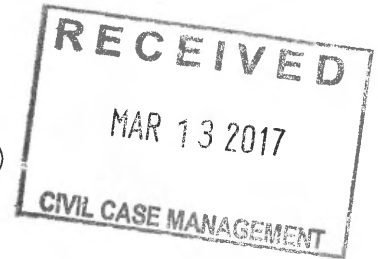


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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MERCER COUNTY  
DOCKET NO. L-2170-16

\_\_\_\_\_  
H.G. a minor, through her  
Guardian, TANISHA GARNER, et al., :

Plaintiffs, :

v. :

KIMBERLY HARRINGTON, in her  
Official capacity as Acting  
Commissioner of the New Jersey  
Department of Education, et al., :

Defendant, :

And :

NEW JERSEY EDUCATION ASSOCIATION,  
A New Jersey nonprofit  
corporation, on behalf of itself  
and its members, :

Defendant-Intervenor, :

And :

AMERICAN FEDERATION OF TEACHERS,  
AFL-CIO, et als., :

Defendant-Intervenor  
\_\_\_\_\_ :

CIVIL ACTION

ANSWER

Defendants, Acting Commissioner of Education Kimberley Harrington and New Jersey State Board of Education, (together "State Defendants") by way of Answer to Plaintiffs' Complaint state:

#### INTRODUCTION

1. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

2. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs. State Defendants admit, however, as that as set forth in the Commissioner's September 15, 2016 Memorandum of Law to the Supreme Court, "[i]t is almost universally accepted that putting students in contact with great teachers is the single most important aspect of improving student performance."

3. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

4. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

5. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

6. To the extent that Plaintiffs allege that the State Defendants have engaged in "misguided efforts to cut education funding to the School Development Authority ("SDA") districts, including Newark, which would further inhibit the district's ability to provide a thorough and efficient education to these students" the allegations are denied. State Defendants neither

admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

7. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

8. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations directed State Defendants, these allegations are denied.

9. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

10. Admitted.

11. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

12. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

13. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent there are allegations directed at State Defendants, these allegations are denied.

14. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

To the extent that there are allegations directed at State Defendant, these allegations are denied.

15. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required. To the extent there are allegations directed at State Defendant, these allegations are denied.

16. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required. To the extent that there are allegations directed at State Defendant, these allegations are denied.

17. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

#### PARTIES

18. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

19. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

20. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

21. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

22. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

23. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

24. State Defendants admit that Kimberley Harrington is the Acting Commissioner of the New Jersey Department of Education but

make no answer to the remainder of this paragraph because it calls for conclusions or characterizations of law to which no response is required.

25. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

26. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

27. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

#### VENUE

28. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

#### FACTS

#### THE NEWARK SCHOOL DISTRICT

29. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

30. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

31. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

32. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

33. State Defendants neither admit nor deny the allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey School Performance Report: Hawkins Street School: 2014-2015 School Year, 29 speaks for itself.

34. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

35. State Defendants neither admit nor deny the allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey School Performance Report: Luis Muñoz Marín Elementary School: 2014-2015 School Year, 3 speaks for itself.

36. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

37. State Defendants neither admit nor deny the allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey School Performance Report: Fourteenth Avenue School: 2014-2015 School Year, 3 and New Jersey School Performance Report: Speedway Avenue School: 2014-2015 School Year, 3, speaks for itself.

38. State Defendants neither admit nor deny the allegations about Z.S. and D.S. Plaintiffs are left to their proofs. State Defendants neither admit nor deny the remaining allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey Performance Report for First Avenue School: 2014-2015 School Year, 3 speaks for itself.

39. State Defendants neither admit nor deny the allegations about E.P. Plaintiffs are left to their proofs. State Defendants

neither admit nor deny the remaining allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey Performance Report for East Side High School: 2014-2015 School Year, 3 speaks for itself.

40. State Defendants neither admit nor deny the allegations about J.H. Plaintiffs are left to their proofs. State Defendants neither admit nor deny the remaining allegations in this paragraph as the data set forth in the New Jersey Department of Education, New Jersey Performance Report for Eagle Academy for Young Men of Newark, 3 speaks for itself.

41. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

**NEWARK'S 2014 UNANSWERED EFFORT TO WAIVE THE REQUIREMENT FOR QUALITY-BLIND LAYOFFS**

42. Admitted that Newark submitted an Equivalency Request to the Commissioner of Education in February 2014. State Defendants neither admit nor deny the remaining allegations of this paragraph as the Equivalency Request speaks for itself.

43. Admitted that the State has not answered Newark's Equivalency Request. State Defendants neither admit nor deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.

**EFFECTIVE TEACHERS ARE ESSENTIAL FOR CHILDREN TO RECEIVE THE RIGHTS CONFERRED BY THE EDUCATION CLAUSE**

44. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs. State Defendants admit, however, as that as set forth in the

Commissioner's September 15, 2016 Memorandum of Law to the Supreme Court, "[i]t is almost universally accepted that putting students in contact with great teachers is the single most important aspect of improving student performance."

