custody **N.J.S.A.** 59:5-5.

**TWENTIETH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to provide medical, or psychiatric facilities nor for failure to provide sufficient equipment, personnel or facilities at such institution **N.J.S.A.** 59:6-2.

**TWENTY-FIRST SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to make physical or mental examinations, or a failure to make an adequate physical or mental examination,

to determine whether a person has a condition constituting a hazard to the health or safety or anyone N.J.S.A. 59:6-4.

#### **TWENTY-SECOND SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a diagnosis, or a failure to diagnose, that one is afflicted with mental illness or drug dependency, or a failure to prescribe therefore N.J.S.A. 59:6-5.

#### **TWENTY-THIRD SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a determination whether to confirm one for mental illness or drug dependence, or a determination regarding the terms and conditions of such confinement N.J.S.A. 59:4-5.

#### **TWENTY-FOURTH SEPARATE DEFENSE**

These defendants are not liable for claims arising out of a failure to provide traffic signals or other markings N.J.S.A. 59:4-5.

#### **TWENTY-FIFTH SEPARATE DEFENSE**

These defendants are not liable for claims arising solely from the effect of weather conditions on the use of County roads N.J.S.A. 59:4-7.

#### **TWENTY-SIXTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, reserve the right to amend their answer and to assert additional defenses and/or supplement, alter or change the answer upon completion of appropriate investigation and discovery.

**AFFIRMATIVE DEFENSES**

**FIRST SEPARATE DEFENSE**

The plaintiff's claim is barred under the doctrine of laches and unclean hands.

**SECOND SEPARATE DEFENSE**

The claims against defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are barred by the doctrines of res judicata and/or collateral estoppel.

**THIRD SEPARATE DEFENSE**

The claims against defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are barred for failure to state a claim against defendants upon which relief can be granted.

**FOURTH SEPARATE DEFENSE**

The claims against defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are barred by the Entire Controversy Doctrine.

**FIFTH SEPARATE DEFENSE**

The claims against defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer

Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are barred by the Doctrine of Equitable Estoppel.

#### **SIXTH SEPARATE DEFENSE**

Plaintiff's claims are barred by applicable, law, rule, statute or regulations, including but not limited to the Statute of Limitations, controlling or requiring the institution of suit within a certain period of time following its accrual, was not complied with by the claimant, and accordingly, the claimant's claim is barred as a matter of law.

#### **SEVENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are immune from claims for failure to make an examination or to make an adequate examination. **N.J.S.A.** 59:6-4. related to any injury caused by the failure to provide medical facilities. **N.J.S.A.** 59:6-3.

#### **EIGHTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, is immune from claims related to any injury caused by any act or omission concerning the public health, or control. **N.J.S.A.** 59:6-3.

#### **NINTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah

Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are immune from claims related to any injury caused by the plaintiff.

**TENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, are immune from claims related to any injury caused by any determination as to whether to confine a person, the terms of confinement, or whether to grant parole or leave, **N.J.S.A.** 59:6-6.

**ELEVENTH SEPARATE DEFENSE**

The defendants are free of any and all negligence.

**TWELFTH SEPARATE DEFENSE**

Any injuries or damages allegedly sustained by plaintiff were caused through the sole negligence of plaintiff.

**THIRTEENTH SEPARATE DEFENSE**

Any injuries or damages allegedly sustained by plaintiff were caused through the sole negligence of any co-defendants.

**FOURTEENTH SEPARATE DEFENSE**

Any injuries or damages which may have been sustained by plaintiff were caused through the sole negligence of third parties over whom the answering defendants had no control.

**FIFTEENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah

Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, denies that they or anyone in their stead violated any duties or created any conditions which were the proximate cause of the damages sustained by the plaintiff.

#### **SIXTEENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, affirmatively and specifically plead each and every defense, limitation or immunity provided to it under **N.J.S.A.** 59:1-1, et seq., the New Jersey Tort Claims Act.

#### **SEVENTEENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, affirmatively and specifically plead each and every defense, limitation or immunity provided to it under **N.J.S.A.** 59:2-1, et seq., particularly **N.J.S.A.** 59:2-3 and 59:2-4, 2:5, 2:6, 3-2, 3:6, and 3:7.

#### **EIGHTEENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, affirmatively and specifically plead each and every defense limitation or immunity provided to it under **N.J.S.A.** 59:3-3, et. seq.



**NINETEENTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, affirmatively and specifically pleads each and every defense, limitation or immunity provided to it under **N.J.S.A.** 59:4-1, et seq., including but not limited to, immunity for injuries caused solely by weather conditions under **N.J.S.A.** 59:4-7.

**TWENTIETH SEPARATE DEFENSE**

The defendants affirmatively and specifically plead each and every defense.

**TWENTY-FIRST SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted in accordance with the laws of the State of New Jersey and the United States of America.

**TWENTY-SECOND SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted in good faith and with reasonable and probable cause based on the then existing circumstances.

