

CD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO. 2484CV03105

NICHOLAS GAUVIN,	)
<i>Plaintiff</i>	)
	)
v.	)
	)
PAUL HALLORAN	)
<i>Defendant</i>	)
	)

**DEFENDANT, PAUL HALLORAN’S ANSWER TO PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

Answering to the plaintiff’s complaint, the defendant, Paul Halloran (“the defendant”), admits, denies and alleges as follows:

**THE PARTIES**

1. The defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.
2. The defendant admits the allegations contained in this paragraph.

**FACTS**

3. The defendant admits the allegations contained in this paragraph.
4. The defendant admits he was a player on the South Shore Kings and collided with the plaintiff. Further answering, the paragraph seeks to have the defendant admit something the plaintiff was allegedly thinking; the defendant is without sufficient knowledge to form a belief as to the truth of such allegations and takes the position he is not required to respond. If it is later determined that the defendant is required to respond, the defendant denies such allegations. The defendant denies the remainder of the allegations contained in this paragraph.
5. The defendant admits to the allegations that the play stopped during the incident, and that the defendant hit the plaintiff and the plaintiff fell. Further answering, the paragraph seeks to have the defendant admit the plaintiff’s intentions and/or something the plaintiff was allegedly thinking; the defendant is without sufficient knowledge to form a belief as

to the truth of such allegations and takes the position he is not required to respond. If it is later determined that the defendant is required to respond, the defendant denies such allegations. The defendant denies the remainder of the allegations contained in this paragraph.

6. Upon information and belief, the defendant admits that there was video footage of the incident and that it was uploaded to social media. The defendant is without sufficient knowledge to form a belief as to the extent shown or viewed on media outlets. Further answering, the defendant denies the remainder of the allegations contained in this paragraph.
7. The defendant denies the allegations contained in this paragraph.
8. The defendant admits that criminal charges were brought against him and understands the District Attorney decided not to prosecute. Further answering, the defendant states that the pleadings in the criminal matter referenced speak for themselves.

#### **COUNT I: Negligence**

9. The defendant realleges and reavers his answers to paragraphs 1 (one) through 8 (eight) of the complaint and by reference incorporates them herein.
10. This paragraph contains conclusions of law and, as such, the defendant is not required to respond. If it is later determined that the defendant is required to respond, the defendant denies the allegations contained in this paragraph.
11. The defendant denies the allegations contained in this paragraph.
12. The defendant denies the allegations contained in this paragraph.

#### **COUNT II: Assault (Civil)**

13. The defendant realleges and reavers his answers to paragraphs 1 (one) through 12 (twelve) of the complaint and by reference incorporates them herein.
14. The defendant denies the allegations contained in this paragraph.
15. The defendant denies the allegations contained in this paragraph.
16. The defendant denies the allegations contained in this paragraph.

#### **COUNT III: Battery (Civil)**

17. The defendant realleges and reavers his answers to paragraphs 1 (one) through 16 (sixteen) of the complaint and by reference incorporates them herein.

18. The defendant denies the allegations contained in this paragraph.

19. The defendant denies the allegations contained in this paragraph.

20. The defendant denies the allegations contained in this paragraph.

**COUNT IV: Intentional Infliction of Emotional Distress**

21. The defendant realleges and reavers his answers to paragraphs 1 (one) through 20 (twenty) of the complaint and by reference incorporates them herein.

22. The defendant denies the allegations contained in this paragraph.

23. The defendant denies the allegations contained in this paragraph.

24. The defendant denies the allegations contained in this paragraph.

25. The defendant denies the allegations contained in this paragraph.

**COUNT V: Negligent Infliction of Emotional Distress**

26. The defendant realleges and reavers his answers to paragraphs 1 (one) through 25 (twenty-five) of the complaint and by reference incorporates them herein.

27. This paragraph contains conclusions of law and, as such, the defendant is not required to respond. If it is later determined that the defendant is required to respond, the defendant denies the allegations contained in this paragraph.

28. The defendant denies the allegations contained in this paragraph.

29. The defendant denies the allegations contained in this paragraph.

30. The defendant denies the allegations contained in this paragraph.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The defendant states pursuant to Mass. R. Civ. P. 12(b)(6), that the complaint fails to state a claim upon which relief can be granted against the defendant.

**SECOND DEFENSE**

And further answering, the defendant states pursuant to Mass. R. Civ. P. 12(b)(4), the process was insufficient.

### **THIRD DEFENSE**

And further answering, the defendant states pursuant to Mass. R. Civ. P. 12(b)(5), the service of process on the defendant was insufficient.

### **FOURTH DEFENSE**

And further answering, the defendant states that the plaintiff is not entitled to maintain this action for the reason that at the time set forth in the complaint, the plaintiff was not in the exercise of due care and the damages alleged were caused in whole or in part by the negligence of the plaintiff to a degree greater than any alleged negligence of the defendant.

### **FIFTH DEFENSE**

And further answering, the defendant states that the negligence of the plaintiff contributed in some degree to the cause of the accident; wherefore, the damages, if any, awarded to the plaintiff should be diminished and reduced in accordance with the law.

### **SIXTH DEFENSE**

And further answering, the defendant states that the intervening act of another party was the proximate cause of the alleged damage to the plaintiff.

### **SEVENTH DEFENSE**

And further answering, the defendant states that the negligent acts or omissions and/or breaches complained of were committed, if at all, by a party for whose actions the defendant is not legally responsible.

### **EIGHTH DEFENSE**

And further answering, the defendant states that the claims for assault, battery and intentional infliction of emotional distress fail as the defendant acted without intent to cause harm.

### **NINTH DEFENSE**

And further answering, the defendant states that his actions were not the proximate cause of the plaintiff's alleged injuries.

### **TENTH DEFENSE**

And further answering, the defendant pleads the defense of provocation.

### **ELEVENTH DEFENSE**

And further answering, the defendant states that the claim for intentional infliction of emotional distress fails as he did not intended to inflict emotional distress or know that any emotional distress was the likely result of his conduct; his conduct was not extreme and outrageous or beyond all possible bounds of decency and utterly intolerable in a civilized community; his actions were not the cause of the plaintiff's alleged distress; and plaintiff's alleged emotional distress was not severe and of a nature that no reasonable person could be expected to endure it.

#### **TWELFTH DEFENSE**

And further answering, the defendant states that the claim for negligent infliction of emotional distress fails as the plaintiff is unable to prove physical harm manifested by objective symptomatology.

#### **THIRTEENTH DEFENSE**

And further answering, the defendant states that the claim for negligent infliction of emotional distress fails as the plaintiff is unable to prove that a reasonable person would have suffered emotional distress under the circumstances of this case.

#### **FOURTEENTH DEFENSE**

And further answering, the defendant hereby give notice of his intent to assert such other and further defenses as may become available or apparent during discovery and as may become apparent as this case progresses. The defendant, therefore, hereby reserve the right to amend their answer and to assert any such defenses by appropriate motion.

#### **THE DEFENDANT CLAIMS A TRIAL BY JURY ON ALL ISSUES**

Respectfully submitted,

Defendant, PAUL HALLORAN,

By his Attorneys,

/s/ James P. McLarnon, Jr.

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**CERTIFICATE OF SERVICE**

I, JAMES P. MCLARNON, JR., hereby certify under the pains and penalties of perjury that I have this day emailed a copy of the within document to:

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Dated: March 10, 2025

/s/ James P. McLarnon, Jr.  
JAMES P. MCLARNON, JR.