

DOWD & REILLY, ESQUIRES  
90 Maple Avenue  
Red Bank, New Jersey 07701  
(908) 530-7777  
Attorneys for Defendant

RECEIVED

JUL 4 4 2004

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

UNITED STATES DISTRICT COURT

ADVOCATES FOR DISABLED  
AMERICANS (AFDA); CAROLYN  
SCHWEBEL; CARMEMA STONEY,

DISTRICT OF NEW JERSEY

Case No. 04-3030 (SRC)

Plaintiffs,

v.

CIVIL ACTION

MIDDLETOWN TOWNSHIP,

ANSWER

Defendant.

Defendant Township of Middletown, a municipal corporation,  
having its principal office at Town Hall, 1 Kings Highway,  
Middletown, New Jersey 07748, by way of Answer says:

JURISDICTION

1. The defendant neither admits or denies jurisdiction  
and leaves plaintiff to its proofs.

**PARTIES**

2. The defendant has insufficient knowledge of the status or membership of the plaintiff AFDA. The defendant denies the allegations that plaintiffs have sustained injury or damage or that defendant has not adhered to civil rights requirements.

3. The defendant has insufficient knowledge of plaintiff Schwebel's physical condition or limitations and leaves said plaintiff to her proofs.

4. The defendant has insufficient knowledge of plaintiff Stoney's physical condition or limitations and leaves said plaintiff to her proofs.

5. The defendant admits paragraph 5.

**FIRST COUNT**

6. The defendant has insufficient knowledge of the allegation of paragraph 6 and leaves plaintiff to its proofs.

7. The defendant denies paragraph 7.

8. The defendant denies paragraph 8.

9. As to paragraph 9, the defendant will rely upon the Court Rules as to the ability or right or amend.

10. The defendant denies paragraph 10.

11. The defendant denies paragraph 11.

12. The defendant denies paragraph 12.

13. The defendant denies paragraph 13.

14. The defendant denies paragraph 14.

**SECOND COUNT**

15. The defendant repeats the Answer to the First Count.

16. The defendant denies paragraph 16.

**THIRD COUNT**

17. The defendant repeats the Answer to the First and Second Counts.

18. The defendant denies paragraph 18.

**AFFIRMATIVE DEFENSES**

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

2. The plaintiffs lack standing.

3. The defendant has taken all measures reasonably necessary to provide appropriate and compliant access to public facilities and accommodations.

4. The plaintiff's complaint is so vague and unspecific as to fail to provide adequate notice of the claim or location asserted.

5. The defendant has made a good faith effort to comply with all requirements and no basis for a claim is presented.

6. Plaintiffs' claim for damages is not permitted and is barred under the ADA and the Rehabilitation Act of 1973.

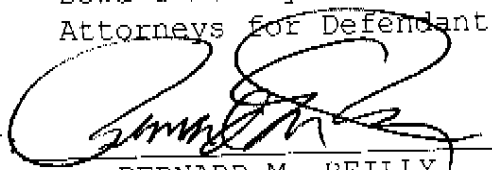
7. The plaintiffs' claim is frivolous and in bad faith and the defendant is entitled to an award of attorney fees incurred in the defense of this matter as against plaintiffs pursuant to the ADA, the Rehabilitation Act, and Federal law.

**WHEREFORE**, the defendant requests judgment dismissing the Complaint together with attorney fees and costs.

Dowd & Reilly  
Attorneys for Defendant

DATE: July 12, 2004

BY:

  
BERNARD M. REILLY

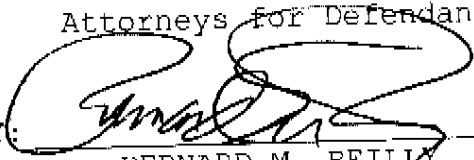
**CERTIFICATION**

I hereby certify that true copies of the within pleading were timely served upon all parties to this action in accordance with R.4:6-1d as extended.

DOWD & REILLY  
Attorneys for Defendant

DATE: July 12, 2004

BY:

  
BERNARD M. REILLY

CERTIFICATION PURSUANT TO R. 4-5-1

1. The matter in controversy is the subject of another pending action or arbitration as follows:

NONE KNOWN.

2. Contemplation of another action or arbitration proceeding is contemplated as follows:

NONE KNOWN.

3. The following parties listed should be joined in this action:

NONE KNOWN.

4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the above statements made by me are willfully false, I am subject to punishment.

DATE: July 12, 2004

BY:

  
BERNARD M. REILLY

PROOF OF MAILING

I, Elizabeth Ann Maino, of full age, certifies as follows:

1. I am employed as a Legal Secretary to Dowd & Reilly, Esquires, at 90 Maple Avenue, Red Bank, New Jersey.

2. On July 12, 2004, I mailed the following documents in the manner indicated below, to each of the persons listed below, in the within matter:

Kent Marshall, Deputy Clerk  
United States District Court  
Of New Jersey  
P.O. Box 515  
402 East State Street  
Trenton, NJ 08608

Anthony J. Brady, Jr., Esq.  
P.O. Box 649  
Camden, NJ 08101

**ANSWER**

DATE: July 12, 2004

  
\_\_\_\_\_  
ELIZABETH ANN MAINO