

JOSEPH A. MANZO, ESQ.
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Attorney for Defendant and Counter-Claimants
Carl R. Osterwald Defendant,
Carl R. and Yvonne S. Osterwald Counter-Claimants

Charles Novins, ESQ., P.C.
and Charles Novins, Personally

Plaintiffs,

v.

Kevin A. Cannon, *et. al.*

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, OCEAN COUNTY

DOCKET NO. L-705-09

CIVIL ACTION

**ANSWER, AFFIRMATIVE DEFENSES,
DEMAND FOR DOCUMENTS REFERRED
TO IN PLEADING, DEMAND FOR
STATEMENT OF DAMAGES, DEMAND
FOR INSURANCE INFORMATION,
DEMAND FOR JURY TRIAL, NOTICE
OF ALLOCATION, CROSS-CLAIM
FOR INDEMNIFICATION, CROSS-
CLAIM FOR CONTRIBUTION,
COUNTERCLAIM, CERTIFICATION,
AND CERTIFICATION OF SERVICE**

Defendant Carl R. Osterwald ("Osterwald"), by his attorney,
and as for his answer to Plaintiff's Complaint:

AS TO COUNT ONE-DEFAMATION

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the First Count of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the First Count of the complaint except admits that a document is attached as Exhibit "A".
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the First Count of the complaint.

AS TO COUNT TWO - DEFAMATION

4. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Second Count of the complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Second Count of the complaint.

AS TO COUNT TWO - DEFAMATION¹

8. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Second Count of the complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Second Count of the complaint.

AS TO COUNT THREE - DEFAMATION

12. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

¹ It is noted that Plaintiff uses the caption "Count Two-Defamation" repetitively and non-sequentially throughout the complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Third Count of the complaint except admits that a document is attached as Exhibit "A".

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Third Count of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Third Count of the complaint.

AS TO COUNT TWO - DEFAMATION

16. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Second Count of the complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Second Count of the complaint.

AS TO COUNT TWO - DEFAMATION

20. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Second Count of the complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Second Count of the complaint.

AS TO COUNT TWO - DEFAMATION

24. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

25. Denies the allegations contained in paragraph 25 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

26. Denies the allegations contained in paragraph 26 of the Second Count of the complaint.

27. **WHEREFORE** Osterwald demands judgment in his favor, dismissing the complaint with prejudice, and awarding reasonable attorneys' fees, costs, and such other and further relief as the Court deems just and proper.

AS TO COUNT TWO - DEFAMATION

28. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Second Count of the complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Second Count of the complaint.

AS TO COUNT TWO - DEFAMATION

32. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Second Count of the complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Second Count of the complaint

AS TO COUNT TWO - DEFAMATION

36. Repeats and reasserts his answers to the allegations contained in paragraphs 1-3 of the First Count of the complaint.

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Second Count of the complaint except admits that a document is attached as Exhibit "A".

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the Second Count of the complaint.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Second Count of the complaint.

DEMAND FOR JURY TRIAL

40. Notes that Plaintiffs' reference to an "assault of the Plaintiff" appears to be unsubstantiated by the pleadings. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Second Count of the complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, to the extent that Plaintiffs' alleged damages, if any, were caused by their own acts and omissions.

THIRD AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, to the extent that the Plaintiffs' alleged damages, if any, were caused or contributed to by third parties over whom Osterwald exercised no control and had no right of control.

FOURTH AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, by reason of the Plaintiffs' own conduct in failing to mitigate its alleged damages, if any.

FIFTH AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, by the equitable doctrines of laches, waiver, and unclean hands.

SIXTH AFFIRMATIVE DEFENSE

The Complaint is barred in whole or in part by the applicable statute(s) of limitations.

SEVENTH AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, to the extent that any claims against Osterwald are barred by contributory negligence or should be mitigated by comparative negligence pursuant to *N.J.S.A. § 2A:15-5.1 et. seq.*

EIGHTH AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, to the extent that Plaintiffs' alleged damages were caused by and/or arose out

of risks of which Plaintiffs had full knowledge and which Plaintiffs assumed.

NINTH AFFIRMATIVE DEFENSE

The claim is barred, in whole or in part, by the equitable estoppel doctrine.

TENTH SEPARATE DEFENSE

Plaintiffs have sustained no damages as a result of Osterwald's alleged defamation.

ELEVENTH SEPARATE DEFENSE

Osterwald did not engage in any acts or omissions that proximately caused or contributed to any damages suffered by Plaintiffs.

TWELTH SEPARATE DEFENSE

The statements referenced in the Plaintiffs' complaint are not actionable because they are not defamatory.

