

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

-----X  
ALEX SHANKLIN, LOUISA RASKE, MELISSA  
BAKER, ELENI TZIMAS, MARCELLE ALMONTE,  
GRECIA PALOMARES, CARINA VRETMAN,  
MICHELE GRIFFIN TROTTER, VANESSA  
PERRON, ROBERTA LITTLE, and TATIANA  
ESMERALDA, SEAY-REYNOLDS,

Index No.: 653702/2013

**ANSWER TO FOURTH  
AMENDED COMPLAINT**

Individually, and as Class Representatives,

Plaintiffs,

v.

WILHELMINA MODELS, INC., WILHELMINA  
INTERNATIONAL LTD., ELITE MODEL  
MANAGEMENT CORPORATION, CLICK MODEL  
MANAGEMENT, INC., MC2 MODEL AND  
TALENT MIAMI LLC, NEXT MANAGEMENT,  
LLC, MAJOR MODEL MANAGEMENT, INC.,

Defendants.  
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Defendant, **NEXT MANAGEMENT, LLC** (hereinafter referred to as “NEXT”), by and  
through its attorneys, FEINBERG, D’AVANZO & GASBARRO, LLP, as and for its Answer to  
the Plaintiffs’ Fourth Amended Class Action Complaint dated July 24, 2024 [NYSCEF Doc. No.  
1164] (hereinafter referred to as the “Complaint”), states and alleges as follows:

**INTRODUCTION**

1. Denies each and every allegation contained in paragraph designated “1” of the Complaint  
as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the  
allegations in paragraph “1” with respect to the remaining defendants.

2. Paragraph designated “2” does not contain factual allegations, but conclusions of law, to

which no response is required. To the extent a response is required, Defendant NEXT denies each and every allegation contained in paragraph designated "2".

3. Denies each and every allegation contained in paragraph designated "3" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "3" with respect to the remaining defendants.

4. Denies each and every allegation contained in paragraph designated "4" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "4" with respect to the remaining defendants.

5. Denies each and every allegation contained in paragraph designated "5" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "5" with respect to the remaining defendants.

6. Denies each and every allegation contained in paragraph designated "6" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "6" with respect to the remaining defendants.

7. Denies each and every allegation contained in paragraph designated "7" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "7" with respect to the remaining defendants.

8. Denies each and every allegation contained in paragraph designated "8" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "1" with respect to the remaining defendants.

9. Denies each and every allegation contained in paragraph designated "9" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "9" with respect to the remaining defendants.

10. Denies each and every allegation contained in paragraph designated “10” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “10” with respect to the remaining defendants.

11. Denies each and every allegation contained in paragraph designated “11” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “11” with respect to the remaining defendants.

12. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “12” of the Complaint.

13. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “13” of the Complaint.

#### **JURISDICTION AND VENUE**

14. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “14” of the Complaint.

15. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “15” of the Complaint.

#### **PARTIES**

16. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “16” of the Complaint.

17. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “17” of the Complaint.

18. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “18” of the Complaint.

19. Denies having knowledge or information sufficient to form a belief as to each and every

allegation contained in paragraph designated “19” of the Complaint.

20. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “20” of the Complaint.

21. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “21” of the Complaint.

22. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “22” of the Complaint.

23. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “23” of the Complaint.

24. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “24” of the Complaint.

25. Admits the allegations contained in paragraph designated “25” of the Complaint.

**CLASS ACTION ALLEGATIONS**

26. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “26” of the Complaint.

27. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “27” of the Complaint.

28. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “28” of the Complaint.

29. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “29” of the Complaint.

30. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “30” of the Complaint.

31. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “31” of the Complaint.

32. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “32” of the Complaint.

**FACTUAL ALLEGATIONS COMMON TO CLASS MEMBERS**

33. Denies each and every allegation contained in paragraph designated “33” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “33” with respect to the remaining defendants.

34. Denies each and every allegation contained in paragraph designated “34” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “34” with respect to the remaining defendants.

35. Denies each and every allegation contained in paragraph designated “35” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “35” with respect to the remaining defendants.

