

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PIUS AWUAH, NILTON DOS SANTOS,
GERALDO CORREIA, BENECIRA
CAVALCANTE, DENISSE PINEDA, JAI
PREM, ALDIVAR BRANDAO, PHILLIP
BEITZ, RICHARD BARRIENTOS,
MARIAN LEWIS, STANLEY STEWART,
and all others similarly situated,

Plaintiffs,

v.

COVERALL NORTH AMERICA, INC.,

Defendant.

Case No. 1:07-cv-10287-WGY

PLAINTIFF ALDIVAR BRANDAO'S ANSWER TO COUNTERCLAIMS

Plaintiff/Counterclaim Defendant Aldivar Brandao ("Brandao"), by his attorneys, as and for his Answer and Affirmative Defenses to the Counterclaims of Coverall North America, Inc. ("Coverall" or the "Defendant") states as follows:

1. Brandao lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Counterclaims, and therefore denies those allegations.
2. Brandao admits the allegations in Paragraph 2 that he is a former franchisee of Coverall and an adult resident of Massachusetts.
3. Brandao states that the allegations of Paragraph 3 of the Counterclaims constitute conclusions of law to which no response is required. To the extent a response is required, Brandao denies the allegations of Paragraph 15.

4. Brandao states that the allegations of Paragraph 4 of the Counterclaims constitute conclusions of law to which no response is required. To the extent a response is required, Brandao denies the allegations of Paragraph 15.

5. Admitted.

6. Admitted.

7. Brandao lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Counterclaims, and therefore denies those allegations.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Brandao lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the Counterclaims, and therefore denies those allegations.

13. Denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Defendant's Counterclaims fail to state a claim upon which relief may be granted.

Second Affirmative Defense

The Defendant's Counterclaims are barred because Coverall has breached its contract with Brandao.

Third Affirmative Defense

The Defendant's Counterclaims constitute a breach of its contract with Brandao.

Fourth Affirmative Defense

The Defendant's Counterclaims are barred by the doctrine of laches.

Fifth Affirmative Defense

The Defendant's Counterclaims are barred by the doctrine of rescission.

Sixth Affirmative Defense

The Defendant's Counterclaims are barred by the Defendant's fraudulent behavior and misrepresentations

Seventh Affirmative Defense

The Defendant's Counterclaims constitute unlawful retaliation in violation of Mass. Gen. L. c. 149 § 148A and F.S.A. § 448.103.

Eighth Affirmative Defense

The Defendant's Counterclaims constitute unlawful retaliation in violation of public policy of the states of Massachusetts and Florida.

Ninth Affirmative Defense

The Defendant's Counterclaims constitute further unfair and deceptive practices in violation of Massachusetts General Laws, Chapter 93A, and the Florida Unfair and Deceptive Trade Practices Act, F.S.A. § 501.201, *et seq.*

Tenth Affirmative Defense

The Defendant's Counterclaims are barred by applicable Statutes of Limitations.

WHEREFORE, Brandao requests:

A. Judgment in Brandao's favor and against the Defendant on all Counts of

Coverall's Counterclaims;

B. An award of Brandao's costs and expenses, including attorneys' fees, incurred herein; and

C. That this Court grant such other and further relief as is just and appropriate.

Brandao requests a trial by jury on all claims.

Respectfully submitted,

ALDIVAR BRANDAO,

By his attorneys,

/s/ Hillary Schwab, Esq.

Shannon Liss-Riordan, BBO #640716

Harold L. Lichten, BBO #549689

Hillary Schwab, BBO #666029

Alex Sugerman-Brozan, BBO #650980

LICHTEN & LISS-RIORDAN, P.C.

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Dated: July 20, 2009

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2009, a copy of this document was served by electronic filing on all counsel of record.

/s/ Hillary Schwab, Esq.
Hillary Schwab, Esq.