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and Doug Ruccione, in his official capacity.*

THEODORA LACEY, RESHMA KHAN,
JEREMY LENTZ, TEJI VEGA, and LORETTA
WEINBERG,

Plaintiffs,

v.

DOUG RUCCIONE, IN HIS OFFICIAL
CAPACITY AS THE ACTING TOWNSHIP
CLERK FOR THE TOWNSHIP OF TEANECK,
AND JOHN HOGAN IN HIS OFFICIAL
CAPACITY AS THE COUNTY CLERK FOR THE
COUNTY OF BERGEN,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-5526-21**

Civil Action

**DEFENDANT DOUG RUCCIONE’S
ANSWER TO PLAINTIFFS VERIFIED
COMPLAINT AND SEPARATE DEFENSES**

Defendant, Doug Ruccione, in his official capacity as the Official Township Clerk for the Township of Teaneck (“Defendant” or “Ruccione”) by and through his attorney McCusker, Anselmi, Rosen & Carvelli, P.C., by way of Answer to Plaintiff Theodora Lacey, Reshma Khan, Jeremy Lentz, Teji Vega, and Loretta Weinberg’s (“Plaintiffs”) Verified Complaint (the “Complaint”) hereby responds to Plaintiffs allegations. Unless specifically admitted herein, Defendant denies the allegations of the pleading.

“PRELIMINARY STATEMENT” ¹

1. Whether the Committee of Petitioners brought this action in lieu of prerogative writ against Doug Ruccione as alleged in Paragraph 1 of the Complaint does not contain factual averments to which a response is required. To the extent a further response is required, Defendant denies the allegation. Defendant denies the remaining allegations in Paragraph 1 of the Complaint.

2. The allegations in Paragraph 2 of the Complaint do not contain factual averments to which a response is required. To the extent a further response is required, Defendant denies the allegations in Paragraph 2 of the Complaint.

3. The allegations in Paragraph 3 of the Complaint call for a legal conclusion to which no response is required.

“THE PARTIES”

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 4 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 4 of the Complaint.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 5 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 5 of the Complaint.

¹ Defendant’s Answer uses the same headings as Plaintiffs Complaint solely for ease of reference and for the purposes of substantively responding to same. Defendant does not admit or deny any of the content of the headings used in Plaintiffs Complaint.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 6 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 6 of the Complaint.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 7 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 7 of the Complaint.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 8 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 8 of the Complaint.

9. Defendant specifically denies that Doug Ruccione is named in his official capacity as Acting Clerk as alleged in Paragraph 9 of the Complaint. Defendant admits to the remaining allegations in Paragraph 9 of the Complaint.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 10 of the Complaint as they are directed at other parties. To the extent a further response is required, Defendant denies the allegations in Paragraph 10 of the Complaint.

“FACTUAL BACKGROUND”

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 11 of the Complaint. To the

extent a further response is required, Defendant denies the allegations in Paragraph 11 of the Complaint.

12. The allegations in Paragraph 12 of the Complaint do not contain factual averments to which a response is required. To the extent a further response is required, Defendant denies the allegations in Paragraph 12 of the Complaint.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 13 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 13 of the Complaint.

14. Defendant generally admits the allegations in Paragraph 14 of the Complaint.

15. Defendant generally admits the allegations in Paragraph 15 of the Complaint.

16. Defendant generally admits the allegations in Paragraph 16 of the Complaint.

17. Defendant generally admits the allegations in Paragraph 17 of the Complaint.

18. Defendant generally admits the allegations in Paragraph 18 of the Complaint.

19. Defendant generally admits the allegations in Paragraph 19 of the Complaint.

20. Defendant generally admits the allegations in Paragraph 20 of the Complaint.

21. Defendant denies the allegations in Paragraph 21 of the Complaint.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 22 of the Complaint. To the extent a further response is required, Defendant denies the allegations in Paragraph 22 of the Complaint.

23. Defendant admits the allegations in Paragraph 23 of the Complaint.

24. Defendant specifically admits that the Committee provided an Excel spreadsheet to Ruccione along with the Initial Petition as alleged in Paragraph 24 of the Complaint. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the remaining allegations in Paragraph 24 of the Complaint. To the extent a further response is required, Defendant denies the remaining allegations in Paragraph 22 of the Complaint.

