

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JEAN KIM,

Plaintiff,

v.

SCOTT STRINGER,

Defendant.

Index No. 952008/2023

**ANSWER AND DEFENSES**

Defendant Scott Stringer (“Defendant”), by and through his undersigned counsel, answers Plaintiff Jean Kim’s Complaint (the “Complaint”), dated March 15, 2023, as follows:

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 1.

2. Defendant admits the allegations contained in paragraph 2.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 3.

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 4.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5, except admits that he met Plaintiff at the Community Free Democrats Club (“CFD”).

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 6.

7. Defendant denies the allegations contained in paragraph 7, except admits that

he ran in the Democratic primary for New York City Public Advocate in or about 2021 (the “Public Advocate Campaign”) and his campaign included employees, interns, and volunteers.

8. Defendant denies the allegations and conclusions contained in paragraph 8.

9. Defendant denies the allegations and conclusions contained in paragraph 9, except admits that Plaintiff volunteered as the Manhattan Upper West Side campaign coordinator at some point during the Public Advocate Campaign.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 10, except admits that Plaintiff volunteered as Manhattan Upper West Side campaign coordinator at some point during the Public Advocate Campaign.

11. Defendant denies the allegations contained in paragraph 11.

12. Defendant denies the allegations contained in paragraph 12.

13. Defendant denies the allegations contained in paragraph 13.

14. Defendant denies the allegations contained in paragraph 14.

15. Defendant denies the allegations contained in paragraph 15.

16. Defendant denies the allegations contained in paragraph 16.

17. Defendant denies the allegations contained in paragraph 17.

18. Defendant denies the allegations contained in paragraph 18.

19. Defendant denies the allegations contained in paragraph 19, except admits that he was involved in a relationship with Jeanne Salvatore in or around 2001.

20. Defendant denies the allegations contained in paragraph 20.

21. Defendant denies the allegations contained in paragraph 21.

22. Defendant denies the allegations contained in paragraph 22.

23. Defendant denies the allegations contained in paragraph 23.

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 24.

25. Defendant denies the allegations contained in paragraph 25.

**RESPONSE TO “CAUSE OF ACTION – Assault and Battery”**

26. Defendant refers to and reincorporates his responses to the allegations contained in paragraphs 1 through 25 with the same force and effect as if set forth fully herein.

27. The allegations contained in paragraph 27 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 27.

28. The allegations contained in paragraph 28 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 28.

29. The allegations contained in paragraph 29 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 29.

30. The allegations contained in paragraph 30 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 30.

31. The allegations contained in paragraph 31 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies

the allegations contained in paragraph 31.

32. The allegations contained in paragraph 32 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 32.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33.

34. The allegations contained in paragraph 34 constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in paragraph 34.

#### **GENERAL DENIAL**

Unless explicitly admitted herein, Defendant denies each and every allegation in the Complaint and demands strict proof thereof.

#### **AFFIRMATIVE AND OTHER DEFENSES**

Defendant alleges the following as separate affirmative defenses, without assuming the burden of proof where such burden is otherwise on the Plaintiff under applicable law. Defendant reserves the right to add additional affirmative defenses as discovery proceeds.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief may be granted or for which the damages sought can be awarded.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff has not sufficiently pleaded a cause of action for the tort of assault under the Adult Survivors Act, N.Y., C.P.L.R. § 214-j (“ASA”). Pursuant to the ASA, a cause of action can be brought “as a result of conduct which would constitute a sexual offense as defined in

article one hundred thirty of the penal law committed against such person who was eighteen years of age or older.”

The tort of assault—“an intentional act by the defendant that causes the plaintiff to reasonably fear dangerous or offensive touch; actual interaction is not necessary”—does not constitute a sexual offense as defined in Article 130 of the New York Penal Law.

### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff’s claims are barred in whole or in part because Plaintiff has insufficiently pleaded allegations of multiple sex crimes under Article 130, as required under the ASA. Plaintiff relies on conduct that is intentionally vague and ambiguous, and which fails to allege actions taken with the culpable intent. Deficiencies as to each particular offense should be construed against Plaintiff rather than Defendant.

### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiff’s claims are barred, in whole or in part, to the extent that Plaintiff has not suffered any actual injury or damages as a result of the facts alleged in the Complaint.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant respectfully demands judgment in his favor and against

Plaintiff Jean Kim:

- a. dismissing Plaintiff's Complaint with prejudice;
- b. awarding Defendant his costs, expenses, disbursements, and attorneys' fees incurred as a result of defending against the Complaint; and
- c. granting such other and further relief to Defendant as the Court may deem just and proper.

Respectfully submitted,

Dated: New York, NY  
April 19, 2023

**WALDEN MACHT & HARAN LLP**

By: *Milton L. Williams*

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Milton L. Williams  
Georgia K. Winston  
Deanna Paul  
Jeffrey C. Skinner  
250 Vesey Street, 27<sup>th</sup> Floor  
New York, NY 10281  
Tel: (201) 335-2030  
mwilliams@wmhlaw.com  
gwinston@wmhlaw.com  
dpaul@wmhlaw.com  
jskinner@wmhlaw.com

*Attorneys for Defendant Scott Stringer*