

File No. 13606-0005

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Attorneys for Defendants, Township of Riverside and Mayor Charles F. Hilton, Jr.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

ASSEMBLY OF GOD CHURCH
RIVERSIDE, NEW JERSEY; NATIONAL
COALITION OF LATINO CLERGY AND
CHRISTIAN LEADERS (“CONLAMIC”);
and FRANCO ORDONEZ, Individually and
on behalf of all similarly situated,

Plaintiff(s),

vs.

TOWNSHIP OF RIVERSIDE and MAYOR
CHARLES F. HILTON, JR.,

Defendant(s).

Civil Case No.: 1:06-cv-03842-RMB-AMD

**ANSWER AND
AFFIRMATIVE DEFENSES**

Defendants, Township of Riverside and Mayor Charles F. Hilton, Jr., hereby answer
Plaintiffs’ allegations set forth in its Complaint as follows:

I. PRELIMINARY STATEMENT

1. Neither admitted nor denied. Defendant Township is without sufficient information as
to the individuals or groups making up the Plaintiff entities to respond to the description
provided by Plaintiff in this paragraph.

- (A). Denied.
 - (B). Denied.
 - (C). Denied.
 - (D). Denied.
 - (E). Denied.
 - (F). Denied.
 - (G). Denied.
 - (H). Denied. Further, at the time of the drafting and filing of this Answer, Defendant has a pending motion to strike the claim for specified damages as such specification is prohibited by Civ. Rule 8.1. Plaintiffs have not responded to this aspect of the pending motion, which is returnable on the papers on October 6, 2006.
2. Denied. This paragraph contains legal argument and not factual allegation. Further, this paragraph makes no allegation or argument with regard to the Township ordinance at issue.
 3. Denied. This paragraph contains legal argument and not factual allegation. Further, this paragraph makes no allegation or argument with regard to the Township ordinance at issue.
 4. Denied.
 5. Denied. The penalty under the Section indicated is only with regard to Township licenses, contracts and grants, and as such involves matters directly related to Township business.
 6. Denied. The penalty under the Section indicated is only with regard to Township licenses, contracts and grants, and as such involves matters directly related to Township business.
 7. Denied.

8. Denied. This paragraph contains legal argument and not factual allegation. Further, this paragraph makes no allegation or argument with regard to the Township ordinance at issue. The Township Ordinance at issue does not directly regulate immigration or illegal immigrants.

II. JURISDICTION AND VENUE

9. Admitted. Defendant Township concurs that the content of Plaintiff's Complaint raises federal questions and jurisdiction in this Court is proper.

10. Admitted. The District of New Jersey, Camden is the proper venue.

III. STANDING

11. Neither admitted nor denied. Defendant Township is without sufficient information with regard to Plaintiffs' respective standing.

12. Denied.

IV. PARTIES

13. Neither admitted nor denied. Plaintiff is left to its proofs.

14. Neither admitted nor denied. Plaintiff is left to its proofs.

15. Neither admitted nor denied. Plaintiff is left to its proofs.

16. Admitted. Riverside Township is a duly incorporated municipal entity of the State of New Jersey.

17. Admitted that Charles F. Hilton, Jr. is Mayor of Defendant Township of Riverside.

V. FACTS

18. Admitted.

19. Denied. With regard to Department of Homeland Security activity within the Township, such activity is outside of Township control and entirely independent of Ordinance 16-2006.

COUNT 1 CLASS ACTION

Defendants repeat the responses to the allegations numbered 1 through 19 as if set forth herein at length.

20. Denied.

21. Denied.

22. Admitted that any entity or individual is entitled to representation. Denied that Plaintiffs have established a class.

23. Denied.

24. Neither admitted nor denied. Defendant is without sufficient information with regard to Plaintiffs to respond to this allegation.

25. Denied.

26. Admitted. The Township is unaware of any actions independent of this matter.

27. Neither admitted nor denied. Defendant is without sufficient information with regard to Plaintiffs to respond to this allegation.

28. Denied.

29. Denied.

WHEREFORE, Defendants hereby demand judgment dismissing plaintiffs' Complaint with prejudice, together with such other relief as the Court deems just and equitable.

COUNT II DECLARATORY ACTION

Defendants repeat the responses to the allegations numbered 1 through 29 as if set forth herein at length.

30. Denied. While there is no precedent directly on point, Defendant Township is within its authority in enacting the Ordinance at issue.

31. **WHEREFORE**, Defendants hereby demand judgment dismissing plaintiffs' Complaint with prejudice, together with such other relief as the Court deems just and equitable.

COUNT III DECLARATORY ACTION

Defendants repeat the responses to the allegations numbered 1 through 31 as if set forth herein at length.

32. Denied.

33. Denied. Further, at the time of the drafting and filing of this Answer, Defendant has a pending motion to strike the claim for specified damages as such specification is prohibited by Civ. Rule 8.1. Plaintiffs have not responded to this aspect of the pending motion, which is returnable on the papers on October 6, 2006.

WHEREFORE, Defendants hereby demand judgment dismissing plaintiffs' Complaint with prejudice, together with such other relief as the Court deems just and equitable.

PARKER McCAY, P.A.

Attorneys for Defendants, Township of Riverside
and Mayor Charles F. Hilton, Jr.

By: s/ Douglas L. Heinold
Douglas L. Heinold

Dated October 3, 2006

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

Defendants acted reasonably and in good faith at all times, and are therefore entitled to qualified and absolute immunity.

THIRD AFFIRMATIVE DEFENSE

Defendants did not violate the civil rights of the plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

Defendants are barred by the Doctrine of Unclean Hands.

FIFTH AFFIRMATIVE DEFENSE

Defendants committed no act that can be considered racial discrimination.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are limited and/or precluded by the doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by their own contributory negligence.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

The actions complained of are the result of Plaintiffs' own illegal conduct and their recovery is therefore barred.

TENTH AFFIRMATIVE DEFENSE

The relief Plaintiffs request is contrary to public policy and their claim is barred.

ELEVENTH AFFIRMATIVE DEFENSE

At all times relevant hereto Defendant Hilton was acting in his capacity as a legislator and is therefore entitled to absolute immunity.

TWELFTH AFFIRMATIVE DEFENSE

Punitive damages are not available against Defendants.

PARKER McCAY P.A.

Attorneys for Defendants Township of Riverside
and Mayor Charles F. Hilton, Jr.

By: s/ Douglas L. Heinold
DOUGLAS L. HEINOLD

Dated: October 3, 2006

I hereby certify that the matter in controversy is not the subject of any other Court,
Arbitration or administrative proceeding.

s/ Douglas L. Heinold
DOUGLAS L. HEINOLD

Date: October 3, 2006

CERTIFICATION OF SERVICE

I, Douglas L. Heinold, Esquire, a member of the bar of this Court, hereby certify that a
copy of the within Answer was served this day via Federal Express overnight mail upon ...

Date: October 3, 2006

s/ Douglas L. Heinold
DOUGLAS L. HEINOLD