36. Denies each and every allegation contained in paragraph designated “36” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “36” with respect to the remaining defendants.

37. Denies each and every allegation contained in paragraph designated “37” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “37” with respect to the remaining defendants.

38. Denies each and every allegation contained in paragraph designated “38” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “38” with respect to the remaining defendants.

39. Denies each and every allegation contained in paragraph designated “39” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “39” with respect to the remaining defendants.

40. Denies each and every allegation contained in paragraph designated “40” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “40” with respect to the remaining defendants.

41. Denies each and every allegation contained in paragraph designated “41” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “41” with respect to the remaining defendants.

42. Denies each and every allegation contained in paragraph designated “42” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “42” with respect to the remaining defendants.

43. Denies each and every allegation contained in paragraph designated “43” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “43” with respect to the remaining defendants.

44. Denies each and every allegation contained in paragraph designated “44” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “44” with respect to the remaining defendants.

45. Denies each and every allegation contained in paragraph designated “45” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “45” with respect to the remaining defendants.

46. Denies each and every allegation contained in paragraph designated “46” of the Complaint

as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “46” with respect to the remaining defendants.

47. Denies each and every allegation contained in paragraph designated “47” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “47” with respect to the remaining defendants.

48. Denies each and every allegation contained in paragraph designated “48” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “48” with respect to the remaining defendants.

49. Denies each and every allegation contained in paragraph designated “49” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “49” with respect to the remaining defendants.

50. Denies each and every allegation contained in paragraph designated “50” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “50” with respect to the remaining defendants.

51. Denies each and every allegation contained in paragraph designated “51” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “51” with respect to the remaining defendants.

52. Denies each and every allegation contained in paragraph designated “52” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “52” with respect to the remaining defendants.

53. Denies each and every allegation contained in paragraph designated “53” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “53” with respect to the remaining defendants.

54. Denies each and every allegation contained in paragraph designated “54” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “54” with respect to the remaining defendants.

55. Denies each and every allegation contained in paragraph designated “55” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “55” with respect to the remaining defendants.

56. Denies each and every allegation contained in paragraph designated “56” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “56” with respect to the remaining defendants.

**ALLEGATIONS CONCERNING THE “WILHELMINA” CLASS**

57. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “57” of the Complaint.

58. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “58” of the Complaint.

59. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “59” of the Complaint.

60. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “60” of the Complaint.

**Alex Shanklin**

61. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “61” of the Complaint.

62. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “62” of the Complaint.

63. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “63” of the Complaint.

64. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “64” of the Complaint.

65. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “65” of the Complaint.

66. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “66” of the Complaint.

67. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “67” of the Complaint.

68. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “68” of the Complaint.

69. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “69” of the Complaint.

70. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “70” of the Complaint.

**Grecia Palomares**

71. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “71” of the Complaint.

72. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “72” of the Complaint.

73. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “73” of the Complaint.

74. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “74” of the Complaint.

75. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “75” of the Complaint.

76. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “76” of the Complaint.

77. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “77” of the Complaint.

78. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “78” of the Complaint.

79. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “79” of the Complaint.

80. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “80” of the Complaint.

81. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “81” of the Complaint.

**Carina Vretman**

82. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “82” of the Complaint.

83. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “83” of the Complaint.

84. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “84” of the Complaint.

85. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “85” of the Complaint.

86. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “86” of the Complaint.

87. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “87” of the Complaint.

88. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “88” of the Complaint.

89. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “89” of the Complaint.

90. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “90” of the Complaint.

91. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “91” of the Complaint.

**Louisa Raske**

92. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “92” of the Complaint.

93. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “93” of the Complaint.

94. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “94” of the Complaint.

95. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “95” of the Complaint.

96. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “96” of the Complaint.

97. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “97” of the Complaint.

98. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “98” of the Complaint.

99. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “99” of the Complaint.

100. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “100” of the Complaint.

101. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “101” of the Complaint.

102. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “102” of the Complaint.

103. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “103” of the Complaint.

**Michelle Griffin Trotter**

104. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “104” of the Complaint.

105. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “105” of the Complaint.

106. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “106” of the Complaint.

107. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “107” of the Complaint.

108. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “108” of the Complaint.

109. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “109” of the Complaint.

110. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “110” of the Complaint.

111. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “111” of the Complaint.

112. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “112” of the Complaint.

**Roberta Little**

113. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “113” of the Complaint.

114. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “114” of the Complaint.

115. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “115” of the Complaint.

116. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “116” of the Complaint.

117. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “117” of the Complaint.

118. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “118” of the Complaint.

119. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “119” of the Complaint.

120. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “120” of the Complaint.

121. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “121” of the Complaint.

122. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “122” of the Complaint.

123. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “123” of the Complaint.

124. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “124” of the Complaint.

125. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “125” of the Complaint.

126. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “126” of the Complaint.

127. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “127” of the Complaint.

**ALLEGATIONS CONCERNING THE “NEXT” CLASS**

128. Denies each and every allegation contained in paragraph designated “128” of the Complaint.

129. Denies each and every allegation contained in paragraph designated “129” of the Complaint.

130. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “130” of the Complaint.

**Vanessa Perron**

131. Admits in response to the paragraph designated as “131” of the Complaint the existence of a contract between Perron and NEXT and refers the Court to the documents in question, the terms of which speak for themselves.

132. Denies each and every allegation contained in the paragraph designated as “132” of the Complaint, except admits the existence of a contract between Perron and NEXT and refers the Court to the documents in question, the terms of which speak for themselves.

133. Denies each and every allegation contained in paragraph designated “133” of the Complaint.

134. Denies each and every allegation contained in paragraph designated “134” of the Complaint.

135. Denies each and every allegation contained in paragraph designated “135” of the Complaint.

136. Denies each and every allegation contained in paragraph designated “136” of the Complaint.

137. Denies each and every allegation contained in paragraph designated “137” of the Complaint.

138. Denies each and every allegation contained in paragraph designated “138” of the Complaint.

139. Denies each and every allegation contained in paragraph designated “139” of the Complaint.

140. Denies each and every allegation contained in paragraph designated “140” of the Complaint.

141. Denies each and every allegation contained in paragraph designated “141” of the Complaint.

142. Denies each and every allegation contained in paragraph designated “142” of the Complaint.

143. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “143” of the Complaint.

144. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “144” of the Complaint.

145. Denies each and every allegation contained in paragraph designated “145” of the Complaint.

146. Denies each and every allegation contained in paragraph designated “146” of the Complaint.

**Tatiana Esmeralda Seay-Reynolds**

147. Admits in response to the paragraph designated as “147” of the Complaint the existence of a contract between Seay-Reynolds and NEXT and refers the Court to the documents in question, the terms of which speak for themselves.

148. Denies each and every allegation contained in the paragraph designated “148” of the Complaint, except admits the existence of a contract between Seay-Reynolds and NEXT and refers the Court to the documents in question, the terms of which speak for themselves.

149. Denies each and every allegation contained in the paragraph designated as “149” of the Complaint, except admits that Seay-Reynolds had modeling opportunities in most of the major fashion capitals including New York, London, Milan, and Paris.

150. Denies each and every allegation contained in paragraph designated “150” of the Complaint.

151. Denies each and every allegation contained in paragraph designated “151” of the Complaint.

152. Denies each and every allegation contained in paragraph designated “152” of the Complaint.

153. Denies each and every allegation contained in paragraph designated “153” of the Complaint.

154. Denies each and every allegation contained in paragraph designated “154” of the Complaint.

155. Denies each and every allegation contained in paragraph designated “155” of the Complaint.

156. Denies each and every allegation contained in paragraph designated “156” of the Complaint.

157. Denies each and every allegation contained in paragraph designated “157” of the Complaint.

158. Denies each and every allegation contained in paragraph designated “158” of the Complaint.

159. Denies each and every allegation contained in paragraph designated “159” of the Complaint.

160. Denies each and every allegation contained in paragraph designated “160” of the Complaint.

161. Denies each and every allegation contained in paragraph designated “161” of the Complaint.

162. Denies each and every allegation contained in paragraph designated “162” of the Complaint.

**EQUITABLE TOLLING, FRAUDULENT CONCEALMENT, AND CONTINUING VIOLATIONS**

163. Denies each and every allegation contained in paragraph designated “163” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “163” with respect to the remaining defendants.

