

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

-----X  
MARGARET GODFREY, ROSEMARIE JAROSZ,  
GEORGE V. IMBURGIA and JOSEPH ROSSINI,

Plaintiffs,

VERIFIED ANSWER

-against-

Index No. 5896-06

THOMAS P. DiNAPOLI, in his official capacity  
as the New York State Comptroller and  
Sole Trustee of New York State and Local  
Retirement System,

Defendant,

-and-

PERI RAINBOW and TAMELA SLOAN,

Defendants-Intervenors,  
-----X

Defendant, THOMAS P. DiNAPOLI, answering the verified  
complaint, by his attorney, Andrew M. Cuomo, Attorney General of  
the State of New York, respectfully alleges as follows:

1. Paragraph "1" of the verified complaint is a statement  
of the nature of the action and requires no response by  
defendant.
2. Denies knowledge or information sufficient to form a  
belief as to the truth of the allegations contained in paragraphs  
"2", "4", "5", "6", and "7" of the verified complaint.
3. Denies the allegations contained in paragraphs "3", "9",  
"17", "19", "22", "23", "24", "25", "26", "27", "28", "29", and  
"30" of the verified complaint.

4. Denies the allegations contained in paragraph "8" of the verified complaint, except to admit that defendant is the New York State Comptroller, administrative head of the New York State and Local Retirement System pursuant to §11 of the Retirement and Social Security Law, and trustee of the several funds of the New York State and Local Retirement System (the common retirement fund) pursuant to §13 of the Retirement and Social Security Law and that defendant maintains his principal office at 110 State Street, Albany, New York 12236.

5. As to the allegations contained in paragraph "10" and "20" of the verified complaint, respectfully refers the court to the October 8, 2004 letter from the Comptroller for its complete contents and denies the allegations to the extent that they are inconsistent with the Comptroller's October 8, 2004 letter.

6. As to the allegations contained in paragraphs "11" and "12" of the verified complaint, leaves the legal conclusions contained therein to the court's determination and respectfully refers the court to the October 8, 2004 letter from the Comptroller for its complete contents and denies the allegations to the extent that they are inconsistent with the Comptroller's October 8, 2004 letter.

7. Leaves the legal conclusions contained in paragraphs "13" and "14" of the verified complaint to the court's determination.

8. As to the allegations contained in paragraph "15" of the verified complaint, respectfully refers the court to the August 2, 2006 letter from plaintiffs' counsel for its complete contents and denies the allegations to the extent that they are inconsistent with counsel's August 2, 2006 letter.

9. As to the allegations contained in paragraph "16" of the verified complaint, respectfully refers the court to the August 8, 2006 letter from the Comptroller for its complete contents and denies the allegations to the extent that they are inconsistent with the Comptroller's August 8, 2006 letter.

10. Denies the allegations contained in paragraph "18" of the verified complaint, except to admit that the State of New York, as an employer of public employees, contributes to the New York State and Local Retirement System.

11. As to the allegations contained in paragraph "21" of the verified complaint, repeats and re-alleges each and every response to the allegations contained in paragraphs "1" through "20" of the verified complaint.

12. Denies each and every allegation of the verified complaint not specifically responded to above.

#### **AFFIRMATIVE DEFENSES**

13. The verified complaint fails to state a cause of action upon which relief could be granted.

14. Plaintiffs lack standing to assert the claims alleged in

the verified complaint.

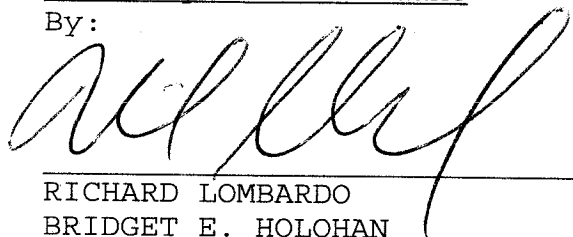
WHEREFORE, defendant requests that the verified complaint be dismissed.

Dated: Albany, New York  
May 31, 2007

Yours, etc.,

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendant

By:



RICHARD LOMBARDO  
BRIDGET E. HOLOHAN  
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RICHARD LOMBARDO, an attorney duly licensed to practice  
before the Courts of the State of New York, affirms the  
following, under penalty of perjury:

Affirmant is an Assistant Attorney General in the office of  
ANDREW M. CUOMO, Attorney General of the State of New York.  
Affirmant has read the foregoing answer and knows the contents  
thereof. It is true to affirmant's own knowledge except as to  
matters therein stated to be alleged upon information and belief,  
and to those matters, affirmant believes them to be true.

Dated: Albany, New York  
May 31, 2007

  
\_\_\_\_\_  
RICHARD LOMBARDO

**SUPREME COURT: STATE OF NEW YORK  
COUNTY OF ALBANY**

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ROSSINI,**

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**Index # 5896-06**

**VERIFIED ANSWER**

**ANDREW M. CUOMO**

**Attorney General of the  
State of New York  
Attorney for Respondent**

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(Not for service of papers)**