

the JASMINE BRAND

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
DONNA ENOE,

Plaintiff,

the JASMINE BRAND

Index No. 702671-2012

**VERIFIED ANSWER,
AFFIRMATIVE DEFENSES
AND COUNTERCLAIM
ON BEHALF OF TREMAINE
NEVERSON**

- against -

the JASMINE BRAND

TREMAINE ALDON NEVERSON
a/k/a TREY SONGZ,

Defendant.

the JASMINE BRAND

-----X

Defendant, TREMAINE ALDON NEVERSON, by his attorney, JOSEPH M.

the JASMINE BRAND

MATTONE, JR., respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to

Paragraph 1 of the Complaint in its entirety.

the JASMINE BRAND

2. Admits as to residence location but deny all other allegations contained therein.

**the JASMINE BRAND
ALLEGATIONS APPLICABLE
TO ALL CAUSES OF ACTION**

3. Denies knowledge or information sufficient to form a belief as to

Paragraph 3 of the Complaint in its entirety.

the JASMINE BRAND

4. The Defendant denies that DONNA ENOE was at the Club to see a performance by Defendant, TREMAINE ALDON NEVERSON, in that no such performance was scheduled and no performance took place.

the JASMINE BRAND

5. The Plaintiff, DONNA ENOE, was not rightfully within the VIP section at

the JASMINE BRAND

the Club and Defendant denies this allegation to the fullest extent.

the JASMINE BRAND

6. Denies knowledge or information sufficient to form a belief as to
the JASMINE BRAND
Paragraph 6 of the Complaint in its entirety.

7. Denies knowledge or information sufficient to form a belief as to
Paragraph 7 of the Complaint in its entirety.

8. Denies knowledge or information sufficient to form a belief as to
the JASMINE BRAND
Paragraph 8 of the Complaint in its entirety.

9. The Defendant, TREMAINE ALDON NEVERSON, denies the allegation
as set forth herein in that all patrons were free to photograph the Defendant and that at no
the JASMINE BRAND
time did Defendant prohibit the taking of photograph or physically attempt to retrieve
such photographs.

10. Denies Paragraph 10 of the Complaint in its entirety.

11. Denies knowledge or information sufficient to form a belief as to
the JASMINE BRAND
Paragraph 11 of the Complaint in its entirety.

12. Denies knowledge or information sufficient to form a belief as to
the JASMINE BRAND
Paragraph 12 of the Complaint in its entirety.

13. Denies Paragraph 13 of the Complaint in its entirety.
the JASMINE BRAND
AS AND FOR A FIRST CAUSE OF ACTION

14. Defendant, TREMAINE ALDON NEVERSON, repeats and realleges
the JASMINE BRAND
each and every answer contained in paragraphs one (1) through thirteen (13) as though
fully set forth and at length herein.

15. Denies Paragraph 15 of the Complaint in its entirety.
the JASMINE BRAND

16. Denies knowledge or information sufficient to form a belief as to
Paragraph 16 of the Complaint in its entirety.
the JASMINE BRAND

the JASMINE BRAND

17. Denies knowledge or information sufficient to form a belief as to

Paragraph 17 of the Complaint in its entirety.

the JASMINE BRAND

18. Denies knowledge or information sufficient to form a belief as to

Paragraph 18 of the Complaint in its entirety.

the JASMINE BRAND

19. Denies Paragraph 19 of the Complaint in its entirety.

AS AND FOR A SECOND CAUSE OF ACTION

20. Defendant, TREMAINE ALDON NEVERSON, repeats and realleges

the JASMINE BRAND

each and every answer contained in paragraphs one (1) through nineteen (19) as though

fully set forth and at length herein.

the JASMINE BRAND

21. Denies Paragraph 21 of the Complaint in its entirety.

22. Denies knowledge or information sufficient to form a belief as to

Paragraph 22 of the Complaint in its entirety.

the JASMINE BRAND

23. Denies knowledge or information sufficient to form a belief as to

Paragraph 23 of the Complaint in its entirety.

24. Denies knowledge or information sufficient to form a belief as to

the JASMINE BRAND

Paragraph 24 of the Complaint in its entirety.

25. Denies Paragraph 25 of the Complaint in its entirety.

AS AND FOR A THIRD CAUSE OF ACTION

the JASMINE BRAND

26. Defendant, TREMAINE ALDON NEVERSON, repeats and realleges

each and every answer contained in paragraphs one (1) through twenty-five (25) as

though fully set forth and at length herein.

27. Denies knowledge or information sufficient to form a belief as to

the JASMINE BRAND

Paragraph 27 of the Complaint in its entirety.

the JASMINE BRAND

the JASMINE BRAND

28. Denies Paragraph 28 of the Complaint in its entirety.

29. Denies knowledge or information sufficient to form a belief as to Paragraph 29 of the Complaint in its entirety.

30. Denies knowledge or information sufficient to form a belief as to **the JASMINE BRAND** Paragraph 30 of the Complaint in its entirety.