164. Denies each and every allegation contained in paragraph designated “164” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “164” with respect to the remaining defendants.

165. Denies each and every allegation contained in paragraph designated “165” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “165” with respect to the remaining defendants.

166. Denies each and every allegation contained in paragraph designated “166” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “166” with respect to the remaining defendants.

167. Denies each and every allegation contained in paragraph designated “167” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “167” with respect to the remaining defendants.

**FIRST CAUSE OF ACTION**  
**(Failure to Pay a Minimum Wage, New York Labor Law Article 19)**

168. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “167” of the Complaint as if fully set forth herein, as the response to the paragraph designated “168” of the Complaint.

169. Denies each and every allegation contained in paragraph designated “169” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

170. Denies each and every allegation contained in paragraph designated “170” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

171. Denies each and every allegation contained in paragraph designated “171” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

172. Denies each and every allegation contained in paragraph designated “172” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*,

Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

173. Denies each and every allegation contained in paragraph designated “173” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

174. Denies each and every allegation contained in paragraph designated “174” of the Complaint and represents that the Plaintiff’s First Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**SECOND CAUSE OF ACTION**  
**(Failure to Pay Wages Due, New York Labor Law, Article Six)**

175. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “174” of the Complaint as if fully set forth herein, as the response to the paragraph designated “175” of the Complaint.

176. Denies each and every allegation contained in paragraph designated “176” of the Complaint and represents that the Plaintiff’s Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

177. Denies each and every allegation contained in paragraph designated “177” of the

Complaint and represents that the Plaintiff's Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

178. Denies each and every allegation contained in paragraph designated "178" of the Complaint and represents that the Plaintiff's Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

179. Denies each and every allegation contained in paragraph designated "179" of the Complaint and represents that the Plaintiff's Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

180. Denies each and every allegation contained in paragraph designated "180" of the Complaint and represents that the Plaintiff's Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

181. Denies each and every allegation contained in paragraph designated "181" of the Complaint and represents that the Plaintiff's Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*,

Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

182. Denies each and every allegation contained in paragraph designated “182” of the Complaint and represents that the Plaintiff’s Second Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**THIRD CAUSE OF ACTION**  
**(Unlawful Wage Deductions in Violation of NYLL Section 193)**

183. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “182” of the Complaint as if fully set forth herein, as the response to the paragraph designated “183” of the Complaint.

184. Denies each and every allegation in paragraph designated “184” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “184” with respect to the remaining defendants.

185. Denies each and every allegation in paragraph designated “185” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “185” with respect to the remaining defendants.

186. Denies each and every allegation in paragraph designated “186” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “186” with respect to the remaining defendants.

187. Denies each and every allegation in paragraph designated “187” of the Complaint

as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “187” with respect to the remaining defendants.

188. Denies each and every allegation in paragraph designated “188” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “188” with respect to the remaining defendants.

189. Denies each and every allegation in paragraph designated “189” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “189” with respect to the remaining defendants.

190. Denies each and every allegation in paragraph designated “190” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “190” with respect to the remaining defendants.

191. Denies each and every allegation in paragraph designated “191” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “191” with respect to the remaining defendants.

192. Denies each and every allegation in paragraph designated “192” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “192” with respect to the remaining defendants.

193. Denies each and every allegation in paragraph designated “193” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “193” with respect to the remaining defendants.

194. Denies each and every allegation in paragraph designated “194” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “194” with respect to the remaining defendants.

195. Denies each and every allegation in paragraph designated “195” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “195” with respect to the remaining defendants.

**FOURTH CAUSE OF ACTION**  
**(Failure to Maintain Accurate Records in Violation of NYLL Section 195(4))**

196. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “195” of the Complaint as if fully set forth herein, as the response to the paragraph designated “196” of the Complaint.

