

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

KIMBERLY HURRELL-HARRING, JAMES ADAMS,)	
JOSEPH BRIGGS, RICKY LEE GLOVER, RICHARD LOVE,)	Index No. 8866-07
JACQUELINE WINBRONE, LANE LOYZELLE, TOSHA)	
STEELE, BRUCE WASHINGTON, SHAWN CHASE, JEMAR)	
JOHNSON, ROBERT TOMBERELLI, CHRISTOPHER YAW,)	
LUTHER WOODROW OF BOOKER, JR., EDWARD)	ANSWER
KAMINSKI, JOY METZLER, VICTOR TURNER, CANDACE)	
BROOKINS, RANDY HABSHI, and RONALD McINTYRE,)	
on behalf of themselves and all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE STATE OF NEW YORK, GOVERNOR DAVID)	
PATERSON, in his official capacity, THE COUNTY OF)	
ONONDAGA, NEW YORK, THE COUNTY OF ONTARIO,)	
NEW YORK, THE COUNTY OF SCHUYLER, NEW YORK,)	
THE COUNTY OF SUFFOLK, NEW YORK and THE)	
COUNTY OF WASHINGTON, NEW YORK,)	
)	
Defendants.)	

Defendant, THE COUNTY OF SUFFOLK, NEW YORK (hereinafter "Suffolk County"), by its attorney, CHRISTINE MALAFI, Suffolk County Attorney, by Leonard G. Kapsalis, Assistant County Attorney, answering plaintiffs' complaint herein, respectfully alleges upon information and belief:

1. The allegations contained in paragraphs numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 36, 36a, 42, 43, 242, 243, 244, 245, 246, 255, 277, 278 and 406 of the complaint characterize the legal action being brought and purport to invoke the jurisdiction of the Court pursuant to the enumerated statutes and/or caselaw and, as such, the defendant makes no

answer save to demand strict proof thereof and to deny any conduct giving rise to any cause of action thereunder.

2. Denies knowledge or information sufficient to form a belief as to allegations contained in paragraphs numbered 6, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 247, 248, 249, 251, 252, 253, 254, 256, 257, 258, 261, 269, 270, 271, 272, 273, 274, 275, 276, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 379, 380, 381, 382, 383, 384, 386, 387, 388, 389, 390, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402, 403, 404, 405, 415, 417 and 419 in the Complaint.

3. Denies the allegations contained in paragraphs numbered 407, 408, 409, 410, 411, 412 and 413 of the Complaint.

4. Denies the allegations contained in paragraph numbered 385, except admits that in Suffolk County, the Legal Aid Society must obtain annual approval from the Suffolk County Legislature.

5. The allegations contained in paragraphs numbered 259 and 391 state conclusions of law, to which no response is required.

6. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered 263, 264, 265, 266, 267, 268, 299, 305, 323, 336, 352, 364, 378 and 397 except admit that the Kaye Commission Report was issued and respectfully refers the Court to the Report as the best evidence of its content.

7. Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraph numbered 260, except admits that the Indigent Legal Services Fund (ILSF) provides some funding.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

8. That the complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. The claims presented by the plaintiffs are non-justiciable political questions.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. That this action is barred by the doctrines of qualified and/or absolute governmental immunity for discretionary acts.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. The relief sought by the plaintiffs would violate Constitutional separation of powers.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

12. That plaintiffs' claims, if any, should have been brought by way of a proceeding pursuant to C.P.L.R. Article 78, and are, therefore, barred by the Statute of Limitations.

WHEREFORE, defendant, THE COUNTY OF SUFFOLK, NEW YORK respectfully requests that the Court dismiss the complaint in its entirety, together with such other relief as the Court may deem just and proper.

Dated: Hauppauge, New York
October 22, 2008

Yours, etc.
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