

Ira S. Lipsius (IL5704)  
Glenn Kramer (GK6708)  
SCHINDEL, FARMAN, LIPSIUS  
GARDNER & RABINOVICH LLP  
14 Penn Plaza, Suite 500  
New York, NY 10122  
(212) 563-1710  
*Attorneys for Defendant John J. Jerue  
Transportation, Inc. s/h/a John J. Jerue Transportation,  
Inc. dba John J. Jerue Transportation*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
In re: Quebecor World (USA) Inc., et al.,

Debtors.

-----  
Eugene I. Davis, as Litigation Trustee for the  
Quebecor World Litigation Trust,

Plaintiff,

vs.

John J. Jerue Transportation, Inc. dba John J Jerue  
Transportation

Defendants  
-----

Bankruptcy Case No.: 08-10152-JMP  
Chapter 11  
Honorable James M. Peck  
Adv No.

**ANSWER TO COMPLAINT TO AVOID AND RECOVER TRANSFERS PURSUANT  
TO 11 U.S.C. §§ 547, 548, 549 AND 502 AND RECOVER PROPERTY TRANSFERRED  
PURSUANT TO 11 U.S.C. §550**

John J. Jerue Transportation, Inc. s/h/a John J. Jerue Transportation, Inc. dba John J.  
Jerue Transportation, (“Defendant”) by its undersigned attorneys, in response to the Complaint  
filed by Eugene I. Davis as Litigation Trustee for the Quebecor World Litigation Trust  
 (“Plaintiff”) hereby responds upon information and belief:

## **NATURE OF CASE**

1. Defers to the Court for any legal conclusions alleged in paragraph 1 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 1 of the Complaint.

## **JURISDICTION**

2. Defers to the Court for any legal conclusions alleged in paragraph 2 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 2 of the Complaint.

3. Defers to the Court for any legal conclusions alleged in paragraph 3 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 3 of the Complaint.

4. Defers to the Court for any legal conclusions alleged in paragraph 4 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 4 of the Complaint.

## **BACKGROUND**

5. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 7 of the Complaint, except admits only that Defendant is incorporated in the State of Florida with a principal place of business in the State of Florida.

**CLAIMS FOR RELIEF**

**COUNT I**

**(Avoidance of Preference Transfers – 11 U.S.C. § 547)**

8. Repeats, reiterates and realleges each and every response to paragraphs 1 through 7 hereof as though fully set forth herein.

9. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 10 of the Complaint

11. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 11 of the Complaint, except admits only that a document is attached as Exhibit A.

12. Defers to the Court for any legal conclusions alleged in paragraph 12 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 12 of the Complaint.

13. Defers to the Court for any legal conclusions alleged in paragraph 13 of the Complaint. To the extent further response is required, Defendant denies knowledge or

information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 13 of the Complaint.

14. Defers to the Court for any legal conclusions alleged in paragraph 14 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 14 of the Complaint.

15. Denies the truth of each and every allegation contained in paragraph 15 of the Complaint.

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

17. Defers to the Court for any legal conclusions alleged in paragraph 17 of the Complaint. To the extent further response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 17 of the Complaint.

18. Denies the truth of each and every allegation contained in paragraph 18 of the Complaint.

## **COUNT II**

### **(To Avoid Fraudulent Conveyances Pursuant to 11 U.S.C. § 548(a)(1)(B))**

19. Repeats, reiterates and realleges each and every response to paragraphs 1 through 18 hereof as though fully set forth herein.

20. Defers to the Court for any legal conclusions alleged in paragraph 20 of the Complaint. To the extent further response is required, Defendant denies knowledge or

information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 20 of the Complaint.

21. Denies the truth of each and every allegation contained in paragraph 21 of the Complaint.

### **COUNT III**

#### **(To Recover Post Petition Transfers Pursuant to 11 U.S.C. § 549)**

22. Repeats, reiterates and realleges its responses to paragraphs 1 through 21 hereof as though fully set forth herein.

23. Denies the truth of each and every allegation contained in paragraph 23 of the Complaint.

### **COUNT IV**

#### **(Recovery of Avoided Transfers – 11 U.S.C. § 550)**

24. Repeats, reiterates and realleges its responses to paragraphs 1 through 23 hereof as though fully set forth herein.

25. Defers to the Court for any legal conclusions alleged in paragraph 25 of the Complaint. To the extent further response is required, Defendant denies each and every allegation contained in paragraph 25 of the Complaint.

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

27. Denies the truth of each and every allegation contained in paragraph 27 of the Complaint.

**COUNT V**

**(Disallowance of all Claims – 11 U.S.C. § 502(d) and (j))**

28. Repeats, reiterates and realleges its responses to paragraphs 1 through 27 hereof as though fully set forth herein.

29. Defers to the Court for any legal conclusions alleged in paragraph 29 of the Complaint. To the extent further response is required, Defendant denies the truth of each and every allegation contained in paragraph 29 of the Complaint.

30. Denies the truth of each and every allegation contained in paragraph 30 of the Complaint.

31. Defers to the Court for any legal conclusions alleged in paragraph 31 of the Complaint. To the extent further response is required, Defendant denies the truth of each and every allegation contained in paragraph 31 of the Complaint.

32. Defers to the Court for any legal conclusions alleged in paragraph 32 of the Complaint. To the extent further response is required, Defendant denies the truth of each and every allegation contained in paragraph 32 of the Complaint.

33. Denies the truth of each and every allegation contained in paragraph 33 of the Complaint.

**GENERAL PROVISION**

34. Any and all allegations not specifically admitted herein are denied.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

35. Plaintiff has failed to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

36. Any transfer referenced in the Complaint was made in a contemporaneous exchange of new value to the debtor. 11 U.S.C. § 547(c)(2).

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

37. Any transfer referenced in the Complaint was made before the creditor provided new value. 11 U.S.C. § 547(c)(4).

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

38. Defendant asserts any other applicable affirmative defense in 11 U.S.C. § 547(c).

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

39. This Court does not have personal jurisdiction over Defendant.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

40. This Court is not the proper venue for this action.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

41. This action should be dismissed or transferred under the doctrine of *Forum Non Conveniens*.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**





