

SHIMBERG & FRIEL, P.C.

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Attorneys for Defendant, Serenade Foods, Inc.

DEBORA CONNELLY, Plaintiff, v. SERENADE FOODS, INC., Defendant.	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY Case No.: 2:22-cv-00073
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Defendant, Serenade Foods, Inc., by way of Answer to the Complaint says the following:

Parties

1. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

2. Admitted as to citizenship only. Defendant lacks information sufficient to form a belief as to the truth of the remaining allegations and they are accordingly denied.

Jurisdiction & Venue

3. Denied.

4. Denied.

General Allegations

5. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

6. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

7. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

8. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

9. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

10. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

11. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

12. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

13. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

14. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

15. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

The Salmonella Bacteria

16. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

17. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

18. Denied. This allegation is not directed to Answering Defendant and Answering Defendant is without information sufficient to form a belief as to the truth of these allegations.

19. Denied. This allegation is not directed to Answering Defendant and Answering Defendant is without information sufficient to form a belief as to the truth of these allegations.

20. Denied. This allegation is not directed to Answering Defendant and Answering Defendant is without information sufficient to form a belief as to the truth of these allegations.

21. Denied. This allegation is not directed to Answering Defendant and Answering Defendant is without information sufficient to form a belief as to the truth of these allegations.

Plaintiff Debora Connelly's Injuries

22. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

23. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

24. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

25. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

26. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

Causes of Action

Product Liability Claims Under the New Jersey Products Liability Act

27. Answering Defendant incorporates by reference its responses to the preceding allegations of Plaintiff's Complaint as though fully set forth in their entirety.

28. Denied. After reasonable investigation, Answering Defendant lacks information sufficient to form a belief as to the truth of these allegations and they are accordingly denied.

29. Denied.

30. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

31. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

32. Denied. These allegations are conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations are denied.

33. Denied.

WHEREFORE, Answering Defendant demands judgment dismissing Plaintiff's Complaint, together with an award of counsel fees and costs incurred

by Answering Defendant for such further relief as this Court may deem equitable and just.

Affirmative Defenses

By way of further Answer and Affirmative Defenses to Plaintiff's Complaint, Answering Defendant asserts the following Affirmative Defenses.

1. The Complaint fails to state a claim upon which relief can be granted and Answering Defendant reserves the right to move at or before the time of trial to dismiss same.

2. Plaintiff's alleged damages, if any, were caused by their own actions or inactions.

3. The Defendant did not violate any legal standard or duty owed to the Plaintiff.

4. The Plaintiff's claims are barred in whole or in part by her own failure to exercise due diligence and/or to mitigate damages.

5. Answering Defendant performed each and every duty owed to Plaintiff and otherwise owed no duty.

6. The alleged injuries were not the proximate result of any acts or omissions of the Answering Defendant.

7. Answering Defendant was not guilty of the negligence complained of.

8. Plaintiff is barred from recovery by reason of her own negligence and/or comparative negligence.

9. Plaintiff is barred from recovery against Answering Defendant in that the incident in question and the damages, if any, were caused by persons

other than Answering Defendant and/or persons not under the control of Answering Defendant and for whom Answering Defendant has no responsibility.

10. The incident complained of was the result of the sole negligence of Plaintiff.

11. The percentage of Plaintiff's negligence was greater than any negligence of Answering Defendant.

12. Any claims against Answering Defendant are precluded due to the fact that any damages or injuries that may have been sustained were the result of an unavoidable accident and beyond the control of Answering Defendant.

13. Answering Defendant asserts all defenses set forth in the New Jersey Product Liability Act, N.J.S.A. 2A:58C-1, et seq.

14. Answering Defendant is not liable due to the fact that the alleged damages were the result of superseding and/or intervening acts of others over whom Answering Defendant has no control.

Jury Demand

Answering Defendant demands trial by jury of all issues triable by jury under the applicable law.

SHIMBERG & FRIEL, P.C.
Attorneys for Defendant,

BY: /s/ Barbara E. Riefberg
Barbara E. Riefberg

Dated: January 27, 2022

Certification of Service

I, Kimberly A. Galloway, certify that the aforementioned Answer has been served upon all parties via filing on ECourts on January 27, 2022.

Dated: January 27, 2022

/s/ Kimberly A. Galloway
Kimberly A. Galloway