31. Denies knowledge or information sufficient to form a belief as to Paragraph 31 of the Complaint in its entirety.

the JASMINE BRAND
32. Denies knowledge or information sufficient to form a belief as to Paragraph 32 of the Complaint in its entirety.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE
the JASMINE BRAND

33. The verified complaint fails to state a cause of action against Defendant, TREMAINE ALDON NEVERSON.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

34. The causes of action and/or relief sought should be barred and/or **the JASMINE BRAND** precluded by the doctrine of waiver.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

the JASMINE BRAND
35. If the Plaintiff has sustained damages as set forth in Plaintiff's verified complaint, through any culpable conduct and/or negligence such culpable conduct and/or **the JASMINE BRAND** negligence were the result of Plaintiff's negligence.

the JASMINE BRAND
FACTS COMMON TO ALL COUNTERCLAIMS

36. On or about August 22, 2012 the Defendant, TREMAINE ALDON NEVERSON, was lawfully at a nightclub know as Club Perfection (the "Club") located at 62-05 30th Avenue, Woodside Queens, N.Y. 11103.

37. That the Defendant, TREMAINE ALDON NEVERSON, was at the Club **the JASMINE BRAND** in connection with the promotion of his latest album but was not contracted to perform at the Club.

38. That the Defendant, TREMAINE ALDON NEVERSON, was in a secured **the JASMINE BRAND** part of the Club known as the V.I.P. section which was set off from the general patronage and was only limited to the Defendant's security detail and his guests.

39. That the Defendant throughout the period of time was photographed numerous times by patrons at the Club but at no time were patrons admitted to the area without specific authorization from the Defendant's security detail.

the JASMINE BRAND

40. That upon information and belief the Plaintiff, DONNA ENOE, gained illegal and unauthorized access to the V.I.P. section in which Defendant, TREMAINE ALDON NEVERSON, had been seated with his guests and security and shortly **the JASMINE BRAND** thereafter attempted to confront the Defendant.

the JASMINE BRAND

41. Upon information and belief the Plaintiff, DONNA ENOE, attempt to come in contact with the Defendant, TREMAINE ALDON NEVERSON, was restrained **the JASMINE BRAND** by security personnel with the Club and security detail assigned to protect the Defendant, TREMAINE ALDON NEVERSON.

42. That at no time did the Defendant, TREMAINE ALDON NEVERSON, **the JASMINE BRAND** attempt to come in contact with the Plaintiff, DONNA ENOE, with intent to cause injury

the JASMINE BRAND

to Plaintiff and at no time did Defendant, TREMAINE ALDON NEVERSON, come in contact with Plaintiff, DONNA ENOE.

COUNTERCLAIM

FIRST AND DISTINCT COUNTERCLAIM

43. Defendant, TREMAINE ALDON NEVERSON, repeats, reiterates and realleges every response to the allegations contained in paragraphs thirty-six (36) through forty-two (42) of this Answer and makes them part hereof as set forth at length herein.

44. Plaintiff, DONNA ENOE, is well aware of the public personality of the Defendant, TREMAINE ALDON NEVERSON, as a rhythm and blues artist of world wide acclaim and has upon information and belief set forth a cause of action to prey upon **the JASMINE BRAND** Defendant, TREMAINE ALDON NEVERSON, celebrity status in pursuit of obtaining monies in exchange for not embarrassing, humiliating and harassment of the Defendant, TREMAINE ALDON NEVERSON.

45. That on or about December 11, 2012 the Defendant, TREMAINE ALDON NEVERSON, was served with a Verified Complaint by and on behalf of the Plaintiff, DONNA ENOE, which contained false and libelous statements intended to **the JASMINE BRAND** harm the reputation of the Defendant, TREMAINE ALDON NEVERSON, and to cause the intentional embarrassment and financial hardship upon the Defendant.

46. That as a result of such fraudulent and libelous statements contained in a criminal information and civil summons and complaint the Defendant, TREMAINE ALDON NEVERSON, was the subject of media reports which humiliated, embarrassed **the JASMINE BRAND** and harmed Defendant's reputation in which Defendant seeks monetary damages.

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the JASMINE BRAND

WHEREFORE, Defendant TREMAIN ALDON NEVERSON demands judgment
the JASMINE BRAND

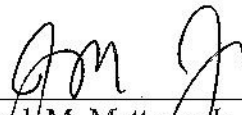
against the Plaintiff:

- i) dismissing Plaintiff's first cause of action,
the JASMINE BRAND
- ii) dismissing Plaintiff's second cause of action,
- iii) dismissing Plaintiff's third cause of action,
the JASMINE BRAND
- iv) granting Defendant's first and distinct Counterclaim, and
- v) granting any other relief the court deems just and proper.
the JASMINE BRAND

Dated: March 25, 2013

Queens, New York

the JASMINE BRAND



Joseph M. Mattone, Jr.