45. State Defendants neither admit nor deny the allegations of this paragraph as the New Jersey Department of Education's online guidance regarding teacher evaluation speaks for itself.

46. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

47. State Defendants neither admit nor deny the allegations of this paragraph as the New Jersey Department of Education's Data on Staff Evaluation for 2013-2014 speaks for itself.

48. State Defendants neither admit nor deny the allegations of this paragraph as the New Jersey Department of Education's Data on Staff Evaluation for 2013-2014 speaks for itself.

49. State Defendants neither admit nor deny the allegation in this paragraph regarding Summit's median household income as that data speaks for itself. State Defendants neither admit nor deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.

50. State Defendants neither admit nor deny the allegation regarding Newark's concentration of teachers rated as less than effective as the New Jersey Department of Education's Data on Staff Evaluation speaks for itself. State Defendants neither admit or deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.



51. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs. State Defendants admit, however, as that as set forth in the Commissioner's September 15, 2016 Memorandum of Law to the Supreme Court, "[i]t is almost universally accepted that putting students in contact with great teachers is the single most important aspect of improving student performance."

52. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such a study exists, that study speaks for itself. In any event, Plaintiffs are left to their proofs.

53. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

54. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such a study exists, that study speaks for itself. In any event, Plaintiffs are left to their proofs.

55. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such studies exists, those studies speak for themselves. In any event, Plaintiffs are left to their proofs.

56. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

57. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such a study exists, that study speaks for itself. In any event, Plaintiffs are left to their proofs.

58. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such a study exists, that study speaks for itself. In any event, Plaintiffs are left to their proofs.

59. State Defendants neither admit nor deny the allegations in this paragraph as the New Jersey Department of Education, 2015 Adjusted Cohort 4 Year Graduation Rates speaks for itself.

60. State Defendants neither admit nor deny the allegations in this paragraph as the New Jersey Department of Education, 2015 Adjusted Cohort 4 Year Graduation Rates speaks for itself.

61. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

62. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

TO THE DETRIMENT OF STUDENTS, QUALITY-BLIND LAYOFFS REQUIRE NEWARK TO EITHER (I) CONSISTENTLY LAY OFF EFFECTIVE TEACHERS AND RETAIN INEFFECTIVE TEACHERS OR (II) TAKE OTHER HARMFUL MEASURES TO AVOID LAYING OFF EFFECTIVE TEACHERS

63. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. Any characterizations of the law also do not require a response.

64. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

65. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

66. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

67. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

68. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

69. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required. To the extent there are allegations directed at State Defendants, State Defendants neither admit nor deny them. Plaintiffs are left to their proofs.

70. State Defendants neither admit nor deny the allegations in this paragraph. To the extent such a study exists, that study speaks for itself. In any event, Plaintiffs are left to their proofs.

71. State Defendants neither admit nor deny the allegations in this paragraph as the 2012 survey and responses thereto speak for themselves.

72. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

73. State Defendants neither admit nor deny the allegations in this paragraph as the February 2014 Equivalency Request speaks for itself.

74. State Defendants neither admit nor deny the allegations in this paragraph as the February 2014 Equivalency Request speaks

for itself.

75. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

76. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

77. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

78. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

79. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

80. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

81. State Defendants neither admit nor deny the allegations in this paragraph: Plaintiffs are left to their proofs.

82. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

83. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

84. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

85. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

86. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

87. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

88. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

89. State Defendants make no answer to the allegation in this paragraph regarding the New Jersey Constitution because it calls for conclusions of law to which no response is required. State Defendants neither admit nor deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.

90. To the extent that Plaintiffs allege that the State Defendants have engaged in "ongoing efforts to cut the district's funding" this allegations is denied. State Defendants neither admit nor deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.

91. Admitted that on September 15, 2016, the New Jersey Attorney General filed a Memorandum of Law in the State Supreme Court and this document speaks for itself. State Defendants neither admit nor deny the remaining allegations in this paragraph. Plaintiffs are left to their proofs.

92. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

93. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

94. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

95. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

QUALITY-BLIND LAYOFFS ALSO UNDERMINE THE ABILITY OF SCHOOL DISTRICTS, LIKE NEWARK, TO ATTRACT AND RETAIN EFFECTIVE TEACHERS

96. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

97. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

98. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

99. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

100. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

101. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

102. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

103. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

QUALITY-BLIND LAYOFFS UNDERMINE NEWARK'S ABILITY TO EFFECTIVELY EDUCATE ITS STUDENTS AND VIOLATE THE CONSTITUTIONAL RIGHTS OF PLAINTIFFS.

104. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

105. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

106. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

107. State Defendants neither admit nor deny the allegations

in this paragraph. Plaintiffs are left to their proofs.

108. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

109. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required.

110. State Defendants make no answer to this paragraph because it calls for conclusions of law or characterizations of the law to which no response is required. To the extent allegations are directed at State Defendants, those allegations are denied.

