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Our File #8500-211

Attorneys for Defendant,
Norfolk Southern Railway Company

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

XAVIER NORMAN

v.

NORFOLK SOUTHERN
RAILWAY COMPANY

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CIVIL ACTION

No. 3:22-CV-02234-GC-LHG

ANSWER TO PLAINTIFF'S COMPLAINT
WITH AFFIRMATIVE DEFENSES

1. Denied as a conclusion of law. Defendant, Norfolk Southern Railway Company does admit some presence in the State of New Jersey.

2. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averment concerning the current residence of the Plaintiff.

3. Denied. Defendant is a corporation organized under the business laws of the Commonwealth of Virginia.

4. Admitted in part, denied in part. Defendant admits that the Plaintiff was an employee, but inasmuch as it lacks information concerning the specifics of the incident, denies same and demands strict proof of all claims.

5. Denied as a conclusion of law.

6. Denied as a conclusion of law.

7. Admitted in part, denied in part. Defendant admits that the Plaintiff was an employee, but Defendant lacks information sufficient to form a belief as to the truth of the

avermert concerning the specifics of the Plaintiff's incident. Defendant therefore denies same. Defendant also denies all negligence, liability producing conduct and causation and demands strict proof.

8. Denied. All allegations of negligence are denied. Strict proof of all claims is demanded.

9. Denied. Defendant denies all causation, denies liability producing conduct and lacks information concerning the Plaintiff's injury, losses or damages alleged. Strict proof of all claims is demanded.

WHEREFORE, Defendant, Norfolk Southern Railway Company respectfully requests that Plaintiff's Complaint be dismissed with prejudice, and that Defendant be awarded its costs and reasonable attorneys' fees, along with such other relief as the Court may deem to be just and proper.

FIRST AFFIRMATIVE DEFENSE

The Plaintiff himself was negligent, such negligence being the sole or contributing cause of the accident at issue, thereby reducing or eliminating entirely his entitlement to damages under the Federal Employers' Liability Act.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate damages.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's injuries were caused by his sole negligence. They were in no way attributable to the Defendant or the Defendant's agents.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims may be barred or limited by the Statute of Limitations, the Doctrine of Accord and Satisfaction and Release.

WHEREFORE, Defendant, Norfolk Southern Railway Company respectfully requests that Plaintiff's Complaint be dismissed with prejudice, and that Defendant be awarded its costs

and reasonable attorneys' fees, along with such other relief as the Court may deem to be just and proper.

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By: /s/ Richard K. Hohn
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CERTIFICATE OF SERVICE

Richard K. Hohn, Esquire, certify that a true and correct copy of Defendant's Answer to Plaintiff's Complaint with Affirmative Defenses was served by electronic mail via the Court's e-filing system on all counsel of record:

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By: /s/ Richard K. Hohn
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DATED: 5/24/22