Attorney for Defendant

the JASMINE BRAND 134-01 20th Avenue **the JASMINE BRAND**

College Point, NY 11356

(718) 353-8880

the JASMINE BRAND

To: Leonard Zack & Associates

Attn: Leonard Zack, Esq.

the JASMINE BRAND 405 Park Avenue, 10th Floor

New York, NY 10022

the JASMINE BRAND

the JASMINE BRAND
ATTORNEY VERIFICATION

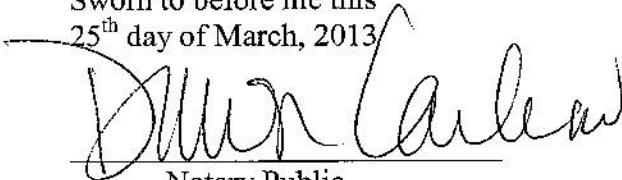
STATE OF NEW YORK)
 ss.:
COUNTY OF QUEENS)

I, the undersigned, an attorney admitted to practice in the courts of the State of New York State, state that I am the attorney of record for TREMAINE ALDON **the JASMINE BRAND** NEVERSON aka TREY SONGZ in the within action; I have read the foregoing Verified Answer and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by TREMAINE **the JASMINE BRAND** ALDON NEVERSON aka TREY SONGZ is because he does not reside within the **the JASMINE BRAND** County in which I maintain my office.

the JASMINE BRAND 

Joseph M. Mattone, Jr.

the JASMINE BRAND

the JASMINE BRAND
Sworn to before me this
25th day of March, 2013


Notary Public

the JASMINE BRAND

DAWN CARLINO
Notary Public, State of New York
No. 01CA6110682
Qualified in Queens County
Commission Expires June 01, 2016
the JASMINE BRAND

the JASMINE BRAND
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
DONNA ENOE,

Plaintiff,

-against-

TREMAINE ALDON NEVERSON
a/k/a TREY SONGZ,

Defendant.

Index No.: 702671-2012

the JASMINE BRAND

AFFIDAVIT OF SERVICE

-----X
the JASMINE BRAND

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

the JASMINE BRAND

I, Sara Jang, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Queens, New York.

On March 25, 2013, I served the within VERIFIED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIM ON BEHALF OF TREMAINE NEVERSON by mailing, via United States Postal Service, a copy to each of the following persons at the last known address set forth after each name below:

the JASMINE BRAND

TO: Leonard Zack & Associates
Attn: Leonard Zack, Esq.
405 Park Avenue, 10th Floor
New York, NY 10022

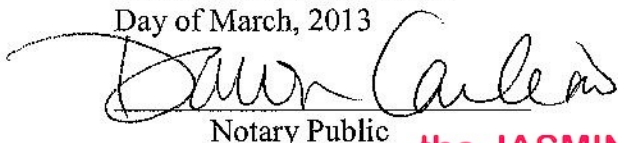
the JASMINE BRAND

the JASMINE BRAND


Sara Jang

the JASMINE BRAND

Sworn to before me this 25th
Day of March, 2013


Notary Public

the JASMINE BRAND

DAWN CARLINO
Notary Public, State of New York
No. 01CA6110682
Qualified in Queens County
Commission Expires June 01, 2016

the JASMINE BRAND

Index No. 702671/2012 Year RJI No. Hon.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

the JASMINE BRAND

DONNA ENOE,

the JASMINE BRAND
Plaintiff,

- against -

the JASMINE BRAND

TREMAINE ALDON NEVERSON a/k/a TREY SONGZ,
Defendant.

the JASMINE BRAND

VERIFIED ANSWER, AFFIRMATIVE DEFENSES
AND COUNTERCLAIM ON BEHALF OF TREMAINE NEVERSON

Mattone, Mattone, Mattone, LLP
Attorneys for Defendant **the JASMINE BRAND**

Office and Post Office Address, Telephone
134-01 20th Avenue
College Point, NY 11356
Tel (718) 353-8880
Fax (718) 353-8090

the JASMINE BRAND

To

Signature (Rule 130-1.1-a)

the JASMINE BRAND

Attorney(s) for

Print name herein
Joseph A. Mattone, Jr.

Service of a copy of the within

is hereby admitted.

Dated,

the JASMINE BRAND

Attorney(s) for

Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

the JASMINE BRAND

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

the JASMINE BRAND

Yours, etc.

Mattone, Mattone, Mattone, LLP

Attorneys for

To

Office and Post Office Address

134-01 20th Avenue