



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 116
TRENTON, NJ 08625-0116

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JOHN J. HOFFMAN
Acting Attorney General

MICHELLE MILLER
Acting Director

August 7, 2015

Via Hand Delivery

Civil and General Equity Parts
Mercer County Superior Court
175 South Broad Street; 1st Floor
P.O. Box 8068
Trenton, NJ 08625

Re: Kavadas v. Martinez
Docket No. MER-L-1004-15

Dear Sir/Madam:

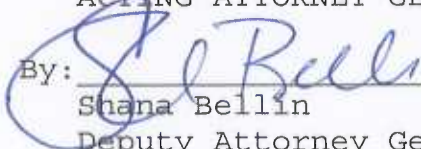
Enclosed for filing please find an original and one copy of an Answer and CIS form on behalf of Defendants Raymond P. Martinez, the New Jersey Motor Vehicle Commission, John Jay Hoffman, Esq., the State of New Jersey, Natasha Johnson, and the Department of Human Services, Division of Family Development, Office of Child Support Services. PLEASE BE ADVISED THAT THERE IS NO FILING FEE AS THIS ANSWER IS BEING FILED ON BEHALF OF A PUBLIC ENTITY OF THE STATE OF NEW JERSEY.

I have also enclosed a self-addressed stamped envelope for the return of the filed copy of the Answer and CIS form. Thank you. If you have any questions or concerns, please do not hesitate to contact me at 609-292-8565.

Sincerely yours,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____


Shana Bellin
Deputy Attorney General

Enclosure

cc: David Perry Davis, Esq., via overnight and electronic mail



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
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:

ATTORNEY / PRO SE NAME
Shana Bellin, DAG

TELEPHONE NUMBER
609-292-8565

COUNTY OF VENUE
Mercer

FIRM NAME (if applicable)
Office of the Attorney General

DOCKET NUMBER (when available)
MER-L-1004-15

OFFICE ADDRESS
Division of Law
Richard J. Hughes Justice Complex
PO Box 116
Trenton, NJ 08625-0116

DOCUMENT TYPE
Answer

JURY DEMAND Yes No

NAME OF PARTY (e.g., John Doe, Plaintiff)
Martinez, the NJ Motor Vehicle Commission,
Hoffman., the State, Natasha Johnson, the Office
of Child Support Services, Defendants

CAPTION
Kavadas, et al. v. Martinez, et al.

CASE TYPE NUMBER
(See reverse side for listing)

005

HURRICANE SANDY
RELATED?
 YES NO

IS THIS A PROFESSIONAL MALPRACTICE CASE? YES NO

IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW

RELATED CASES PENDING?
 Yes No

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING ANY PARTIES
(arising out of same transaction or occurrence)?
 Yes No

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known)
 NONE
 UNKNOWN

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

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

DO PARTIES HAVE A CURRENT, PAST OR
RECURRENT RELATIONSHIP?
 Yes No

IF YES, IS THAT RELATIONSHIP:
EMPLOYER/EMPLOYEE FRIEND/NEIGHBOR OTHER (explain)
FAMILIAL BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? Yes No

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS?
 Yes No

IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION

WILL AN INTERPRETER BE NEEDED?
 Yes No

IF YES, FOR WHAT LANGUAGE?
Portuguese (for Plaintiff Paulo Arede)

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 *Rule 1:38-7(b)*.

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 (coverage issues only)
- 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
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 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

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

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

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIS | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

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

Putative Class Action

Title 59

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
P.O. Box 116
25 Market Street
Trenton, New Jersey 08625
Attorney for Defendants,
Raymond P. Martinez, the New Jersey Motor
Vehicle Commission, John Jay Hoffman, Esq.,
the State of New Jersey, Natasha Johnson,
and the Department of Human Services,
Division of Family Development, Office of
Child Support Services.

By: Shana Bellin (907512012)
Deputy Attorney General
609-292-8565
Shana.Bellin@lps.state.nj.us

ANDREANA KAVADAS, ALISHA
GRABOWSKI, LAQUAY DANSBY, PAULO
AREDE, individually and on
behalf of all persons similarly
situated,

Plaintiffs,

v.

RAYMOND P. MARTINEZ, NEW JERSEY
MOTOR VEHICLE COMMISSION, JOHN
J. HOFFMAN, ESQ., STATE OF NEW
JERSEY, NATASHA JOHNSON, and the
DEPARTMENT OF HUMAN SERVICES,
DIVISION OF FAMILY DEVELOPMENT,
OFFICE OF CHILD SUPPORT
SERVICES,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. MER-L-1004-15

CIVIL ACTION

ANSWER TO VERIFIED COMPLAINT

Raymond P. Martinez, the New Jersey Motor Vehicle Commission,
John Jay Hoffman, Esq., the State of New Jersey, Natasha Johnson,
and the Department of Human Services, Division of Family
Development, Office of Child Support Services, hereinafter referred
to as "Defendants", through their counsel, John J. Hoffman, Acting
Attorney General of the State of New Jersey, Deputy Attorneys

General Shana Bellin and Gene Rosenblum appearing, hereby answer Plaintiffs' Complaint as follows:

I. PRELIMINARY STATEMENT

1. Defendants are without knowledge or information sufficient to address the allegations set forth in this paragraph. Defendants deny the Plaintiffs' allegation that their driver's license suspensions occurred "through procedures which deprive them of rights guaranteed by the Constitutions of the United States...statutes." Defendants also deny that Plaintiffs are representative of a class of persons who are similarly situated.