111. State Defendants make no answer to this paragraph because it calls for conclusions of law or characterizations of the law to which no response is required. To the extent allegations are directed at State Defendants, those allegations are denied.

112. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

113. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

**FIRST CAUSE OF ACTION**  
*Education Clause Violation*

114. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

115. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

116. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent allegations are directed at

State Defendants, those allegations are denied.

117. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of law to which no response is required. To the extent allegations are directed at State Defendants, those allegations are denied.

118. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

**SECOND CAUSE OF ACTION**  
*Equal Protection Violation*

119. State Defendants incorporate by reference their answers in response to the foregoing allegations.

120. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

121. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

122. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

123. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

124. State Defendants neither admit nor deny the allegations



in this paragraph. Plaintiffs are left to their proofs.

125. State Defendants neither admit nor deny the allegations in this paragraph. Plaintiffs are left to their proofs.

126. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

127. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

128. State Defendants make no answer to this paragraph because it calls for conclusions of the law to which no response is required.

**THIRD CAUSE OF ACTION**  
*Due Process Violation*

129. State Defendants incorporate by reference their answers in response to the foregoing allegations.

130. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

131. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

132. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

133. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations

in this paragraph, these allegations are denied.

134. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

135. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

**FOURTH CAUSE OF ACTION**  
*Civil Rights Act Violation*

136. State Defendants incorporate by reference their answers in response to the foregoing allegations.

137. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

138. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

139. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

**FIFTH CAUSE OF ACTION**  
*Declaratory Judgment*

140. State Defendants incorporate by reference their answers in response to the foregoing allegations.

141. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

142. State Defendants make no answer to this paragraph because

it calls for conclusions or characterizations of law to which no response is required.

143. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

144. State Defendants make no answer to this paragraph because it calls for conclusions or characterizations of the law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs respectfully request that the Court enter judgment in their favor and against Defendants, as follows:

145. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

146. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

147. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required. To the extent that there are allegations in this paragraph, these allegations are denied.

148. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

To the extent that there are allegations in this paragraph, these allegations are denied.

149. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

150. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

151. State Defendants make no answer to this paragraph because it calls for conclusions of law to which no response is required.

WHEREFORE, State Defendants deny that Plaintiffs are entitled to the relief sought and demand dismissal of Plaintiffs' Complaint.

#### AFFIRMATIVE DEFENSES

##### FIRST AFFIRMATIVE DEFENSE

Plaintiffs have failed to state a claim upon which relief can be granted against State Defendants.

##### SECOND AFFIRMATIVE DEFENSE

Plaintiffs have not been denied any right, privilege, or immunity secured by State or Federal laws.

##### THIRD AFFIRMATIVE DEFENSE

Plaintiffs lack standing to bring their claims against State Defendants.

##### FOURTH AFFIRMATIVE DEFENSE

Plaintiffs have suffered no injury attributable to any conduct of State Defendants.

##### FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are not ripe for judicial review.

SIXTH AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over the subject matter and/or the State Defendants in this action.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs failed to exhaust their administrative remedies prior to bringing this action.

EIGHTH AFFIRMATIVE DEFENSE

All acts of State Defendants were performed pursuant to laws, statutes, and regulations and, therefore, are valid as a matter of law.

NINTH AFFIRMATIVE DEFENSE

The non-justiciability of political questions doctrine warrants dismissal of the complaint.

TENTH AFFIRMATIVE DEFENSE

State Defendants acted at all times relevant hereto with good faith, without fraud and malice, and in compliance with State and federal law.

ELEVENTH AFFIRMATIVE DEFENSE

State Defendants did not know, and were not reasonably expected to know, that any actions taken by them with respect to these Plaintiffs, at all relevant times hereto, were in violation of Plaintiffs' constitutional rights under the New Jersey Constitution.

TWELFTH AFFIRMATIVE DEFENSE

State Defendants are immune from suit.

WHEREFORE, State Defendants deny that Plaintiffs are entitled to the relief sought and demand dismissal of Plaintiffs' Complaint.

RESERVATION OF RIGHTS

State Defendants reserve the right to interpose such other defenses as may be warranted after further investigation and discovery.

State Defendants reserve the right, at or before trial to move to dismiss the Complaint and/or for summary judgment, on the basis that the Complaint fails to state a claim upon which relief can be granted and/or the Defendants are entitled to judgment as a matter of law, based on any or all of the above defenses.

Respectfully submitted,

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW JERSEY

BY:   
Daniel F. Dryzga, Jr.  
Assistant Attorney General

Dated: March 13, 2017

Cc: (VIA UPS OVERNIGHT DELIVERY)  
William H. Trousdale, Esq.  
Colleen Lima, Esq.  
Charlotte Hitchcock, Esq.  
Natalie Watson, Esq.  
Matthew J. Tharney, Esq.  
Ken Nowak, Esq.  
Steven P. Weissman, Esq.