25. Defendant admits the allegations in Paragraph 25 of the Complaint.

26. Defendant generally admits the allegations in Paragraph 26 of the Complaint.

27. Defendant specifically admits that Ruccione stated that the number of signatures required was 1,977 as alleged in Paragraph 27 of the Complaint. Defendant denies the remaining allegations in Paragraph 27 of the Complaint.

28. Defendant generally admits to the allegations in Paragraph 28 of the Complaint, with exception to the allegation that “953” handwritten signatures were valid.²

29. Defendant specifically admits that Mr. Ruccione rejected Schwartz’ signature and that Schwartz previously identified as a lead organizer for OTOV, met with Ruccione on June 16, 2021, and exchanged e-mails with Ruccione as alleged in Paragraph 29 of the Complaint. Defendant denies the remaining allegations in Paragraph 29 of the Complaint.

30. Defendant specifically admits that Clerk Ruccione rejected handwritten signatures from Annekee Brahver-Keely and Maxine Shilan as alleged in Paragraph 30 of the Complaint. Defendant specifically admits that there were additional rejections as alleged in Paragraph 30 of the Complaint. Defendant denies the remaining allegations in Paragraph 30 of the Complaint.

31. Defendant denies the allegations in Paragraph 31 of the Complaint.

32. Defendant admits that on August 9, 2021, the Committee submitted an amended petition that contained 2,066 signatures, in addition to the 1,350 that had previously been submitted, for a total of 3,416 signatures as alleged in Paragraph 32 of the Complaint. Defendant lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the remaining allegations in Paragraph 32 of the Complaint.

² Is it Defendant’s belief that Plaintiff’s irreverently stated in the Verified Complaint that 953 handwritten signatures were valid. Pursuant to the Notice of Insufficiency, Clerk Ruccione deemed that 653 handwritten signatures were valid.

To the extent a further response is required, Defendant denies the remaining allegations in Paragraph 32 of the Complaint.

33. Defendant generally admits that alongside the Amended Petition, the Committee also submitted a letter from counsel refuting each of the reasons identified in the Initial Notice and asked that Ruccione reconsider his position as alleged in Paragraph 33 of the Complaint. Defendant denies the remaining allegations in paragraph 33 of the Complaint.

34. Defendant generally admits the allegations in Paragraph 34 of the Complaint.

35. Defendant admits that Defendant made a subsequent request to again extend the time to respond to August 18, 2021 as alleged in Paragraph 35 of the Complaint. Defendant denies the remaining allegations in Paragraph 35 of the Complaint.

36. Defendant admits that on August 17, 2021, Ruccione sent the Committee a second letter rejecting the Amended Petition as alleged in Paragraph 36 of the Complaint. Defendant further admits that Ruccione stated that he had only reviewed 655 out of the 2,066 newly submitted signatures and was able to validate 482 of them as alleged in Paragraph 36 of the Complaint. Defendant further admits that with the previously validated 653 signatures, the total number of valid signatures is now 1,135 as alleged in Paragraph 26 of the Complaint. Defendant denies the remaining allegations in Paragraph 36 of the Complaint.

37. Defendant generally admits the allegations in Paragraph 37 of the Complaint.

38. Defendant generally admits that Ruccione stated that he was rejecting the Amended Petition as it relies on the wrong statute *N.J.S.A. 40:46A-25.1* as alleged in Paragraph 38 of the Complaint. Defendant denies the remaining allegations in Paragraph 38 of the Complaint.

39. Defendant generally admits the allegations in Paragraph 39 of the Complaint.

40. Defendant generally admits the allegations in Paragraph 40 of the Complaint.

41. Defendant generally admits the allegations in Paragraph 41 of the Complaint.

“COUNT I”

“Writ of Mandamus”

42. Defendant repeats and re-pleads the foregoing answers as if fully set forth at length herein.

43. The allegations contained in Paragraph 43 of the Complaint call for a legal conclusion to which no response is required.

44. The allegations contained in Paragraph 44 of the Complaint call for a legal conclusion to which no response is required.

WHEREFORE, Defendant Doug Ruccione respectfully requests that this Court:

- (a) Dismiss the Verified Complaint in its entirety;

(b) Deny each and every demand, claim, and prayer for relief contained in the Verified Complaint;

(c) Award to Defendant reimbursement of reasonable attorney's fees and costs incurred in defending this frivolous litigation and vexatious action; and

(d) Grant such other and further relief as the Court may deem just and proper.

