

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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TROY SHANE SMITH and ALLYSON JANE SMITH,

Index No: 814633/2023

Plaintiff(s),

-against-

84 LUMBER COMPANY, et al.,

Defendants.

**GENERAL ELECTRIC
COMPANY'S VERIFIED
ANSWER TO PLAINTIFFS'
VERIFIED COMPLAINT,
AFFIRMATIVE DEFENSES,
CROSS-CLAIMS, AND ANSWER
TO CROSS-CLAIMS**

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COUNSELORS:

PLEASE TAKE NOTICE that Defendant GENERAL ELECTRIC COMPANY, (hereinafter "GE"), "by its attorneys, Tanenbaum Keale LLP, hereby answers Plaintiffs' Verified Complaint (hereinafter "Complaint") as follows:

THE PARTIES

1. GE denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 3 of Plaintiffs' Complaint and leaves the Plaintiffs to their proofs.
2. The statements contained in paragraph 4 of Plaintiffs' Complaint do not require any admissions or denials as said statements merely define "Defendants" as used within the context of Plaintiffs' Complaint.
3. GE, other than admitting that it is a New York Corporation, denies the remaining allegations contained in paragraphs 5 through 64 of Plaintiffs' Complaint to the extent they pertain to GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 5 through 64 of Plaintiffs' Complaint as they relate to any other defendant or third party in this action. GE also refers all conclusions of law contained in paragraphs 5 through 64 to the Court.

4. GE denies each and every allegation contained in paragraphs 65 through 69 of Plaintiffs' Complaint to the extent that such allegations are directed toward GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 65 through 69 of Plaintiffs' Complaint as they relate to any other defendant or third party in this action. GE also refers all conclusions of law contained in paragraphs through 65 through 69 to the Court.

**AS AND FOR A FIRST CAUSE OF ACTION SOUNDING IN NEGLIGENCE,
GE ANSWERS AS FOLLOWS:**

5. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 69 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 70 of Plaintiffs' Complaint.

6. GE denies the allegations contained in paragraphs 71 through 78 of Plaintiffs' Complaint, including their subparts, to the extent they pertain to GE and denies knowledge or information sufficient to form a belief as to the truth of the allegations to the extent they pertain to any other defendant in this action. GE also refers all conclusions of law contained in 71 through 78 to the Court.

**AS AND FOR A SECOND CAUSE OF ACTION SOUNDING IN BREACH
OF WARRANTY,
GE ANSWERS AS FOLLOWS**

7. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 78 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 79 f Plaintiffs' Complaint.

8. GE denies the allegations contained in paragraphs 80 through 83 of Plaintiffs' Complaint to the extent they pertain to GE and denies knowledge or information sufficient to form a belief as

to the truth of the allegations to the extent they pertain to any other defendant in this action. GE also refers all conclusions of law contained in paragraphs 80 through 83 to the Court.

**AS AND FOR A THIRD CAUSE OF ACTION SOUNDING IN STRICT
LIABILITY,
GE ANSWERS AS FOLLOWS:**

9. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 83 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 84 of Plaintiffs' Complaint.

10. GE denies the allegations contained in paragraphs 85 through 93 of Plaintiffs' Complaint to the extent they pertain to GE and denies knowledge or information sufficient to form a belief as to the truth of the allegations to the extent they pertain to any other defendant in this action. GE also refers all conclusions of law contained in paragraphs 85 through 93 to the Court.

**AS AND FOR A FOURTH CAUSE OF ACTION LABOR LAW VIOLATIONS,
GE ANSWERS AS FOLLOWS:**

11. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 93 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 94 of Plaintiffs' Complaint.

12. GE denies each and every allegation contained in paragraphs 95 through 112 of Plaintiffs' Complaint, including their subparts, to the extent that such allegations are directed toward GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 95 through 112 of Plaintiffs' Complaint as they relate to any other party or third party in this action. GE also refers all conclusions of law contained in paragraphs 95 through 112 to the Court.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT
METROPOLITAN LIFE INSURANCE COMPANY,
GE ANSWERS AS FOLLOWS:**

13. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 112 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 113 of Plaintiffs' Complaint.

14. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 114 through 120 of Plaintiffs' Complaint as they relate to defendant Metropolitan Life Insurance Company and leaves the Plaintiffs to their proofs.

**AS AND FOR A SIXTH CAUSE OF ACTION SOUNDING IN CONSPIRACY AND
COLLECTIVE LIABILITY/CONCERT OF ACTION,
GE ANSWERS AS FOLLOWS:**

15. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 120 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 121 of Plaintiffs' Complaint.

16. GE denies each and every allegation contained in paragraphs 122 through 136 of Plaintiffs' Complaint, including their subparts, to the extent that such allegations are directed toward GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 122 through 136 of Plaintiffs' Complaint as they relate to any other party or third party in this action. GE also refers all conclusions of law contained in paragraphs 122 through 136 to the Court.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST DEFENDANT
CONTRACTORS,
GE ANSWERS AS FOLLOWS:**

17. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 136 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 137 of Plaintiffs' Complaint.

18. The statements contained in paragraph 138 of Plaintiffs' Complaint do not require any admissions or denials as said statements merely define "contractor(s)" as used within the context of Plaintiffs' Complaint.

19. GE denies each and every allegation contained in paragraphs 139 through 150 of Plaintiffs' Complaint, including their subparts, to the extent that such allegations are directed toward GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 139 through 150 of Plaintiffs' Complaint as they relate to any other party or third party in this action. GE also refers all conclusions of law contained in paragraphs 139 through 150 to the Court.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR PREMISES LIABILITY
AGAINST CERTAIN DEFENDANTS,
GE ANSWERS AS FOLLOWS:**

20. GE repeats and reiterates each and every answer to each and every allegation contained in paragraphs 1 through 150 of Plaintiffs' Complaint with the same force and effect as if fully set forth at length herein answer to paragraph 151 of Plaintiffs' Complaint.

21. GE denies each and every allegation contained in paragraphs 152 through 165 of Plaintiffs' Complaint to the extent that such allegations are directed toward GE. GE denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 152 through 165 of Plaintiffs' Complaint as they relate to any other party or third party in this action. GE also refers all conclusions of law contained in paragraphs 152 through 165 to the Court.

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