

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

WEST PALM BEACH DIVISION

CASE NO: 24-cv-80787-DMM/Matthewman

MIA WILLIAMS, BRITTANY  
CALVERT, DEDTRA DAVIS,  
AND ALISA LEGGETT,

Plaintiff,

v.

RETREAT BEHAVIORAL  
HEALTH, LLC, ET AL,

Defendant.

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**ANSWER AND AFFIRMATIVE DEFENSES**

The Defendants, DAVID SILBERSTEIN, COAL CAPITAL EPHRATA LLC, COAL CAPITAL GROUP LLC, CLW HOLDINGS LLC, COAL CAPITAL HODLINGS (Florida), LLC, COAL CONNECTICUT LLC (collectively “Responding Defendants”), by and through their undersigned attorneys, hereby serve their Answer and Affirmative Defenses as follows:

**Answer**

1. Admitted.
2. The Responding Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.
3. Denied.

**Jurisdiction and Venue**

4. Admitted.

5. Admitted for jurisdictional purposes only.

**Parties**

6. Denied that the Plaintiff, Mia Williams, was an employee of CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein. Defendants are without sufficient knowledge to admit or deny all other allegations contained within this paragraph as to the other Defendants, thus this paragraph is denied.

7. Denied that the Plaintiff, Brittany Calvert, was an employee of CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein. Defendants are without sufficient knowledge to admit or deny all other allegations contained within this paragraph as to the other Defendants, thus this paragraph is denied.

8. Denied that the Plaintiff, Dedra Davis, was an employee of CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein. Defendants are without sufficient knowledge to admit or deny all other allegations contained within this paragraph as to the other Defendants, thus this paragraph is denied.

9. Denied that the Plaintiff, Alisa Leggett, was an employee of CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein. Defendants are without sufficient knowledge to admit or deny all other allegations contained within this paragraph as to the other Defendants, thus this paragraph is denied.

*The Corporate Defendants*

10. Admitted that RBH was a Florida limited liability company. Defendants are without sufficient knowledge to admit or deny the allegation that RBH conducted business activities in Palm Beach County, Florida.

11. Admitted.

12. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

13. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

14. Admitted.

15. Denied.

16. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

17. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

18. Admitted that NR Florida was party to a lease agreement with Coal Lake Worth with respect to real property interest acquired by Coal Lake Worth through a ground lease agreement subsequently acquired by HFGC.

19. Admitted that NR Pennsylvania was a Pennsylvania limited liability company conducting business in Lancaster, Pennsylvania. Denied as to conducting business in Palm Beach County, Florida.

20. Denied.

21. Denied.

22. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

23. Admitted that NR Pennsylvania was party to a lease agreement with Coal Capital Ephrata.

24. Admitted that NR Connecticut was a Connecticut limited liability company that

conducted business in New Haven, Connecticut. Denied as to conducting business in Palm Beach County, Florida.

25. Denied.

26. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

27. Admitted that NR Connecticut was party to a lease agreement with Coal New Haven.

28. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

29. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

30. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

31. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

32. Admitted that David Silberstein is the manager of Coal Lake Worth. Denied as to Jospeh Silberstein and Eli Silberstein.

33. Admitted.

34. Admitted that HFGC was a Florida limited liability company, that owned real property interests in Palm Beach County, Florida.

35. Denied.

36. Admitted.

37. Admitted that each of Coal Lake Worth and HFGC was a party to a lease agreement

with NR Florida.

38. Admitted that CLW Holdings is a Florida limited liability company.

39. Admitted that David Silberstein is a Manager of CLW Holdings. Denied as to Joseph Silberstein and Eli Silberstein.

40. Admitted.

41. Denied as phrased.

42. Denied. No company named Coal Florida exists.

43. Admitted that David Silberstein is the Manager of CLW Holdings. Denied as to Joseph Silberstein and Eli Silberstein.

44. Denied.

45. Admitted that Coal Connecticut was a Connecticut limited liability company. Denied that Coal Connecticut conducted business in Palm Beach County, Florida.

46. Admitted that David Silberstein is the Manager of Coal Connecticut.

47. Admitted.

48. Admitted that Coal New Haven was a Connecticut limited liability company that owned real property in New Haven, Connecticut. Denied that Coal New Haven conducted business in Palm Beach County, Florida.

49. Admitted David Silberstein is the Manager of Coal New Haven.

50. Admitted.

51. Admitted that Coal Ephrata was a Pennsylvania limited liability company, that owned real property in Lancaster, Pennsylvania. Denied as to conducting business in Palm Beach County, Florida.

52. Denied.

53. Admitted that David Silberstein is the Manager of Coal Capital Group. Denied as to Joseph Silberstein and Eli Silberstein.

