

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

McNAMEE, LOCHNER, TITUS &
WILLIAMS, P.C.,

Plaintiff,

against

LEWIS FAMILY FARM, INC.,
BARBARA LEWIS and SALIM B. LEWIS,

Defendants.

ANSWER

Index No. 2184-12

The defendants, Lewis Family Farm, Inc., Barbara Lewis and Salim B. Lewis, by their attorneys, Brennan & White, LLP, as and for their answer to the plaintiff's complaint herein, state as follows:

FIRST: Deny knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraphs "1", "6" and "7" of the plaintiff's complaint.

SECOND: Deny each and every allegation set forth in paragraphs "9", "10", "16", "19" and "20" of the plaintiff's complaint.

AS TO THE FIRST CAUSE OF ACTION:

THIRD: With respect to paragraph "21" of the plaintiff's complaint, repeat and reallege each and every allegation and denial set forth in paragraphs "FIRST" through "SECOND" with the same force and effect as if fully set forth herein.

FOURTH: Deny knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraph "22" of the plaintiff's complaint.

B

FIFTH: Deny each and every allegation set forth in paragraphs "23", "26", "28", "29", "30", "31", "32" and "33" of the plaintiff's complaint.

AS TO THE SECOND CAUSE OF ACTION:

SIXTH: With respect to paragraph "34" of the plaintiff's complaint, repeat and reallege each and every allegation and denial set forth in paragraphs "FIRST" through "FIFTH" with the same force and effect as if fully set forth herein.

SEVENTH: Deny each and every allegation set forth in paragraphs "37", "38" and "39" of the plaintiff's complaint.

AS AND FOR A FIRST, SEPARATE, COMPLETE AND DISTINCT AFFIRMATIVE DEFENSE AS TO EACH OF THE CAUSES OF ACTION, SET FORTH IN THE PLAINTIFF'S COMPLAINT:

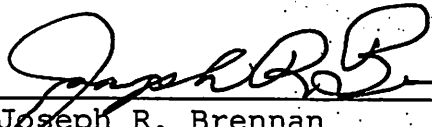
EIGHTH: Each of the causes of action set forth in the plaintiff's complaint fails to state a legally sufficient cause of action against the defendants, Lewis Family Farm, Inc., Barbara Lewis and Salim B. Lewis.

AS AND FOR A SECOND, SEPARATE, COMPLETE AND DISTINCT AFFIRMATIVE DEFENSE AS TO EACH OF THE CAUSES OF ACTION, SET FORTH IN THE PLAINTIFF'S COMPLAINT:

NINTH: Each of the causes of action set forth in the plaintiff's complaint seeks judgment for attorneys' fees allegedly owing. The issue concerning the reasonable value of attorneys' fees was previously determined by the Supreme Court of Essex County and the plaintiff's causes of action herein are each barred by the doctrine of *res judicata*.

WHEREFORE, the defendants, Lewis Family Farm, Inc., Barbara Lewis and Salim B. Lewis, demand judgment dismissing plaintiff's complaint and each and every cause of action set forth therein, together with costs and disbursements, and along with such other and further relief as to the Court may seem just and proper.

Dated: May 3, 2012
Queensbury, NY


Joseph R. Brennan
BRENNAN & WHITE, LLP
Attorneys for Defendants,
Lewis Family Farm, Inc., Barbara Lewis
and Salim B. Lewis,
Office and P.O. Address
163 Haviland Road
Queensbury, NY 12804-8702
Tel. No. (518) 793-3424

TO:
JONATHAN P. HARVEY LAW FIRM, PLLC
Attorneys for Plaintiff
Office and P.O. Address
677 Broadway
Albany, New York 12207
Tel. No. (518) 463-4491

VERIFICATION BY ATTORNEY

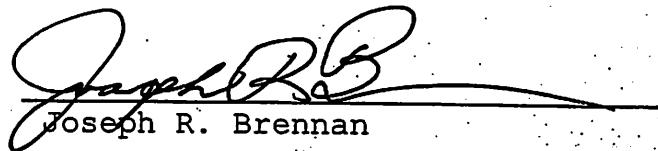
STATE OF NEW YORK
COUNTY OF WARREN) SS:

I, Joseph R. Brennan, am an attorney admitted to practice in the Courts of New York State, and say that: I am a member of the law firm of Brennan & White, LLP, the attorneys-of-record for the defendants herein. I have read the annexed Answer, know the contents thereof, and the same are true to my knowledge except those matters therein which are stated to be alleged on information and belief and, as to those matters, I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon information obtained from the defendants.

The reason I make this verification instead of the defendants is that the defendants do not reside in and are not present in the County wherein I maintain an office for the practice of law.

I affirm that the foregoing statements are true under penalty of perjury.

Dated: May 3, 2012


Joseph R. Brennan