

FBT-CV23-6120092-S	:	SUPERIOR COURT
	:	
CONRAD JOHNS and	:	
ELIZABETH JOHNS	:	J.D. FAIRFIELD
	:	AT BRIDGEPORT
Plaintiffs,	:	
	:	
v.	:	
	:	MAY 23, 2023
ALFA LAVAL, INC., et al.	:	
	:	
Defendants.	:	
	:	

WARD LEONARD CT LLC’S ANSWER TO THIRD AMENDED COMPLAINT

The Defendant, Ward Leonard CT LLC, (incorrectly named as WARD LEONARD ELECTRIC COMPANY, INC.) (“WARD LEONARD”), hereby responds to Plaintiffs’ Third Amended Complaint (#140), upon information and belief as follows:

COUNT I

1. WARD LEONARD is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 1 of Plaintiffs’ Complaint, and therefore leaves the Plaintiffs to their burden of proof.
2. WARD LEONARD is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 of Plaintiffs’ Complaint, and therefore leaves the Plaintiffs to their burden of proof.
3. Insofar as the allegations of Paragraph 3 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3.
4. WARD LEONARD is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 4 of Plaintiffs’ Complaint, and therefore leaves the Plaintiffs to their burden of proof.
5. Insofar as the allegations of Paragraph 5 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge and information sufficient to form a belief as to the remaining allegations of Paragraph 5.

6. Insofar as the allegations of Paragraph 6 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6.
7. Insofar as the allegations of Paragraph 7 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7.
8. Insofar as the allegations of Paragraph 8 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge and information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8.
9. Insofar as the allegations of Paragraph 9 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 9.
10. Insofar as the allegations of Paragraph 10 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 10.
11. Insofar as the allegations of Paragraph 11 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11.
12. Insofar as the allegations of Paragraph 12 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 12.
13. Insofar as the allegations of Paragraph 13 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13.
14. Insofar as the allegations of Paragraph 14 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14.
15. Insofar as the allegations of Paragraph 15 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 15.
- 16 a.–d. Insofar as the allegations of Paragraphs 16 a-d relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraphs 16 a–d.

17. Insofar as the allegations of Paragraph 17 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 17.

18. Insofar as the allegations of Paragraph 18 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 18.

19. Insofar as the allegations of Paragraph 19 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 19.

20. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20.

21. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21.

22. Paragraph 22 contains conclusions of law to which no response is required. Insofar as Paragraph 22 contains any factual allegations relating to WARD LEONARD, they are denied.

23. Paragraph 23 contains conclusions of law to which no response is required. Insofar as Paragraph 23 contains any factual allegations relating to WARD LEONARD, they are denied.

COUNT II

1.-23. WARD LEONARD repeats and reiterates its responses to above Paragraphs 1 through 23 herein, with the same force and effect as though set forth at length.

24. Insofar as the allegations of Paragraph 24 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 24.

25. Insofar as the allegations of Paragraph 25 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 25.

26. Insofar as the allegations of Paragraph 26 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 26.

27. Insofar as the allegations of Paragraph 27 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 27.

28. Paragraph 28 contains conclusions of law to which no response is required. Insofar as Paragraph 28 contains any factual allegations relating to WARD LEONARD, they are denied.

COUNT III

1.-28. WARD LEONARD repeats and reiterates its responses to above Paragraphs 1 through 28 herein, with the same force and effect as though set forth at length.

29. Insofar as the allegations of Paragraph 29 relate to WARD LEONARD, they are denied. WARD LEONARD is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 29.

SPECIAL DEFENSES

FIRST DEFENSE

WARD LEONARD avers that the Complaint is barred by the applicable Statutes of Limitation and Repose set forth in Connecticut General Statute 52-577a.

SECOND DEFENSE

The Plaintiffs' claims are barred or limited by comparative or contributory negligence.

THIRD DEFENSE

The damages allegedly incurred by Plaintiff-worker were the result of intervening and/or superseding acts or omissions of parties over whom WARD LEONARD had no control and for whose conduct WARD LEONARD bears no responsibility.

FOURTH DEFENSE

At all times relevant hereto, the knowledge of Plaintiff-worker's employer(s) was superior to that of WARD LEONARD with respect to possible health hazards associated with Plaintiff-worker's employment, and, therefore, if there was any duty to warn Plaintiff or provide protection to him, it was the duty of said employer(s), not of WARD LEONARD, and breach of that duty was an intervening and/or superseding cause of the injuries allegedly sustained by Plaintiff.

FIFTH DEFENSE

In the event that it is shown that Plaintiff-worker used any product or material, as alleged in the Complaint, which gave rise to the injuries as set forth therein, the same was misused, abused, modified, altered or subjected to abnormal use.

SIXTH DEFENSE

Plaintiff-worker and his employer(s) were sophisticated users of products allegedly containing asbestos and had adequate knowledge of the dangers and risks associated with using or working around asbestos.

SEVENTH DEFENSE

The claims in the Complaint and each count thereof that seek exemplary or punitive damages violate WARD LEONARD's right to procedural due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Sections 1, 8 and 10, and all other applicable provisions of the Constitution of the State of Connecticut.

EIGHTH DEFENSE

The claims in the Complaint and each count thereof that seek exemplary or punitive damages violate WARD LEONARD's right to equal protection under the law and are otherwise unconstitutional under the Fourteenth Amendment of the United States Constitution and Article I, Section 1, and all other applicable provisions of the Constitution of the State of Connecticut.

NINTH DEFENSE

This claims in the Complaint and each count thereof that seek exemplary or punitive damages violate WARD LEONARD's right to protection from "excessive fines" as provided in Article I, Section 8 of the Constitution of the State of Connecticut.

TENTH DEFENSE

This action is barred under the Doctrine of Laches.

ELEVENTH DEFENSE

WARD LEONARD states that the utility of the products manufactured by WARD LEONARD outweighs the danger allegedly involved, and therefore Plaintiffs' claims are barred as a matter of public policy.

TWELFTH DEFENSE

With respect to the Plaintiffs' claim for alleged breaches of warranty, WARD LEONARD avers that such claims are barred by reason of lack of the Plaintiffs' failure to give reasonable notice of the alleged breaches as required by law, pursuant to Connecticut General Statute 42a-2-607.

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