2. Defendants admit that Plaintiffs' Complaint requests declaratory and injunctive relief. Defendants deny the remaining allegations of this paragraph.

II. JURISDICTION AND VENUE

3. Admitted.

4. Defendants admit that venue is properly laid in Mercer County. Defendants deny the remaining allegations of this paragraph.

III. PARTIES

5. Defendants have insufficient information to form a belief as to the truth of the allegations in this paragraph. Therefore, the allegations are denied.

6. Defendants deny that Plaintiff Andreana Kavadas's ("Kavadas") driver's license was "suspended pursuant to procedures that violate the statutes and constitutions of the State of New Jersey." Defendants have insufficient information to form a belief as to the truth of the remaining allegations in this paragraph. Therefore, the allegations are denied.

7. Defendants object to the allegations in this paragraph as improper under the New Jersey Court Rules. Defendants rely on their answers set forth in this pleading to respond to any allegations made by Plaintiffs. To the extent that a more specific response is required to the allegations set forth in the separate document, denied as to all allegations.

8. Defendants have insufficient information to form a belief as to the truth of the allegations in this paragraph. Therefore, the allegations are denied.

9. As to the allegation that Plaintiff Alisha Grabowski's ("Grabowski") "driver's license will be suspended without further notice or pursuant to procedures that violate the statutes and constitutions of the State of New Jersey and is at risk of having this occur again", denied. As to the truth of the remainder of the allegations of this paragraph, Defendants have insufficient

information to form a belief. Therefore, the remaining allegations are denied.

10. Defendants have insufficient information to form a belief as to the truth of the allegations in this paragraph. Therefore, the allegations are denied.

11. As to the allegation that Plaintiff LaQuay Dansby ("Dansby") "has had his driver's license suspended pursuant to procedures that violate the statutes and constitutions of the State of New Jersey and is at risk of having this occur again", denied. Defendants have insufficient information to form a belief as to the truth of the remaining allegations in this paragraph. Therefore, the remaining allegations are denied.

12. Defendants have insufficient information to form a belief as to the truth of the allegations in this paragraph. Therefore, the allegations are denied.

13. As to the allegation that Plaintiff Paulo Arede ("Arede") "has had his driver's license suspended pursuant to procedures that violate the Constitution of the State of New Jersey and is at risk of having this occur again", denied. Defendants have insufficient information to form a belief as to the truth of the remaining allegations in this paragraph. Therefore, the remaining allegations are denied.

14. Admitted that Defendant Raymond P. Martinez ("Chief Martinez") is the Chief Administrator of the New Jersey Motor Vehicle Commission ("MVC") and that he is a "State Actor". Defendants deny the remaining allegations of this paragraph.

15. Admitted that Defendant John Jay Hoffman, Esq., ("AG Hoffman") is the Acting Attorney General for the State of New Jersey and that he is a "State Actor". Admitted that AG Hoffman has a duty to act in accordance with the Constitution of the United States and the State of New Jersey in his role as Acting Attorney General. Defendants deny that these duties are provided for in N.J.S.A. 45:17A-21, which applies specifically to the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 through 45:17A-40, which makes no mention of the specific duty to uphold the Constitution of the United States and of the State of New Jersey. Defendants admit that AG Hoffman's duties include acting as the State's chief law enforcement officer. The remaining allegations of this paragraph are denied.

16. Admitted that Natasha Johnson ("Director Johnson") is the Director of the Department of Human Services' Division of Family Development, under which the Office of Child Support Services is organized, and that she is a "State Actor". Admitted that Director Johnson has a duty to act in accordance with the Constitution of

the United States and of the State of New Jersey. Denied that 45 C.F.R. § 302.10 delineates Director Johnson's duties, as the regulation pertains specifically to "Statewide Operations". Denied that N.J.A.C. 10:81-11.7 pertains to Director Johnson's duties as Director as no such regulatory citation exists. Denied that N.J.A.C. 110-1.2 delineates Director Johnson's duties to ensure "that the State's Child Support Program is operating constitutionally, properly, efficiently, effectively and that all of its agents are in compliance with all aspects of federal law under the State Plan".