197. Denies each and every allegation contained in paragraph designated “197” of the Complaint and represents that the Plaintiff’s Fourth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

198. Denies each and every allegation contained in paragraph designated “198” of the Complaint and represents that the Plaintiff’s Fourth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

199. Denies each and every allegation contained in paragraph designated “199” of the Complaint and represents that the Plaintiff’s Fourth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

200. Denies each and every allegation contained in paragraph designated “200” of the

Complaint and represents that the Plaintiff's Fourth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

201. Denies each and every allegation contained in paragraph designated "201" of the Complaint and represents that the Plaintiff's Fourth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**FIFTH CAUSE OF ACTION**

**(Failure to Furnish Accurate Wage Statements and Explanations Thereof, in Violation of NYLL section 195(3))**

202. Repeats, reiterates and realleges each and every response to paragraphs designated "1" through "201" of the Complaint as if fully set forth herein, as the response to the paragraph designated "202" of the Complaint.

203. Denies each and every allegation contained in paragraph designated "203" of the Complaint as it relates to Defendant NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "203" with respect to the remaining defendants.

204. Denies each and every allegation contained in paragraph designated "204" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "204" with respect to the remaining defendants.

205. Denies each and every allegation contained in paragraph designated "205" of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph "205" with respect to the remaining defendants.

206. Denies each and every allegation contained in paragraph designated “206” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “206” with respect to the remaining defendants.

207. Denies each and every allegation contained in paragraph designated “207” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “207” with respect to the remaining defendants.

208. Denies each and every allegation contained in paragraph designated “208” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “208” with respect to the remaining defendants.

209. Denies each and every allegation contained in paragraph designated “209” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “209” with respect to the remaining defendants.

210. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph designated “210” of the Complaint as it relates to NEXT and denies knowledge or information sufficient to form a belief as to the allegations in paragraph “210” with respect to the remaining defendant.

**SIXTH CAUSE OF ACTION**  
**(Conversion)**

211. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “210” of the Complaint as if fully set forth herein, as the response to the paragraph designated “211” of the Complaint.

212. Denies each and every allegation contained in paragraph designated “212” of the Complaint and represents that the Plaintiff’s Sixth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*,

Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

213. Denies each and every allegation contained in paragraph designated “213” of the Complaint and represents that the Plaintiff’s Sixth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**SEVENTH CAUSE OF ACTION**  
**(IN THE ALTERNATIVE TO THE LABOR LAW CLAIMS AND THE CLAIM FOR**  
**BREACH OF CONTRACT)**  
**(Breach of the Covenant of Good Faith and Fair Dealing)**

214. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “213” of the Complaint as if fully set forth herein, as the response to the paragraph designated “214” of the Complaint.

215. Denies each and every allegation contained in paragraph designated “215” of the Complaint and represents that the Plaintiff’s Seventh Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

216. Denies each and every allegation contained in paragraph designated “216” of the Complaint and represents that the Plaintiff’s Seventh Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

217. Denies each and every allegation contained in paragraph designated “217” of the

Complaint and represents that the Plaintiff's Seventh Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

218. Denies each and every allegation contained in paragraph designated "218" of the Complaint and represents that the Plaintiff's Seventh Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**EIGHTH CAUSE OF ACTION**  
**(IN THE ALTERNATIVE TO THE CLAIMS FOR CONVERSION, BREACH OF THE**  
**DUTY OF GOOD FAITH AND FAIR DEALING, AND UNJUST ENRICHMENT)**  
**(Breach of Contract)**

219. Repeats, reiterates and realleges each and every response to paragraphs designated "1" through "218" of the Complaint as if fully set forth herein, as the response to the paragraph designated "219" of the Complaint.