54. Admitted.

55. Admitted that the Coal Companies (other than Coal Florida, which does not exist), were controlled by Silberstein.

56. Denied.

57. Denied.

58. Denied.

59. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

60. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

61. Admitted that NR Pennsylvania paid rent to Coal Capital Ephrata. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

62. Denied as to Coal Capital Group. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph with respect to NR Florida and NR Connecticut, thus this paragraph is denied.

63. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

64. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

65. Admitted.

66. Admitted that a brief filed in the Pennsylvania proceeding by NR Pennsylvania made the referenced statement. Otherwise, denied as phrased.

67. Denied.

68. Denied.

69. Denied.

70. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

71. Denied.

72. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

73. Denied that David Silberstein exercised control over the Retreat Companies.

74. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

75. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

76. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

77. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

78. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

79. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

80. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

81. Admitted that certain Retreat Companies, in each case individually, were party to lease agreements with certain Coal Companies, in each case individually, with respect to certain of the facilities at which such Retreat Companies operated.

82. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

*The Individual Defendants*

83. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

84. Admitted.

85. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

86. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

87. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

88. Denied.

89. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

90. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

91. Defendants are without sufficient knowledge to admit or deny the allegation

contained within this paragraph, thus this paragraph is denied.

92. Denied as to the Defendant, David Silberstein. Defendants are without sufficient knowledge to admit or deny the other allegations contained within this paragraph as to Schorr, Korogodsky, Gariano, and Hoinsky, thus this paragraph is denied.

93. Denied that David Silberstein controlled the purse strings of any of the Retreat Companies.

94. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

95. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

96. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

97. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

98. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

99. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

100. Denied.

101. Denied.

102. Admitted.

103. Denied as to the Defendants, CLW Holdings, Coal Florida (non-existent entity), Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital. Defendants are without sufficient

knowledge to admit or deny the remaining allegations contained within this paragraph, thus this paragraph is denied.

104. Denied as to the Defendants, CLW Holdings, Coal Florida (non-existent entity), Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital. Defendants are without sufficient knowledge to admit or deny the remaining allegations contained within this paragraph, thus this paragraph is denied.

105. Denied that the Plaintiffs were employees of the Defendant, David Silberstein. Defendants are without sufficient knowledge to admit or deny the remaining allegations contained within this paragraph, thus this paragraph is denied.

#### **General Allegations**

106. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

107. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

108. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

109. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

110. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

111. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

112. Defendants are without sufficient knowledge to admit or deny the allegation

contained within this paragraph, thus this paragraph is denied.

113. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

114. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

115. Denied that CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein employed Plaintiffs. Defendants are without sufficient knowledge to admit or deny the allegations contained within this paragraph as to the other Defendants, thus this paragraph is denied.

116. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

117. Denied that CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein employed Plaintiffs. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

118. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

119. Denied that CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, or David Silberstein employed Plaintiffs. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

120. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

121. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

122. Admitted.

123. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

124. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

125. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

126. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

127. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

128. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

129. Admitted.

130. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

131. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

### **Class Action Allegations**

132. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

133. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

134. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

135. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

136. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

137. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

138. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

139. Denied.

140. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

#### **Count I**

141. No response required.

142. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

143. Denied.

144. Denied as to CLW Holdings, Coal Florida (which does not exist) Coal Connecticut, Coal New Haven (stayed by operation of filing Bankruptcy), Coal Ephrata, Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegations as to RBH, NR

Florida, NR Pennsylvania, NR Connecticut, and DRPS, contained within this paragraph, thus this paragraph is denied.

145. Denied.

146. Denied.

147. Admitted that David Silberstein was a Class B Manager. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

148. Denied.

149. Denied.

150. Denied as to CLW Holdings, Coal Florida (which does not exist), Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

151. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

152. Denied.

153. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

154. Denied.

155. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

156. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph with respect to the other Defendants, thus this paragraph is denied.

157. Denied as to David Silberstein. Defendants are without sufficient knowledge to

admit or deny the allegation contained within this paragraph with respect to Schorr and Korogodsky, thus this paragraph is denied.

158. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

159. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

160. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

161. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR Connecticut and DRPS, thus this paragraph is denied.

162. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR Connecticut and DRPS, thus this paragraph is denied.

163. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR Connecticut and DRPS, thus this paragraph is denied.

164. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR

Connecticut and DRPS, thus this paragraph is denied.

165. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR Connecticut and DRPS, thus this paragraph is denied.

166. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

167. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

168. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, and Coal Capital. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to RBH, NR Florida, NR Pennsylvania, NR Connecticut and DRPS, thus this paragraph is denied.

169. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

## **Count II**

170. No response required.

171. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

172. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

173. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

174. Denied as phrased.

175. Denied as phrased.

176. Denied as to David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph with respect to the other Individual Defendants, thus this paragraph is denied.

177. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, and David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

178. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

179. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, and David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

180. Denied.

181. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

### **Count III**

182. No response required.

183. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

184. Defendants are without sufficient knowledge to admit or deny the allegation

contained within this paragraph, thus this paragraph is denied.

185. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

186. Denied as phrased.

187. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

188. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, and David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

189. Denied specifically as to the allegations within this paragraph as to David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

190. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

191. Denied.

192. Denied.

193. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

#### **Count IV**

194. No response required.

195. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

196. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

197. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

198. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

199. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

200. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

201. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

202. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, and David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus this paragraph is denied.

203. Denied specifically as to the allegations within the paragraph as to David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

204. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

205. Denied.

206. Denied.

207. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

**Count V**

208. No response required.

209. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

210. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

211. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

212. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

213. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

214. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

215. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

216. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

217. Denied as to CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital, and David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the other Defendants, thus

this paragraph is denied.

218. Denied specifically as to the allegations in this paragraph as to David Silberstein. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

219. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

220. Denied.

221. Denied.

222. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

223. All averments to the Complaint which are not specifically admitted, above, are hereby denied.

### **Affirmative Defenses**

The Defendants, DAVID SILBERSTEIN, CLW HOLDINGS, COAL FLORIDA, COAL CONNECTICUT, COAL NEW HAVEN, COAL EPHRATA, and COAL CAPITAL assert the following affirmative and other defense without assuming any burdens of production, persuasion, or proof that, pursuant to law, are not legally assigned to Defendants and are the Plaintiffs burden to prove:

1. As their First Affirmative Defense the Defendants assert that the Plaintiffs' Second Amended Complaint fails as a matter of law in that it fails to state a cause of action in that the Complaint fails to plead each count with specificity as required by law.

2. As their Second Affirmative Defense the Defendants CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, Coal Capital and David Silberstein are

incorrectly joined in this matter. The Defendants exercised no control over the day to day operations, finances, or hiring and firing practices of the Retreat entities.

3. As their Third Affirmative Defense the Defendants assert that the Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations.

4. As their Third Affirmative Defense, as to the Defendant, Coal New Haven, this Defendant filed for Bankruptcy Protection on December 31, 2024. No interested party has moved to lift the automatic stay pursuant to 11 USC § 362 of the United States Bankruptcy Code, as such the Defendant Coal New Haven remains under the protection of the Automatic Stay.

5. As their Fourth Affirmative Defense, the Defendants state that CLW Holdings, Coal Florida, Coal Connecticut, Coal New Haven, Coal Ephrata, or Coal Capital and David Silberstein were never the employers of the Plaintiffs as defined by the WARN Act, FLSA, or any other applicable law.

6. As their Fifth Affirmative Defense, the Plaintiffs have failed to explain with specificity how the Defendants had control of the Retreat Operations.

7. As their Sixth Affirmative Defense, the Defendants assert that the Plaintiffs' claims are barred in whole or in part by the Faltering Company exception to the WARN Act.

8. As their Seventh Affirmative Defense, the Defendants assert that the Plaintiffs' claims are barred in whole or in part by the Unforeseeable Business Circumstances exception to the WARN ACT.

9. As their Eighth Affirmative Defense the Defendants, at all times, acted lawfully, in good faith without intent to deny Plaintiffs, or any persons alleged to be similarly situated, any rights pursuant to State or Federal law, including the WARN Act, and at all times acted without malice or reckless indifference to their protected rights.

10. As their Tenth Affirmative Defense the Defendants state that the Complaint is barred, in whole or in part, because Plaintiffs failed to plead causes of action alleged in the Complaint with the particularity required by law.

11. As their Eleventh Affirmative Defense the Defendants assert that the claims in Plaintiffs' Complaint do not state facts that render them appropriate for class treatment in that the claims lack commonality and individualized questions predominate.

12. As their Twelfth Affirmative Defense the Defendants assert that the Plaintiffs are inadequate and not typical representatives of the interests of the putative class members.

13. As their Thirteenth Affirmative Defense the Defendants assert that the Plaintiffs' claims are barred for lack of standing.

14. As their Fourteenth Affirmative Defense the Defendants assert that where the Defendants have insufficient knowledge or information on which to form a belief as to whether it has any additional, as yet unstated defenses available. The Defendants reserve the right to assert additional defenses, including any which may be inconsistent with the answers or defenses set forth herein.

WHEREFORE, the Defendants, DAVID SILBERSTEIN, COAL CAPITAL EPHRATA LLC, COAL CAPITAL GROUP LLC, CLW HOLDINGS LLC, COAL CAPITAL HODLINGS (Florida), LLC, COAL CONNECTICUT LLC, asks that this Court dismiss the Second Amended Complaint, enter judgment in favor of the Defendants, and grant such further and other relief as this Honorable Court may deem just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed this 22nd day of May 2025, with the Clerk of Court using CM/ECF, which will send a notice of electronic filing to all Parties listed on the Service List.

/s/ Peter Ticktin  
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