

IN RE ASBESTOS LITIGATION

ASB-FBT-CV-23-6120092-S

_____)	
CONRAD JOHNS and ELIZABETH JOHNS)	
)	SUPERIOR COURT
Plaintiffs)	
)	JUDICIAL DISTRICT
v.)	OF FAIRFIELD
)	
ALFA LAVAL, INC., et al.)	AT BRIDGEPORT
)	
Defendants)	February 2, 2023
_____)	

**ANSWER, SPECIAL DEFENSES, AND CROSS-CLAIM OF
DEFENDANT EATON CORPORATION,
AS SUCCESSOR-IN-INTEREST TO CUTLER-HAMMER, INC.
(IMPROPERLY NAMED AS “EATON CORPORATION, INDIVIDUALLY AND AS
SUCCESSOR TO CUTLER HAMMER AND VICKERS PUMP”)**

Defendant Eaton Corporation, as successor-in-interest to Cutler-Hammer, Inc. (improperly named as “Eaton Corporation, individually and as successor to Cutler Hammer and Vickers Pump”) (hereinafter “Eaton” or “Defendant”) hereby responds to Plaintiffs’ Complaint as follows:

**COUNT I
(Product liability against all defendants)**

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint, and accordingly, leaves Plaintiff to his proofs.

2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint, and accordingly, leaves Plaintiff to her proofs.

3. Except to admit that Defendant has conducted business in the State of Connecticut, Defendant denies the remaining allegations of Paragraph 3 of Plaintiffs' Complaint to the extent they are directed towards it.

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint, and accordingly, leaves Plaintiffs to their proofs.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint, and accordingly, leaves Plaintiff to his proofs.

6-23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs that are not directed towards it. Defendant denies the allegations that are indeed directed towards it. Further, to the extent that these allegations call for a conclusion of law, no response is required and Defendant refers them to the Court.

COUNT II
(Recklessness as to all Defendants)

1-23. Defendant repeats and realleges each and every response to Paragraphs 1 through 23 of the Complaint as if more fully set forth herein.

24-28. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs that are not directed towards it. Defendant denies the allegations that are indeed directed towards it. Further, to the extent that these allegations call for a conclusion of law, no response is required and Defendant refers them to the Court.

COUNT III
(As to Plaintiff Elizabeth Johns and all Defendants)

1-28. Defendant repeats and realleges each and every response to Paragraphs 1 through 28 of the Complaint as if fully set forth herein.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs that are not directed towards it. Defendant denies the allegations that are indeed directed towards it. Further, to the extent that these allegations call for a conclusion of law, no response is required and Defendant refers them to the Court.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

The answering Defendant is free of any and all negligence.

SECOND SEPARATE DEFENSE

The answering Defendant neither owes nor owed a legal duty of care to the Plaintiffs.

THIRD SEPARATE DEFENSE

With respect to the Plaintiffs' claim of a duty owed, the answering Defendant denies breaching any duty which it may have owed to the Plaintiffs.

FOURTH SEPARATE DEFENSE

None of the alleged injury or damage was foreseeable at the time of the acts or omissions complained of in the Plaintiffs' Complaint.

FIFTH SEPARATE DEFENSE

Any damage or injury that may have been suffered by the Plaintiffs was not proximately caused by the conduct of the answering Defendant.

SIXTH SEPARATE DEFENSE

No acts or omissions of the answering Defendant proximately caused any damages.

SEVENTH SEPARATE DEFENSE

The doctrine of strict liability in tort does not apply to the answering Defendant.

EIGHTH SEPARATE DEFENSE

The answering Defendant never manufactured, sold, or distributed any asbestos-containing material which caused the Plaintiff's exposure to asbestos.

NINTH SEPARATE DEFENSE

The answering Defendant had no knowledge or reason to know of any alleged risks associated with asbestos and/or asbestos-containing products at any time during the periods complained of.

TENTH SEPARATE DEFENSE

At all times material hereto, the state of the medical and industrial art was such that there was no generally accepted or recognized knowledge of any avoidable, unsafe, inherently dangerous, or hazardous character or nature of products containing asbestos when used in the manner and purpose described by the Plaintiff and, therefore, there was no duty for the answering Defendant to know of any such character or nature or to warn the Plaintiff or others similarly situated.

ELEVENTH SEPARATE DEFENSE

To the extent that the answering Defendant conformed to the scientific knowledge and research data available through the industry and scientific community, the answering Defendant has fulfilled its obligations, if any, herein and the Plaintiffs' claims should be barred, in whole or in part.

TWELFTH SEPARATE DEFENSE

The answering Defendant complied with the state-of-the-art and is, therefore, immune from suit.

THIRTEENTH SEPARATE DEFENSE

Exposure to asbestos fibers attributable to the answering Defendant is so minimal so as to be insufficient to establish to a reasonable degree of probability that the products are capable of causing injury or damages and must be considered speculative as a matter of law.

FOURTEENTH SEPARATE DEFENSE

Any asbestos or asbestos-containing products which the answering Defendant may have supplied were de minimis in light of the total sales by all sources and, therefore, the Plaintiffs fail to state a claim against the answering Defendant.

FIFTEENTH SEPARATE DEFENSE

At all times relevant to this litigation, the agents, servants and/or employees of the answering Defendant utilized proper methods in the conduct of their operations, in conformity with the available knowledge and research of the scientific and industrial communities.

SIXTEENTH SEPARATE DEFENSE

Finished asbestos-containing products are not unreasonably dangerous as a matter of law.

SEVENTEENTH SEPARATE DEFENSE

The answering Defendant purchased or obtained a product from a reputable manufacturer, and any defect therein was latent and not ascertainable by or upon a reasonable inspection.

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