**TWENTY-THIRD SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted with legal justification.

**TWENTY-FOURTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, took no action at any time to deprive the plaintiff of any federal, constitutional or statutory right of law.

**TWENTY-FIFTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted on reasonable grounds and without malice and, therefore, are not responsible for damages to the plaintiff.

**TWENTY-SIXTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted within the scope of its authority and, therefore, has qualified immunity.

**TWENTY-SEVENTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted within the scope of its authority and, therefore, has Absolute Immunity.

**TWENTY-EIGHTH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted within the scope of its authority and, therefore, has Governmental and Official Immunity.

**TWENTY-NINTH SEPARATE DEFENSE**

Mere negligence on the part of any public official is insufficient to support a claim under 42 U.S.C. Section 1983.

**THIRTIETH SEPARATE DEFENSE**

Defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, is not liable for punitive damages under the facts of this case.

**THIRTY-FIRST SEPARATE DEFENSE**

The Plaintiff has failed to comply with the requirements of the Prison Litigation Reform Act of 1995, specifically, but not excluding 42 U.S.C. Sec. 1997 (e) (a) regarding the applicability of administrative remedies.

**THIRTY-SECOND SEPARATE DEFENSE**

The answering defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, acted in good faith and within reasonable and probable cause based on then existing circumstances.

**THIRTY-THIRD SEPARATE DEFENSE**

The County of Essex does not have an unlawful custom, practice and/or policy that deprived the plaintiff of any constitutional right.

**THIRTY-FOURTH SEPARATE DEFENSE**

The County of Essex was not negligent in the manner in which its employees were trained and/or supervised.

**THIRTY-FIFTH SEPARATE DEFENSE**

The plaintiff has not served an Affidavit of Merit pursuant to New Jersey Law.

**THIRTY-SIXTH SEPARATE DEFENSE**

The defendants, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash , did not violate any constitutional or statutory right of plaintiff both under State and Federal law.

**JURY DEMAND**

These defendants demand a trial by jury as to all issues.

**NOTICE OF TRIAL COUNSEL**

Please take notice that Alan Ruddy, Esq., is hereby designated as Trial Counsel in the above captioned matter for the Office of the Essex County Counsel, pursuant to R. 4:24 et seq.

**CROSSCLAIM FOR CONTRIBUTION AND INDEMNIFICATION**

1. While denying any liability, should these defendants be adjudged liable, they demand contribution from any and all defendants as joint tortfeasors pursuant to the terms and provisions of the Joint Tortfeasors Contribution Act (N.J.S.A. 2A:52A-1, et seq.) the

Comparative Negligence Act (N.J.S.A. 2A:15-5.1, et seq.) And the New Jersey Tort Claims Act (N.J.S.A. 59:9-3 et seq.)

2. These defendants assert that they are free from liability; but if said defendants are held liable, such liability will be vicarious in that it is merely constructive, technical or imputed; and under those circumstances, these defendants will be entitled to common law and/or contractual indemnity from all defendants.

ESSEX COUNTY COUNSEL

BY:

s/Alan Ruddy

ALAN RUDDY

ASSISTANT COUNTY COUNSEL

Dated: May 2, 2023

**CERTIFICATION PURSUANT TO R. 4:5-1**

It is hereby certified pursuant to Rule 4:5-1 as follows:

1. To the best of my knowledge the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding and no such other action or arbitration proceeding is contemplated.

2. This party knows at this time of no other parties that should be joined in this action.

ESSEX COUNTY COUNSEL

BY:

s/Alan Ruddy

ALAN RUDDY

ASSISTANT COUNTY COUNSEL

Dated: May2, 2023

**THIRD PARTY COMPLAINT**

The defendants/third party plaintiffs, County of Essex, Diane Munoz, Sheriff Officer Joseph Denequolo, Janice Guy (improperly pled as Sheriff Officer), Sheriff Officer Naimah Marrow, Sheriff Officer Jeremy Perez, and Captain Gary Nash, repeat and re-alleges all of its answers in its Answer to plaintiff's complaint.

1. The County of Essex contracted with the third-party defendant, CFG Health Systems LLC, during the time period of the alleged action in this matter, to provide medical services at the Essex County Jail. CFG Health Systems, LLC agreed to indemnify the County of Essex for any claims due to their contractual medical services.

2. The third-party defendant, CFG Health Systems LLC, was responsible therefore for medical treatment of any and all inmates at the Essex County Jail.

3. If there is any liability for medical treatment at the Essex County Jail the third-party plaintiff, Essex County, contend that the third-party defendant, CFG Health Systems LLC. is responsible for any and all medical treatment of plaintiff.

WHEREFORE, third party plaintiff, Essex County, demands judgment for damage and interest, cost of suit, and/or indemnification of any and all claims against Third Party Defendant CFG.

s/Alan Ruddy  
ALAN RUDDY  
ASSISTANT COUNTY COUNSEL

DATED: May 2, 2023