

IN THE COURT OF COMMON PLEAS OF PIKE COUNTY
COMMONWEALTH OF PENNSYLVANIA

Concerned Citizens of Sunrise Lake, Inc., a	:	
Non-Profit Pennsylvania Corporation,	:	
	:	
Plaintiff,	:	No. 42 CV 2007
	:	
v.	:	
	:	
Sunnylands, Inc. a Pennsylvania Corporation and	:	ACTION IN EQUITY
Sunrise Ventures Inc., a Pennsylvania Corporation,	:	
	:	
Defendants.	:	

REPLY TO NEW MATTER

AND NOW COMES Plaintiff in the above matter concerned Citizens of Sunrise Lake, Inc., and files the within Reply to New Matter as follows:

49. Plaintiff sets forth herein all of the paragraphs of the Complaint which are incorporated herein by this reference as if set forth in there entirety herein.

50. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

51. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure. To the extent that a factual averment has been made requiring reply, it is denied that Plaintiff has failed to mitigate their damages. Strict proof to the contrary is demanded at time of trial.

52. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure. To the extent that a factual averment has been made requiring reply, it is denied that Plaintiffs claims are barred by the doctrines of estoppel, laches, release and/or waiver, and strict proof to the contrary is demanded at time of trial.

53. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure. To the extent that a factual averment has been made requiring reply, the same is denied on the basis of the factual averments of the Complaint which are incorporated herein by this reference as if set forth in their entirety herein. Strict proof to the contrary is demanded at time of trial.

54. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure. To the extent that a factual averment has been made requiring reply, the same is denied on the bases of the averments of the Complaint which are incorporated herein by this reference as if set forth in their entirety herein.

55. Legal conclusion to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Plaintiff demands the relief that is prayed for in the Complaint.

Respectfully Submitted,

Date: March 8, 2007

NEWMAN, WILLIAMS, MISHKIN,
CORVELEYN, WOLFE & FARERI, P.C.

By: _____
JAMES V. FARERI, ESQ.
Attorney ID No.: 34402
Attorney for Plaintiffs
712 Monroe Street
Stroudsburg, PA 18360
(570) 421-9090

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that false statements made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

JAMES V. FARERI, ESQ.

DATED: _____

CERTIFICATE OF SERVICE

James V. Fareri, Esq. hereby certifies that on March 8, 2007, a true and correct copy of the REPLY TO NEW MATTER was mailed to the Defendant's counsel:

Brian P Seaman, Esq.
Stradley Ronon
2600 One Commerce Square
Philadelphia, PA 19103-7098

by ordinary first class mail and certified first class mail, postage prepaid.

NEWMAN, WILLIAMS, MISHKIN,
CORVELEYN, WOLFE & FARERI, P.C.

JAMES V. FARERI, ESQ.
Attorney ID No. 34402
Attorneys for Plaintiffs