

EXHIBIT "B"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
RACHEL MOLTNER,

Plaintiff,

against -

STARBUCKS COFFEE COMPANY a/k/a
STARBUCKS CORPORATION,

Defendant.
-----X

Index No.: 110466/08

**VERIFIED ANSWER
TO VERIFIED COMPLAINT**

NEW YORK
COUNTY CLERK'S OFFICE

AUG 27 2008

Defendant STARBUCKS CORPORATION d/b/a STARBUCKS COFFEE COMPANY
(hereinafter referred to as "STARBUCKS"), by and through its attorneys, Wilson Elser,
Moskowitz Edelman & Dicker LLP, for its Verified Answer to the Verified Complaint, alleges

as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 1 and 6 of the Verified Complaint.
2. Denies the allegations in Paragraphs 2, 3, 4 and 5 of the Verified Complaint, except that STARBUCKS admits that it is a foreign corporation duly organized and existing under and by virtue of the laws of the State of Washington, that it maintains its principal place of business in the State of Washington, that it is authorized to do business in the State of New York and that it operates a retail store at the location identified in the Verified Complaint.
3. Denies the allegations in Paragraph 7 of the Verified Complaint.

FIRST CAUSE OF ACTION

4. Denies the allegations in Paragraphs 8, 9 and 10 of the Verified Complaint.

FIRST DEFENSE

5. The Verified Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

6. Whatever injury or damage may have been sustained by plaintiff was caused or contributed to by plaintiff's own negligence or culpable conduct and defendant STARBUCKS is, therefore, not liable to plaintiff or, in the alternative, that its liability to plaintiff is partial only and should be reduced in accordance with applicable law.

THIRD DEFENSE

7. Defendant STARBUCKS specifically denies that any negligence on its part contributed to or was a proximate cause of any injuries or damages sustained by the plaintiff, but, in the event it is found that defendant STARBUCKS is negligent in any manner or to any degree, defendant STARBUCKS alleges upon information and belief that other parties hereto and persons or entities not named in this action may be negligent to a certain degree for the injuries or damages sustained by plaintiff and therefore contend that, in the event there is found to be fault on the part of defendant STARBUCKS, which in any manner or degree contributed to the injuries of plaintiff, a finding should be made apportioning and fixing the comparative fault of any or all parties or persons whether named to this action or otherwise.

FOURTH DEFENSE

8. Plaintiff's damages, if any, were caused and brought about by an intervening and superseding cause and were not caused by defendant STARBUCKS or by any person for whom defendant STARBUCKS is responsible.

FIFTH DEFENSE

9. The damages allegedly sustained by plaintiff were not proximately caused by any negligence or culpable conduct on the part of defendant STARBUCKS.

SIXTH DEFENSE

10. Plaintiff assumed the risk of her alleged injuries and on that account defendant STARBUCKS is not liable to plaintiff.

SEVENTH DEFENSE

11. As to those damages claimed by plaintiff that have been or will be replaced or indemnified in whole or in part from a collateral source, STARBUCKS claims the benefit of Civil Procedure Law and Rule 4545(c).

EIGHTH DEFENSE

12. Plaintiff's alleged injuries were caused by the misuse, abuse, alteration and/or modification of the product after it left the control of STARBUCKS.

WHEREFORE, defendant STARBUCKS demands judgment dismissing the Verified Complaint together with its costs and disbursements, or, in the alternative, that its liability be limited as prayed upon, together with costs, disbursements and fees incurred.

Dated: New York, New York
August 26, 2008

Yours, etc.,

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

By: 

George N. Tompkins, III
150 East 42nd Street
New York, New York 10017
(212) 490-3000, Ext. 2562
Attorneys for Defendant
STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY

To: David Jaroslawicz, Esq.
JAROSLAWICZ & JAROS, LLC
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780
Attorneys for Plaintiff
RACHEL MOLTNER

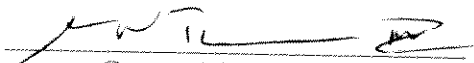
ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

George N. Tompkins, III, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a Partner with the firm of Wilson Elser Moskowitz Edelman & Dicker LLP, attorneys for defendant STARBUCKS CORPORATION d/b/a STARBUCKS COFFEE COMPANY in the within action; I have read the foregoing Verified Answer to the Verified Complaint and know the contents thereof; that the same is true to my own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters, affirmant believes them to be true. The reason this Verification is made by affirmant and not by defendant is that defendant is a foreign corporation with its principal place of business outside the State of New York.

The grounds for affirmant's belief as to all matters not stated upon affirmant's knowledge are as follows: conversations with the defendant and review of various documents related to this matter.


George N. Tompkins, III

Sworn to before me this
26th day of August, 2008


Notary Public

MARCIA SAUNDERS
NOTARY PUBLIC, State of New York
No. 31-4717571
3347671 Qualified in New York County
Commission Expires May 31, 2010

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Susan Hertzberg, being duly sworn, deposes and says, deponent is not a party to this action, is over eighteen (18) years of age and resides in Queens, New York. That on the 26th day of August 2008, deponent served the within Verified Answer to the Verified Complaint upon:

David Jaroslawicz, Esq.
JAROSLAWICZ & JAROS, LLC
225 Broadway, 24th Floor
New York, New York 10007
Attorneys for Plaintiff
RACHEL MOLTNER

by depositing a true copy of said enclosed in a postage paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Susan Hertzberg

Sworn to before me this
26th day of August 2008


Notary Public

MARCIA SAUNDERS
NOTARY PUBLIC, State of New York
No. 31-4717571
Qualified in New York County
Commission Expires May 31, 2010

Index No. 110466/08

George N. Tompkins, III
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SUPREME COURT OF THE STATE OF NEW YORK / COUNTY OF NEW YORK

RACHEL MOLTNER,

Plaintiff,

-against-

STARBUCKS COFFEE COMPANY, a/k/a/ STARBUCKS CORPORATION,

Defendant.

VERIFIED ANSWER TO VERIFIED COMPLAINT

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Attorneys For Defendant Starbucks CORPORATION d/b/a STARBUCKS COFFEE COMPANY

150 East 42nd Street
New York, NY 10017-5639
212.490.3000

Dated: New York, New York

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
Attorneys for Defendant Starbucks Corporation d/b/a
STARBUCKS COFFEE COMPANY

Office and Post Office Address