

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIETROY SHANE SMITH and ALLYSON JANE
SMITH,

Plaintiffs,

-against-

84 LUMBER COMPANY, et al;

Defendants.

Index No. 814633/2023

**EATON CORPORATION'S
VERIFIED ANSWER WITH
CROSS-CLAIMS**

Defendant Eaton Corporation (“Eaton”), incorrectly sued herein as “Eaton Corporation, Individually and now Known as Eaton Electrical, Inc and as Successor to The Vickers Pump Company and Cutler-Hammer, Inc and Waterbury Pump,” by its attorneys Darger Errante Yavitz & Blau LLP, for its Verified Answer with Cross-Claims (“Answer”) to the Verified Complaint (“Complaint”), filed by Plaintiffs Troy Shane Smith and Allyson Jane Smith (“Plaintiff” or collectively “Plaintiffs”), answer as follows:

THE PARTIES

1. Eaton denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 1 through 3 of the Complaint.
2. Paragraph 4 of Plaintiff’s Complaint contains no allegations to which a response is required; to the extent a response is required, Eaton denies the allegations as they pertain to Eaton and denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth and refers all questions of law to the Court.
3. Eaton denies the allegations contained in Paragraph 5 of the Complaint as they pertain to Eaton, except admits that Eaton has conducted business in the State of New York, and

denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

4. Eaton denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 6 through 26 as they pertain to other parties.

5. Except to admit that Eaton has conducted business in the State of New York, Eaton denies the allegations of Paragraph 27 of the Complaint.

6. Eaton denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 28 through 61 as they pertain to other parties.

7. Except to admit that Eaton has conducted business in the State of New York, Eaton denies the allegations of Paragraph 62 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

8. Eaton denies the allegations contained in Paragraphs 63 through 69 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

AS TO THE FIRST CAUSE OF ACTION

9. In response to Paragraph 70 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

10. Eaton denies the allegations contained in Paragraphs 71 through 78 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

AS TO THE SECOND CAUSE OF ACTION

11. In response to Paragraph 79 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

12. Eaton denies the allegations contained in Paragraphs 80 through 83 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

AS TO THE THIRD CAUSE OF ACTION

13. In response to Paragraph 84 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

14. Eaton denies the allegations contained in Paragraphs 85 through 93 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

AS TO THE FOURTH CAUSE OF ACTION

15. In response to Paragraph 94 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

16. Eaton denies the allegations contained in Paragraphs 95 through 112 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties and refers all questions of law to the Court.

AS TO THE FIFTH CAUSE OF ACTION

17. In response to Paragraph 113 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

18. Paragraphs 114 through 120 of Plaintiff's Complaint contain no allegations to which a response is required; to the extent a response is required, Eaton denies the allegations as they pertain to Eaton and denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth and refers all questions of law to the Court.

AS TO THE SIXTH CAUSE OF ACTION

19. In response to Paragraph 121 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

20. Eaton denies the allegations contained in Paragraphs 122 through 136 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

AS TO THE SEVENTH CAUSE OF ACTION

21. In response to Paragraph 137 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

22. Paragraph 138 of Plaintiff's Complaint contains no allegations to which a response is required; to the extent a response is required, Eaton denies the allegations as they pertain to Eaton and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties and refers all questions of law to the Court.

23. Eaton denies the allegations contained in Paragraphs 139 through 150 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a

belief as to the truth of the allegations as they pertain to other parties and refers all questions of law to the Court.

AS TO THE EIGHTH CAUSE OF ACTION

24. In response to Paragraph 151 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

25. Eaton denies the allegations contained in Paragraphs 152 through 166 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties and refers all questions of law to the Court.

AS TO THE NINTH CAUSE OF ACTION

26. In response to Paragraph 167 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

27. Eaton denies the allegations contained in Paragraphs 168 through 179 of the Complaint as they pertain to Eaton, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties and refers all questions of law to the Court.

AS TO THE TENTH CAUSE OF ACTION

28. In response to Paragraph 180 contained in Plaintiff's Complaint, Eaton repeats and reiterates each and every response to the prior allegations of this complaint as if alleged more fully below:

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Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

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Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

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