THIRTEENTH SEPARATE DEFENSE

The Plaintiffs are public officials or personalities for the purposes of the claims they assert.

FOURTEENTH SEPARATE DEFENSE

The statements are not actionable because they were privileged.

FIFTEENTH SEPARATE DEFENSE

The Complaint is barred, in whole or in part, to the extent that Plaintiffs' alleged damages were caused by and/or arose out of negligent conduct by the Plaintiffs.

SIXTEENTH SEPARATE DEFENSE

The Complaint is barred, in whole or in part, by the economic loss doctrine.

COUNTERCLAIM

Counter-claimants Carl R. Osterwald and Yvonne S. Osterwald ("Counter-Claimants") hereby allege as follows:

PARTIES

1. Counter-Claimant Carl R. Osterwald is an individual whose principal address is 75 S. Dudley St. Lakewood, Colorado 80226.
2. Counter-Claimant Yvonne S. Osterwald is an individual whose principal address is 75 S. Dudley St. Lakewood, Colorado 80226.
3. Counter-Claimants Carl R. and Yvonne S. Osterwald are husband and wife and were married in a civil ceremony on June 21, 1980.
4. Counter-Claimants, upon information and belief, and on that basis allege that Plaintiff and Counter-Defendant Charles Novins

is an individual and licensed attorney living in the State of New Jersey.

5. Counter-Claimants, upon information and belief, and on that basis allege that Plaintiff and Counter-Defendant Charles Novins, Esq., P.C. is a professional corporation organized under the laws of the State of New Jersey with its principal place of business in Ocean County New Jersey.

6. John and Jane Does (1-100) are fictitious named identities of persons, identities unknown, who acted, assisted, and/or participated in the defamation of the Counter-Claimants.

7. ABC Corporation (1-10) are fictitious named identities of corporations, identities unknown, who acted, assisted, and/or participated in the defamation of the Counter-Claimants.

JURISDICTION AND VENUE

8. This Court has personal jurisdiction over the identified Plaintiffs and Counter-Defendants all of whom either do business in or reside in the State of New Jersey, County of Ocean.

FACTS COMMON TO ALL COUNTER-CLAIMS

9. Usenet is the oldest system of organized bulletin boards for the Internet and dates back to the early 1980's.

10. It is organized as a network of linked Usenet servers which store and distribute posts written by people.

11. Posters to the servers use client software to upload messages, photos, or other data to the newsgroups.
12. The post header appears on each post and contains, among other things, information regarding the author of the post.
13. Posters can post messages under their actual name or assume a fictitious name.
14. Charles Novins either as an individual or on behalf of Charles Novins, ESQ., P.C. has been associated with or has used the posting names or profiles of Charles Novins <taxslave@free-market.net>; Robert Charles <taxslave@free-market.net>; Atlas Bugged <atlasbuggedbyspam@gmail.com>; NewParadigmLawfirm <cnjlaw@gmail.com>; The Atlas Bugged Experience; and Charles Novins.
15. Charles Novins either as an individual or on behalf of Charles Novins, Esq., P.C., or using posting names posted to various newsgroups in the Usenet system including alt.sex.prostitution, alt.usenet.kooks, and humanities.philosophy.objectivism.
16. John C. is a posting name used by an unknown person(s) or corporation(s) who made posts to the Usenet system.
17. Gregory Hall is posting name used by an unknown person(s) or corporation(s) who made posts to the Usenet system.

18. Art Deco is a posting name used by the Counter-Claimant Carl R. Osterwald to make posts to the Usenet system.
19. Carl R. Osterwald lives in Lakewood, Colorado, and is employed in Golden, Colorado.
20. On February 10, 2009 a post from one Gregory Hall referred to Art Deco as the "pedo" Art Deco, and asks a "John C." for incriminating information for use in compiling a pedophile list.
21. On February 11, 2009, Charles Novins, using the posting name atlas bugged <atlasbuggedbyspam@gmail.com>, asked John C. for any information he has on "Colorado Carl" to assist with his process service, and repeated and republished the prior post of Mr. Hall's from February, 10, 2009.
22. On February 11, 2009, "John C." published two town addresses for "Carl O." - one in Golden, Colorado, and one in Lakewood, Colorado. John C. also published the following:

I suspect that he lived with his wife Yvonne and daughter Katy Lee at the Lakewood address until she caught him in bed with a couple of the "Gay teens" from the City Park, so now he lives at the Golden, Colorado address where he shares his bed with "Who Knows", now.... Being a Faggot, Deco hates wimmins and thus hated his new female boss at his "Gravy Train" gov't. job. He couldn't hold his tongue very long as it was always covered with white teen boy jizz and started "Bad-Mouthing" his new female boss on the newsgroup 'alt.rhode_island' and she was tipped-off by Phineas Puddleduck and the rest is history. Details in the e-mail !!