"COUNT II"

"New Jersey Civil Rights Act, N.J.S.A. 10:6-2"

45. Defendant repeats and re-pleads the foregoing answers as if fully set forth at length herein.

46. The allegations contained in Paragraph 46 of the Complaint call for a legal conclusion to which no response is required.

47. The allegations contained in Paragraph 47 of the Complaint call for a legal conclusion to which no response is required.

48. Defendant admits the allegations in Paragraph 48 of the Complaint.

49. The allegations contained in Paragraph 49 of the Complaint call for a legal conclusion to which no response is required.

50. Defendant denies the allegations in Paragraph 50 of the Complaint.

51. Defendant denies the allegations in Paragraph 51 of the Complaint.

52. The allegations contained in Paragraph 52 of the Complaint call for a legal conclusion to which no response is required.

53. The allegations contained in Paragraph 53 of the Complaint call for a legal conclusion to which no response is required.

WHEREFORE, Defendant Doug Ruccione respectfully requests that this Court:

- (a) Dismiss the Verified Complaint in its entirety;
- (b) Deny each and every demand, claim, and prayer for relief contained in the Verified Complaint;
- (c) Award to Defendant reimbursement of reasonable attorney's fees and costs incurred in defending this frivolous litigation and vexatious action; and
- (d) Grant such other and further relief as the Court may deem just and proper.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs Verified Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiffs Verified Complaint is barred because Plaintiffs have not sustained any cognizable damages attributable to Defendants.

THIRD DEFENSE

Plaintiff's Verified Complaint is barred by the equitable doctrines of unclean hands, estoppel, and waiver.

FOURTH DEFENSE

The relief sought by Plaintiff, in whole or in part, is barred by the applicable statute of limitations and/or statute of repose and/or the doctrine of laches.

FIFTH DEFENSE

Defendant complied with all of the requirements of *N.J.S.A. 40:69A et seq.*

SIXTH DEFENSE

Defendant complied with all of the requirements of *N.J.S.A. 40:69A- 25.1.*

SEVENTH DEFENSE

Defendant has not abused his authority or failed to perform his mandatory duty under any federal, state, or local laws, rules, regulations, or guidelines.

EIGHTH DEFENSE

Defendant did not violate *N.J.S.A. 10:6-2 et seq.*

NINTH DEFENSE

At all times relevant hereto, Defendant acted in good faith and has not violated any right which may be secured by Plaintiffs under any federal, state, or local laws, rules, regulations, or guidelines.

TENTH DEFENSE

The allegations contained in the Verified Complaint are frivolous and without factual legal basis whatsoever and, as such, the Verified Complaint should be stricken by this Court as an improper pleading.

ELEVENTH DEFENSE

The damages claimed by Plaintiffs are barred to the extent they are speculative in nature.

TWELFTH DEFENSE

Defendant will rely upon any and all further defenses that become available or appear during discovery or the proceedings in this action, and hereby specifically reserve the right to amend this Answer to the Verified Complaint for the purpose of asserting any additional affirmative defenses as further investigation reveals to be necessary and appropriate.

WHEREFORE, Defendant Doug Ruccione respectfully requests that this Court:

- (a) Dismiss the Verified Complaint in its entirety;
- (b) Deny each and every demand, claim, and prayer for relief contained in the Verified Complaint;
- (c) Award to Defendant reimbursement of reasonable attorney's fees and costs incurred in defending this frivolous litigation and vexatious action; and
- (d) Grant such other and further relief as the Court may deem just and proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, John L. Shahdanian II, Esq. (#039551997), is hereby designated as trial counsel for Defendant, Doug Ruccione in the above matter.

McCUSKER, ANSELM I,
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210 Park Ave., Suite 301
Florham Park, New Jersey 07932
Attorneys for Defendants

By: /s/John L. Shahdanian II, Esq.
John L. Shahdanian II, Esq.

Dated: September 13, 2021

CERTIFICATION PURSUANT TO R. 4:5-1

I HEREBY CERTIFY that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding nor is any such action or proceeding presently contemplated.

I FURTHER CERTIFY that I am not aware of any other parties who should be joined in this action.

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Attorneys for Defendants

By: /s/John L. Shahdanian II, Esq.
John L. Shahdanian II, Esq.

Dated: September 13, 2021

CERTIFICATION OF COMPLIANCE WITH R.1:38-7

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *R. 1:38-7(b)*.

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Attorneys for Defendants

By: /s/John L. Shahdanian II, Esq.
John L. Shahdanian II, Esq.

Dated: September 13, 2021