

6. Defendants are without sufficient knowledge or information to either admit or deny that Plaintiffs were employed by Gourmet Heaven, LLC or RI Gourmet Heaven Inc. and leave Plaintiffs to their burden of proof of the same; Defendants deny the remaining averments contained in Paragraph 6 of Plaintiffs' Complaint.
7. Admits that Defendant Gourmet Heaven, LLC operates Gourmet Heaven, a gourmet grocery and take-out restaurant located at 173 Weybosset Street, Providence, Rhode Island.
8. Admits that Defendant RI Gourmet Heaven Inc. operated Gourmet Heaven, a gourmet grocery and take-out restaurant located at 205 Meeting Street, Providence, Rhode Island.
9. Admit that Chung Cho is the President of RI Gourmet Heaven Inc. and a resident of Connecticut; Defendants deny the remaining averments contained in Paragraph 9 of Plaintiffs' Complaint.
10. Defendants deny the averments contained in Paragraph 10 of Plaintiffs' Complaint.
11. Defendants deny that Chung Cho was an employer as that term is defined by the FLSA, 29 U.S.C §203(d) and by the RIMWA, §§28-12-2(6) and 28-14-1(3). Defendants are without sufficient knowledge or information to either admit or deny the remaining averments contained in Paragraph 11 of Plaintiffs' Complaint and leave Plaintiffs to their burden of proof of the same.

IV. STATEMENT OF FACTS
Pedro Guarcas

12. Defendants deny that Chung Cho was an employer as that term is defined by the FLSA, 29 U.S.C §203(d) and by the RIMWA, §§28-12-2(6) and 28-14-1(3). Defendants are without sufficient knowledge or information to either admit or deny the remaining averments contained in Paragraph 12 of Plaintiffs' Complaint and leave Plaintiffs to their burden of proof of the same.
13. Defendants deny the averments contained in Paragraph 13 of Plaintiffs' Complaint.
14. Defendants deny the averments contained in Paragraph 14 of Plaintiffs' Complaint.
15. Defendants deny the averments contained in Paragraph 15 of Plaintiffs' Complaint.
16. Defendants deny the averments contained in Paragraph 16 of Plaintiffs' Complaint.

Edgar Orellana

17. Defendants deny that Edgar Orellana was employed by Chung Cho. Defendants are without sufficient knowledge or information to either admit or deny the remaining averments contained in Paragraph 17 of Plaintiffs' Complaint and leave Plaintiff to his burden of proof of the same.
18. Defendants deny the averments contained in Paragraph 18 of Plaintiffs' Complaint.
19. Defendants deny the averments contained in Paragraph 19 of Plaintiffs' Complaint.
20. Defendants deny the averments contained in Paragraph 20 of Plaintiffs' Complaint.
21. Defendants deny the averments contained in Paragraph 21 of Plaintiffs' Complaint.

Roberto Quinilla

22. Defendants deny that Plaintiff Roberto Quinilla was employed by Defendant Chung Cho. Defendants are without sufficient knowledge or information to either admit or deny the remaining averments contained in Paragraph 11 of Plaintiffs' Complaint and leave Plaintiffs to their burden of proof of the same.
23. Defendants deny the averments contained in Paragraph 23 of Plaintiffs' Complaint.
24. Defendants deny the averments contained in Paragraph 24 of Plaintiffs' Complaint.
25. Defendants deny the averments contained in Paragraph 25 of Plaintiffs' Complaint.
26. Defendants deny the averments contained in Paragraph 26 of Plaintiffs' Complaint.
27. Defendants deny the averments contained in Paragraph 27 of Plaintiffs' Complaint.
28. Defendants deny the averments contained in Paragraph 28 of Plaintiffs' Complaint.

All Plaintiffs

29. Defendants deny the averments contained in Paragraph 29 of Plaintiffs' Complaint.
30. Defendants deny the averments contained in Paragraph 30 of Plaintiffs' Complaint.
31. Defendants deny the averments contained in Paragraph 31 of Plaintiffs' Complaint.
32. Defendants are without sufficient knowledge to either admit or deny the averments contained in Paragraph 32 of Plaintiffs' Complaint and leave Plaintiffs to their burden of proof of the same.
33. Defendants deny the averments contained in Paragraph 33 of Plaintiffs' Complaint.
34. Defendants deny the averments contained in Paragraph 34 of Plaintiffs' Complaint.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.

COUNT ONE: FLSA AND RIMWA WAGE VIOLATIONS

1. Defendants repeat and re-allege their responses to Paragraphs 1 through 38 of Plaintiffs' Complaint by reference as if fully stated herein.
39. Defendants deny the averments contained in Paragraph 39 of Plaintiffs' Complaint.
40. Defendants deny the averments contained in Paragraph 40 of Plaintiffs' Complaint.
41. Defendants deny the averments contained in Paragraph 41 of Plaintiffs' Complaint.
42. Defendants deny the averments contained in Paragraph 42 of Plaintiffs' Complaint.

43. Defendants deny the averments contained in Paragraph 43 of Plaintiffs' Complaint.
44. Defendants deny the averments contained in Paragraph 44 of Plaintiffs' Complaint.
45. Defendants deny the averments contained in Paragraph 45 of Plaintiffs' Complaint.
46. Defendants deny the averments contained in Paragraph 46 of Plaintiffs' Complaint.
47. Defendants deny the averments contained in Paragraph 47 of Plaintiffs' Complaint.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss Plaintiffs' Complaint in its entirety, deny the relief requested, award reasonable attorney's fees and any such relief this Court deems just and appropriate under the circumstances.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Unclean hands.

SECOND DEFENSE

Accord and satisfaction.

THIRD DEFENSE

Failure to name a proper party.

FOURTH DEFENSE

Estoppel.

FIFTH DEFENSE

Set-off.

SIXTH DEFENSE

Fraud.

SEVENTH DEFENSE

No mutuality of promise.

EIGHTH DEFENSE

Statute of Frauds.

NINTH DEFENSE

Duress.

TENTH DEFENSE

Plaintiff's alleged damages are limited to real or actual damages only.

ELEVENTH DEFENSE

Failure of Consideration.

TWELFTH DEFENSE

Standing.

THIRTEENTH DEFENSE

Release.

FOURTEENTH DEFENSE

Bad faith.

FIFTEENTH DEFENSE

Plaintiffs failed to state a claim upon which relief can be granted. Plaintiffs' Complaint and each cause of action therein fail to state facts sufficient to constitute a cause of action against the Defendants for which relief can be granted.

SIXTEENTH DEFENSE

Lack of Corporate authority.

SEVENTEENTH DEFENSE

Duty to mitigate

EIGHTEENTH DEFENSE

Laches.

NINETEETH DEFENSE

Corporate immunity.

TWENTIETH DEFENSE

Defendants expressly reserve the right to assert any other defenses that may be available to them upon completion of discovery.

Defendants,
Gourmet Heaven, LLC, RI
Gourmet Heaven, Inc., and
Chung Cho,
By Their Attorney,

/ s / John DeSimone
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Dated: May 11, 2015

CERTIFICATION

I, Kerri A. Topalian, Legal Assistant to Attorney John J. DeSimone hereby certify that on this 11th day of May, 2015, I performed each of the following for the within Answer to Plaintiffs' Complaint in addition to filing an electronic copy via PACER with the United States District Court for the District of Rhode Island which is available for viewing to the parties of record.

Mailed via regular mail postage prepaid a true copy to the following Attorneys for the opposing party:

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