23. On February 11, 2009 Charles Novins, using the posting name atlas bugged <atlasbuggedbyspam@gmail.com>, reposted the February 11, 2009 comments by John C. on several newsgroups, thereby reaching a worldwide audience, and publically thanked John C. multiple times for his efforts, citations, and posts.

CLAIMS FOR RELIEF

COUNT I **DEFAMATION**

24. The Counter-Claimants reallege and reaffirm the preceding allegations as if fully set forth herein.

25. The Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation have intentionally published false and defamatory statements to a worldwide audience, regarding Carl R. Osterwald and Yvonne S. Osterwald.

26. The Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation published the statements with actual knowledge of their falsity, or with reckless disregard of their truth or falsity, thereby causing the Counter-Claimants damages including emotional distress, embarrassment, and humiliation.

WHEREFORE, Counter-Claimants demand judgment against the Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation for compensatory damages, punitive damages, prejudgment and postjudgment interest, costs of suit, and other such relief as the Court deems equitable and just.

COUNT II
INVASION OF PRIVACY-FALSE LIGHT

27. The Counter-Claimants reallege and reaffirm the preceding allegations as if fully set forth herein.

28. The Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation have intentionally published false statements to a worldwide audience, regarding Carl R. Osterwald and Yvonne S. Osterwald that placed the Counter-Claimants in a false light before the public.

29. The statements published by the Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation concerning Carl R. Osterwald and Yvonne S. Osterwald are highly offensive to a reasonable person.

30. The Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation published the statements with actual knowledge of their falsity, or with reckless disregard of their truth or falsity, thereby causing the

Counter-Claimants damages including emotional distress, embarrassment, and humiliation.

WHEREFORE, Counter-Claimants demand judgment against the Plaintiffs and Counter-Defendants, John and Jane Does, and ABC Corporation for compensatory damages, punitive damages, prejudgment and postjudgment interest, costs of suit, and other such relief as the Court deems equitable and just.

CROSS-CLAIM FOR CONTRIBUTION

Should Osterwald be held liable to either or both of the Plaintiffs, Osterwald would be entitled to judgment over and against all other defendants for contribution pursuant to the New Jersey Joint Tortfeasors Contribution Act, N.J.S.A. 2A:53a-, et. seq., the Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et. seq. and any other applicable statutory or decisional law.

CROSS-CLAIM FOR INDEMNIFICATION

Should Osterwald be held liable to either or both of the Plaintiffs, this Defendant would be entitled to judgment over and against all other defendants for indemnification pursuant to contract and/or the common or statutory laws of the State of New Jersey.

NOTICE OF ALLOCATION

Pursuant to R. 4:7-5(c) and *Young v. Latta*, 120 N.J. 584 (1991), Osterwald hereby advises that if any co-defendant or other party settles the within matter with Plaintiff at anytime prior to the conclusion of trial, the liability of any settling co-defendant or other party shall remain an issue, and Osterwald shall seek an allocation and/or percentage of negligence by finder against any such settling co-defendant or other party, and/or a credit in favor of Osterwald consistent with such allocation.

DEMAND FOR DOCUMENTS REFERERED TO IN PLEADING

Pursuant to R. 4:18-2 Defendant hereby demands that Plaintiffs produce, within five days of the service of this Demand, all documents referred to in Plaintiff's Complaint in this matter, including, but not limited to all documents to

which Plaintiff has referred in paragraph 25 under the heading "Count Two - Defamation".

DEMAND FOR STATEMENT OF DAMAGES

Pursuant to R. 4:5-2 Defendant hereby demands that Plaintiff furnish within five days after service of this Demand, a written statement of the amount of damages claimed.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4: 10-2(b) demand is hereby made that the Plaintiffs and Counter-Defendants disclose to Osterwald whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

DEMAND FOR JURY TRIAL

The Defendant demands a trial by jury for all matters so triable.

DESIGNATION OF TRIAL COUNSEL

In accordance with R. 4:5-1(c) Joseph A. Manzo is hereby designated as trial counsel for Carl R. Osterwald and Yvonne S. Osterwald.

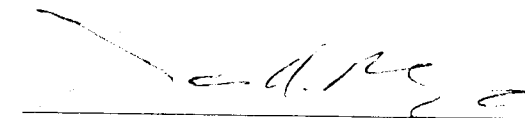
Dated April 27, 2009


JOSEPH A. MANZO

CERTIFICATION

In accordance with R. 4:5-1, Defendant, and Counter-Claimants, by their attorney hereby certify, to the best of their knowledge, that the matter in controversy is not the subject of any other pending judicial arbitration or proceeding. Counter-Claimants are presently considering the filing of a claim for defamation and other intentional torts against Charles Novins, and Charles Novins, ESQ., P.C. in the Colorado State District Court or in the Colorado Federal District Court. Defendant and Counter-Claimants are not currently aware of any other identifiable parties that should be joined in this action.