220. Denies each and every allegation contained in paragraph designated "220" of the Complaint and represents that the Plaintiff's Eighth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

221. Denies each and every allegation contained in paragraph designated "221" of the Complaint and represents that the Plaintiff's Eighth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*,

Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

222. Denies each and every allegation contained in paragraph designated “222” of the Complaint and represents that the Plaintiff’s Eighth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

223. Denies each and every allegation contained in paragraph designated “223” of the Complaint and represents that the Plaintiff’s Eighth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

224. Denies each and every allegation contained in paragraph designated “224” of the Complaint and represents that the Plaintiff’s Eighth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

**NINTH CAUSE OF ACTION**  
**(IN THE ALTERNATIVE TO THE CLAIM FOR BREACH OF CONTRACT)**  
**(Unjust Enrichment)**

225. Repeats, reiterates and realleges each and every response to paragraphs designated “1” through “225” of the Complaint as if fully set forth herein, as the response to the paragraph designated “225” of the Complaint.

226. Denies each and every allegation contained in paragraph designated “226” of the

Complaint and represents that the Plaintiff's Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

227. Denies each and every allegation contained in paragraph designated "227" of the Complaint and represents that the Plaintiff's Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

228. Denies each and every allegation contained in paragraph designated "228" of the Complaint and represents that the Plaintiff's Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

229. Denies each and every allegation contained in paragraph designated "229" of the Complaint and represents that the Plaintiff's Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

230. Denies each and every allegation contained in paragraph designated "230" of the Complaint and represents that the Plaintiff's Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*,

Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

231. Denies each and every allegation contained in paragraph designated “231” of the Complaint and represents that the Plaintiff’s Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

232. Denies each and every allegation contained in paragraph designated “232” of the Complaint and represents that the Plaintiff’s Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

233. Denies each and every allegation contained in paragraph designated “233” of the Complaint and represents that the Plaintiff’s Ninth Cause of Action has been dismissed pursuant to the Decision and Order of this Court dated May 25, 2017 [*Shanklin, et al. v. Wilhelmina, et al.*, Index No. 653702/2013, NYSCEF Doc. #563], which was affirmed by the Appellate Division, First Department on May 24, 2018.

### **AFFIRMATIVE DEFENSES**

#### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

The Fourth Amended Complaint fails to state a claim upon which relief can be granted against Next.

#### **AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Plaintiffs’ claims against Next are barred, in whole or in part, by the Statute of Frauds.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by the existence, terms and conditions of express contractual agreements between Plaintiffs and Next.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground and to the extent that Next has fully performed its obligations.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by the doctrine of unclean hands and/or estoppel.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by the doctrines of waiver, laches, estoppel, ratification and/or acquiescence.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by their failure to mitigate any alleged damages.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by applicable statutes of limitations.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, because Plaintiffs have not suffered any harm from Defendant's alleged conduct.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by one or more prior settlements and/or the doctrines of payment, release, or accord and satisfaction.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, by failure of one or more conditions precedent and/or Plaintiffs' failure to comply with or perform their respective contractual, legal or other obligations.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that each of the Plaintiffs lack standing to sue individually and/or as representative of the purported class described in the Fourth Amended Complaint.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, for failure to satisfy the statutory prerequisites to maintenance of a class action under Article 9 of the CPLR, including, without limitation, the requirements of CPLR sections 901 and 902.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that the purported class is not so numerous that joinder of all members is impracticable.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that there are no questions of law or fact that are common to the purported class which predominate over any questions that affect only individual members.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that the claims and defenses of the purported representative Plaintiffs are not typical of the claims or defenses of the purported class.

**AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that a class action is not superior to other available methods for the fair and efficient adjudication of the controversy.

**AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, on the ground that the purported class representatives will not fairly and adequately protect the interests of the purported class.

**AS AND FOR A NINETEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against Next are barred, in whole or in part, to the extent that plaintiffs are contractually or legally required to resolve their claims through alternative dispute resolution, including mediation and/or arbitration.

**WHEREFORE**, Defendant, NEXT MANAGEMENT, LLC demands judgment dismissing the Fourth Amended Complaint, together with attorneys' fees, costs, disbursements and interest, along with such other and further relief as the Court may deem just and proper.

Dated: August 22, 2024

Yours, etc.

FEINBERG D'AVANZO & GASBARRO, LLP



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**TO: ALL PARTIES VIA NYSCEF**

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