

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

Plaintiffs,

vs.

84 LUMBER COMPANY, et al.,

VERIFIED ANSWER

Defendants.
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**ANSWER TO PLAINTIFFS’ COMPLAINT AND AFFIRMATIVE DEFENSES OF
DEFENDANT YORK INTERNATIONAL CORPORATION**

Defendant York International Corporation, improperly named as “York International Corporation, Individually and as successor to Frick Company” (hereinafter referred to as “York” or “Defendant”), as its Answer to Plaintiffs’ Complaint (hereinafter referred to as the “Complaint”) and Affirmative Defenses, states as follows:

1–4. York is without knowledge or information to form a belief as to the truth of the allegations set forth in Paragraphs 1 through 4.

5. To the extent that Paragraph 5 contains allegations against York, York denies the allegations set forth in Paragraph 5. To the extent that Paragraph 5 contains allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities. Further, the allegation that York has conducted and/or transacted business in New York is a question of law to be adjudicated by this Court.

6–59. Paragraphs 6 through 59 make no allegation against York and therefore York makes no answer thereto.

60. To the extent that Paragraph 60 contains allegations against York, York denies the allegations set forth in Paragraph 60. To the extent that Paragraph 60 contains allegations against entities other than York, York is without knowledge or information to form a belief as to the truth of the allegations set forth against those entities. Further, the allegation that York has conducted and/or transacted business in New York is a question of law to be adjudicated by this Court.

61. To the extent that the allegations in Paragraph 61 are directed against York, York denies the allegations set forth in Paragraph 61. To the extent that Paragraph 61 contains allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities. Answering further, the allegation that York has conducted and/or transacted business in New York is a question of law to be adjudicated by this Court.

62–69. To the extent that the allegations in Paragraphs 62 through 69 are directed against York, York denies the allegations set forth in Paragraphs 62 through 69. To the extent that Paragraphs 62 through 69 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

AS AND FOR A FIRST CAUSE OF ACTION

70. York repeats each and every answer contained in Paragraphs 1 through 69 of this Answer herein with the same force and effect as if fully set forth herein.

71–78. To the extent that Paragraphs 71 through 78 contain allegations against York, York denies the allegations set forth in Paragraphs 71 through 78. To the extent that Paragraphs 71 through 78 contain allegations against entities other than York, York is without knowledge or

information sufficient to form a belief as to the truth of the allegations set forth against those entities.

AS AND FOR A SECOND CAUSE OF ACTION

79. York repeats each and every answer contained in Paragraphs 1 through 78 of this Answer herein with the same force and effect is as if fully set forth herein.

80–83. To the extent that Paragraphs 80 through 83 contain allegations against York, York denies the allegations set forth in Paragraphs 80 through 83. To the extent that Paragraphs 80 through 83 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

AS AND FOR A THIRD CAUSE OF ACTION

84. York repeats each and every answer contained in Paragraphs 1 through 83 of this Answer herein with the same force and effect is as if fully set forth herein.

85–93. To the extent that Paragraphs 85 through 93 contain allegations against York, York denies the allegations set forth in Paragraphs 85 through 93. To the extent that Paragraphs 85 through 93 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

AS AND FOR A FOURTH CAUSE OF ACTION

94. York repeats each and every answer contained in Paragraphs 1 through 93 of this Answer herein with the same force and effect is as if fully set forth herein.

95–103. To the extent that Paragraphs 95 through 103 contain allegations against York, York denies the allegations set forth in Paragraphs 95 through 103. To the extent that Paragraphs

95 through 103 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

104. To the extent that Paragraph 104 contains allegations against York, York denies the allegations set forth in Paragraph 104. To the extent that Paragraph 104 contains allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities. Answering further, the applications of the New York Labor Law (hereinafter referred to as the “Labor Law”) and New York Industrial Code (hereinafter referred to as the “Industrial Code”) are questions of law to be determined by this Court.

105–110. To the extent that Paragraphs 105 through 110 contain allegations against York, York denies the allegations set forth in Paragraphs 105 through 110. To the extent that Paragraphs 105 through 110 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

111. The allegations in Paragraph 111 are overly broad, vague, and lack foundation. Therefore, to the extent that Paragraph 111 contains allegations against York, York denies the allegations set forth in Paragraph 111. To the extent that Paragraph 111 contains allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

112. The application of the Industrial Code 23 1.7 (g) and its predecessor is a question of law to be determined by this Court; therefore York denies the allegations.

AS AND FOR A FIFTH CAUSE OF ACTION

113. York repeats each and every answer contained in Paragraphs 1 through 112 of this Answer herein with the same force and effect is as if fully set forth herein.

114–120. To the extent that Paragraphs 114 through 120 contain allegations against York, York denies the allegations set forth in Paragraphs 114 through 120. To the extent that Paragraphs 114 through 120 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

AS AND FOR A SIXTH CAUSE OF ACTION

121. York repeats each and every answer contained in Paragraphs 1 through 120 of this Answer herein with the same force and effect is as if fully set forth herein.

122–130. To the extent that Paragraphs 122 through 130 contain allegations against York, York denies the allegations set forth in Paragraphs 122 through 130. To the extent that Paragraphs 122 through 130 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

131. York denies the allegations in Paragraph 131.

132–136. To the extent that Paragraphs 132 through 136 contain allegations against York, York denies the allegations set forth in Paragraphs 132 through 136. To the extent that Paragraphs 132 through 136 contain allegations against entities other than York, York is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth against those entities.

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