Dated April 27, 2009


JOSEPH A. MANZO

CERTIFICATION OF SERVICE

I hereby certify that the original of the within Answer, Affirmative Defenses, Demand for Documents Referred to in Pleading, Demand for Statement of Damages, Demand for Insurance Information, Demand For Jury Trial, Notice of Allocation, Cross-Claim for Indemnification, Cross-Claim for Contribution, Counterclaim, Certification, and Certification of Service was filed with the Clerk of the Superior Court, Ocean County, and that a copy of same was served via NJ Lawyers Service or Certified Mail, return receipt requested on each party or counsel of record as follows:

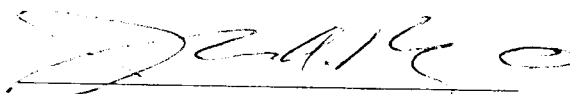
Via NJ Lawyers Service:

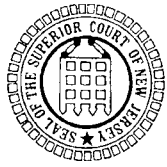
Charles Novins, Esquire
54 East Water Street
Toms River, New Jersey 08753
Pro Se Plaintiff and Attorney for
Plaintiff Corporation Charles Novins, ESQ., P.C.

Via Certified Mail Return Receipt Requested:

Kevin A. Cannon
19 St. Georges Ave.
Monroe, New York 10095
(Pro Se Defendant)

Dated April 27, 2009


JOSEPH A. MANZO



CIVIL CASE INFORMATION STATEMENT

(CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1
**Pleading will be rejected for filing, under Rule 1:5-6(c),
if information above the black bar is not completed or
if attorney's signature is not affixed.**

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

1. ATTORNEY/PRO SE NAME Joseph A. Manzo, Esq.		2. TELEPHONE NUMBER (973) 794-1179	3. COUNTY OF VENUE Ocean
4. FIRM NAME (If applicable) Joseph A. Manzo, Attorney at Law		5. DOCKET NUMBER (When available) L-705-09	
6. OFFICE ADDRESS 37 Rose Lane, P.O. Box 72 Rockaway, NJ 07866		7. DOCUMENT TYPE Answer/Counterclaim	
9. NAME OF PARTY (e.g., John Doe, Plaintiff) Carl Osterwald		10. CAPTION Charles Novins, ESQ., P.C. And Charles Novins Personally v. Kevin A. Cannon, et. al.	
11. CASE TYPE NUMBER (See reverse side for listing) 609	12. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
13. RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	14. IF YES, LIST DOCKET NUMBERS		
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

17. A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FAMILIAL <input type="checkbox"/> FRIEND/NEIGHBOR BUSINESS <input checked="" type="checkbox"/> OTHER (explain) Internet Usenet Participants
18. B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:	
20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:
21. WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE:
22. ATTORNEY SIGNATURE 	



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE – PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 699 TORT – OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 280 ZELNORM
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 278 ZOMETA/AREIDIA |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 279 GADOLINIUM |
| 271 ACCUTANE | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 272 BEXTRA/CELEBREX | 282 FOSAMAX |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 283 DIGITEK |
| 275 ORTHO EVRA | 284 NUVARING |
| 276 DEPO-PROVERA | 601 ASBESTOS |
| 277 MAHWAH TOXIC DUMP SITE | 619 VIOXX |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59

Joseph A. Manzo, Esq.

Member of the NJ, NY, & FL Bars

37 Rose Lane, P.O. Box 72, Rockaway, N.J. 07866 (973) 794-1179 (phone), (973) 794-0090 (fax)
E-mail: jamanzoesq@gmail.com

April 26, 2009

VIA NJ LAWYERS SERVICE

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, New Jersey 08754

Re: Novins v. Cannon, *et. al.*
Docket No.: L-705-09

Dear Deputy Clerk:

Enclosed please find an original and two copies of the Answer, CIS, Affirmative Defenses, Demand for Documents Referred to in Pleading, Demand for Statement of Damages, Demand for Insurance Information, Demand For Jury Trial, Notice of Allocation, Cross-Claim for Indemnification, Cross-claim for Contribution, Counterclaim, Certification, and Certification of Service. A check for \$135.00 is enclosed for payment of the filing fee.

Please time and date stamp one copy of the filings and return it to me at the above address, via the enclosed postage paid return envelope.

Thank you for your assistance.

Very Truly Yours,



Joseph A. Manzo