IV. CLASS ACTION

17. Denied.

18. Denied.

V. CAUSE OF ACTION

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

WHEREFORE, Defendants demand judgment in their favor and against Plaintiffs dismissing Plaintiffs' Complaint with prejudice, and specifically:

1. Declaring that the suspension of Plaintiffs' driver's licenses have not violated Plaintiffs' substantive or procedural due process rights under the State Constitution nor of their statutory rights under the laws of the State;

2. Declaring that the suspension of Plaintiffs' driver's licenses have not violated Plaintiffs' substantive and procedural due process rights under the Constitution of the United States nor of their statutory rights arising under the laws of the United States;

3. Denying with prejudice any injunctive relief enjoining Chief Martinez and the MVC from acting on any orders to suspend drivers' licenses;

4. Denying with prejudice any injunctive relief enjoining Chief Martinez and the MVC from suspending any driver's licenses in accordance with the provisions of N.J.S.A. 2A:17-56.44;

5. Denying with prejudice any injunctive relief compelling Chief Martinez and the MVC from rescinding suspensions of Plaintiffs' driver's licenses;

6. Denying with prejudice any injunctive relief removing all record of driver's license suspensions from all of Plaintiffs' driver's licenses records;

7. Denying with prejudice any injunctive relief enjoining AG Hoffman from enforcing laws and regulations of the State of New Jersey;

8. Denying with prejudice any injunctive relief enjoining AG Hoffman and the State from prosecuting Plaintiffs for driving with a suspended driver's license;

9. Denying with prejudice any injunctive relief as to Director Johnson and the Department of Human Services, Division of Family Development, Office of Child Support Services;

10. Denying the class certification pursuant to R. 4:32-1;

11. Denying counsel fees and costs pursuant to N.J.S.A. 10:6-2(f);

12. Denying counsel fees and costs pursuant to 42 U.S.C. 1988.

SEPARATE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs lack standing to assert the claims contained in the Complaint.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is preempted or otherwise precluded by federal law or regulations covering the subject matter of Plaintiffs' claim with which Defendants have fully complied.

THIRD AFFIRMATIVE DEFENSE

Recovery is barred in this action by the failure of Plaintiffs' Complaint to state a claim upon which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE

Defendants did not violate any duties to Plaintiffs.

FIFTH AFFIRMATIVE DEFENSE

Defendants acted in good faith at all times.

SIXTH AFFIRMATIVE DEFENSE

The conduct of Defendants was reasonable, proper, and within the scope of their authority.

SEVENTH AFFIRMATIVE DEFENSE

Recovery is barred in this action as there is no custom, policy or practice that creates liability under 42 U.S.C. § 1983 or the New Jersey Civil Rights Act.

EIGHTH AFFIRMATIVE DEFENSE

These Defendants are immune from suit.

NINTH AFFIRMATIVE DEFENSE

The Complaint and the proceedings resulting therefrom and any recovery resulting therefrom is barred, limited and/or controlled by all provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 through 59:12-3 inclusive, as if each section, provision,

defense, and immunity were listed herein separately, particularly, and at length.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to join the appropriate parties.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs have not been deprived of any right, privilege or immunity secured to them by the United States Constitution or any Act of Congress.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs have not been deprived of any right, privilege or immunity secured to them by the Constitution and laws of the State of New Jersey.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendants herein did not know, and was not reasonably expected to know, that any actions taken by the Defendants with respect to these Plaintiffs, at all relevant times, were in violation of the Plaintiffs' constitutional rights.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendants herein are public entities of the State of New Jersey and at all times were acting pursuant to the lawful authority invested in them by the State. All acts so performed

were the result of the appropriate exercise of the Defendants' discretion.

FIFTEENTH AFFIRMATIVE DEFENSE

Any actions taken by the Defendants were in the nature of discretionary activity within the meaning of N.J.S.A. 59:3-2 and accordingly no liability may be imposed upon the Defendants.

SIXTEENTH AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint is barred by the Eleventh Amendment of the United States Constitution.

NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4

PLEASE TAKE NOTICE that the undersigned attorneys do hereby demand, pursuant to the above-cited Rules of Court, that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, and all documents, papers and other material referred to therein, received from any party, upon the undersigned attorneys, and TAKE NOTICE that this is a CONTINUING demand.

RESERVATION OF RIGHTS

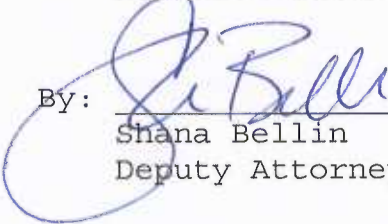
Defendants reserve the right, at or before trial, to move to dismiss the Complaint and/or for summary judgment, on the ground that the Complaint fails to state a claim upon which relief can be granted and/or Defendants are entitled to judgment as a matter of law, based on any or all of the above defenses.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, the Court is advised that Jacqueline Augustine, Shana Bellin, and Gene Rosenblum, Deputy Attorneys General, are hereby designated as trial counsel.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____


Shana Bellin
Deputy Attorney General


DATE: August 7, 2015

CERTIFICATION REGARDING OTHER
PROCEEDINGS AND PARTIES

I certify in accordance with R. 4:5-1 that to the best of my knowledge as of the date herein there are no other proceedings either pending or contemplated with respect to the matter in controversy in this action and no other parties who should be joined in the action.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____


Shana Bellin
Deputy Attorney General


DATE: August 7, 2015

CERTIFICATION REGARDING SERVICE

I certify that a copy of the within pleading was served on the attorney for Plaintiffs within the time period allowed by R. 4:6-1 or within the extended time period pursuant to Consent Order.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____


Shana Bellin
Deputy Attorney General

DATE: August 7, 2015