

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHARON SCOTT

Plaintiff,

v.

TESLA, INC., KIM LAM and MIKE GAO

Defendants.

Civil Action No.: 1:22-cv-00630

CIVIL ACTION

**ANSWER, DEMAND FOR FORM
INTERROGATORIES, DEMAND FOR
STATEMENT OF DAMAGES AND
DEMAND FOR JURY TRIAL**

Defendants, Kim Lam and Mike P. Gao, by way of answer to the Complaint, say:

FIRST COUNT

1. The allegations of Paragraph 1 are denied.
2. The allegations of Paragraph 2 are denied.
3. The allegations of Paragraph 3 are denied.
4. The allegations of Paragraph 4 are denied.
5. The allegations of Paragraph 5 are denied.
6. The allegations of Paragraph 6 are denied.
7. Defendants make no answer to the allegations of Paragraph 7 inasmuch as same are not directed to these defendants.
8. Defendants make no answer to the allegations of Paragraph 8 inasmuch as same are not directed to these defendants.
9. Defendants make no answer to the allegations of Paragraph 9 inasmuch as same are not directed to these defendants.
10. The allegations of Paragraph 10 are denied.

SECOND COUNT

1. Defendants make no answer to the allegations of Paragraph 1 inasmuch as same are not directed to these defendants.

2. Defendants make no answer to the allegations of Paragraph 2 inasmuch as same are not directed to these defendants.

3. Defendants make no answer to the allegations of Paragraph 3 inasmuch as same are not directed to these defendants.

4. Defendants make no answer to the allegations of Paragraph 4 inasmuch as same are not directed to these defendants.

5. Defendants make no answer to the allegations of Paragraph 4 inasmuch as same are not directed to these defendants.

6. Defendants make no answer to the allegations of Paragraph 5 inasmuch as same are not directed to these defendants.

7. Defendants make no answer to the allegations of Paragraph 7 inasmuch as same are not directed to these defendants.

3. Defendants make no answer to the allegations of Paragraph 3 inasmuch as same are not directed to these defendants.

4. Defendants make no answer to the allegations of Paragraph 4 inasmuch as same are not directed to these defendants.

5. Defendants make no answer to the allegations of Paragraph 5 inasmuch as same are not directed to these defendants.

THIRD COUNT

1. Defendants make no answer to the allegations of Paragraph 1 inasmuch as same are not directed to these defendants.

FOURTH COUNT

1. The answers to all Paragraphs of the prior Counts are hereby incorporated for the sake of brevity in lieu of formal repetition and the same are made the answer to Paragraph One of the Fourth Count.

2. The allegations of Paragraph 2 are denied.

FIFTH COUNT

1. The answers to all Paragraphs of the prior Counts are hereby incorporated for the sake of brevity in lieu of formal repetition and the same are made the answer to Paragraph 1 of the Fifth Count.

2. The allegations of Paragraph 2 are denied.

3. The allegations of Paragraph 3 are denied.

SEPARATE DEFENSES

1. Plaintiff was guilty of negligence which either caused or contributed to the happening of the alleged accident and resulting injuries.

2. The Complaint herein fails to state a claim upon which relief can be granted.

3. The negligence herein, if any, was the negligence of third parties over whom these defendants had no control.

4. The instant Complaint is barred by the applicable Statute of Limitations.

5. This defendant is not negligent and breached no duty owed to the plaintiff herein.

6. Plaintiff's Complaint is barred pursuant to the Automobile Insurance Cost Reduction Act.

7. Plaintiff's Complaint is barred pursuant to the New Jersey Product Liability Act.

8. The Doctrine of Sudden Emergency prohibits any recovery from these defendants.

9. Defendants reserve the right to amend this pleading to include additional defenses as appropriate and as a result of an ongoing investigation and the substantial completion of discovery.

10. Plaintiff lacks standing to maintain the within action.

CROSSCLAIM FOR CONTRIBUTION

TO: Tesla, Inc.

PLEASE TAKE NOTICE that the answering defendants, Kim Lam and Mike P. Gao, demand contribution against you pursuant to the New Jersey Joint Tortfeasors Act, the New Jersey Tort Claims Act and the New Jersey Comparative Negligence Act.

CROSSCLAIM FOR COMMON LAW & CONTRACTUAL INDEMNIFICATION

TO: Tesla, Inc.

1. Should there be any finding of negligence, carelessness, recklessness and/or other wrongful act on the part of the answering defendants, same would be passive in nature or secondary, whereas the negligence, carelessness, recklessness and/or wrongful act of the co-defendant, would be active or primary in nature so as to give rise to a cause of action for indemnification against the aforementioned co-defendant.

2. The defendants, Kim Lam and Mike Gao, while denying liability asserts that the co-defendant is obligated by contract to indemnify defendants for liability and damages of the type alleged by plaintiffs and to procure liability insurance protecting defendants.

WHEREFORE, the answering defendants demand indemnification from the co-defendant, as to any judgment which may be found in favor of plaintiffs and against the answering defendants, together with interest, counsel fees and costs of suit.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY AS TO ALL ISSUES

DEMAND FOR STATEMENT OF DAMAGES

The answering defendant hereby requests that plaintiff shall furnish a written statement of damages claimed on its behalf within five (5) days of the service of the within pleading pursuant to R. 4:5-2.

DEMAND FOR FORM INTERROGATORIES

The answering defendant hereby requests that plaintiff answer all questions in the Form A Uniform Interrogatories found in Appendix II of the Rules governing the Courts of the State of New Jersey within the time provided in accordance with R. 4:17-4. The answering Defendants further requests that all parties supply copies of any and all Answers to Interrogatories which they have provided to other parties to this action. Please note that this is a continuing request.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that the undersigned, Colleen M. Ready, Esquire, is hereby designated as Trial Counsel pursuant to Rule 4:15-4.

CERTIFICATION OF TIMELY SERVICE

I Certify that the within pleading was served by electronic service within the time period allowed under the Federal Rules of Civil Procedure with extensions from the Court.

MARGOLIS EDELSTEIN

Attorney for Defendants

Kim Lam and Mike Gao

Date: February 10, 2022 s/ Colleen M. Ready

By: Colleen M. Ready

Attorney ID#: 032131984

Our File No.: 63000.1-1500

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CERTIFICATION OF SERVICE

I hereby certify that I electronically filed the within Answer to Plaintiff's Complaint and Demand for Jury Trial and this Certificate of Service with the Clerk of the United States District Court.

I declare under penalty of perjury that the foregoing is true and correct.

MARGOLIS EDELSTEIN

Attorney for Defendants

Kim Lam and Mike Gao

Date: February 10, 2022

s/ Colleen M. Ready

By: Colleen M. Ready

Attorney ID#: 032131984

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