

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

TROY SHANE SMITH and ALLYSON JANE SMITH,

Plaintiffs,

v.

84 LUMBER COMPANY, et al.,

Defendants.

Index No. 814633/2023

**VERIFIED ANSWER TO
PLAINTIFFS' VERIFIED
COMPLAINT, CROSS-
CLAIM AND ANSWER
TO CROSS-CLAIMS OF
ELECTROLUX HOME
PRODUCTS, INC.**

Defendant Electrolux Home Products Inc., sued incorrectly as “Electrolux Home Products, Inc., Individually and as Successor to Tappan and Copes Vulcan, Blaw-Knox Company, and White Consolidated Industries”, (hereinafter “Electrolux”), by its attorneys Leader Berkon Colao & Silverstein LLP, hereby acknowledges receipt and answers the Plaintiffs’ Verified Complaint, filed on November 14, 2023 (hereinafter the “Complaint”), and alleges, upon information and belief, as follows:

THE PARTIES

1. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 4 of the Complaint.
2. Electrolux denies the allegations contained in paragraph 5 of the Complaint insofar as they are directed at Electrolux, except admits that Electrolux has conducted and/or transacted business in the State of New York.
3. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6 through 27 of the Complaint.
4. Electrolux denies the allegations contained in paragraph 28 of the Complaint except admits that Electrolux is a duly organized foreign corporation that has done and/or transacted business in the State of New York.

5. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 29 through 61 of the Complaint.

6. Electrolux denies the allegations contained in paragraph 62 of the Complaint insofar as they are directed at Electrolux, except admits that Electrolux has conducted and/or transacted business in the State of New York.

7. Electrolux denies the truth of the allegations contained in paragraphs 63 through 69 (inclusive) of the Complaint insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs, and refers all questions of law to the Court.

AS TO THE FIRST CAUSE OF ACTION SOUNDING IN NEGLIGENCE

8. With regard to paragraph 70 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 69 of the Complaint as if more fully set forth herein.

9. Electrolux denies the truth of the allegations contained in paragraphs 71 through 78 of the Complaint, including all sub-parts, insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs.

AS TO THE SECOND CAUSE OF ACTION SOUNDING IN BREACH OF WARRANTY

10. With regard to paragraph 79 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 78 of the Complaint as if more fully set forth herein.

11. Electrolux denies the truth of the allegations contained in paragraphs 80 through 83 of the Complaint, insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs.

AS TO THE THIRD CAUSE OF ACTION SOUNDING IN STRICT LIABILITY

12. With regard to paragraph 84 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 83 of the Complaint as if more fully set forth herein.

13. Electrolux denies the truth of the allegations contained in paragraphs 85 through 93 of the Complaint, insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs.

AS TO THE FOURTH CAUSE OF ACTION
LABOR LAW VIOLATIONS

14. With regard to paragraph 94 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 93 of the Complaint as if more fully set forth herein.

15. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 95 through 112 (inclusive), including all sub-parts therein, as these allegations do not pertain to it.

AS TO THE FIFTH CAUSE OF ACTION AGAINST DEFENDANT METROPOLITAN LIFE
INSURANCE COMPANY

16. With regard to paragraph 113 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 112 of the Complaint as if more fully set forth herein.

17. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 114 through 120 (inclusive) of the Complaint, as these allegations do not pertain to it.

AS TO THE SIXTH CAUSE OF ACTION SOUNDING IN CONSPIRACY AND
COLLECTIVE LIABILITY/CONCERT OF ACTION

18. With regard to paragraph 121 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 120 of the Complaint as if more fully set forth herein.

19. Electrolux denies the truth of the allegations contained in paragraphs 122 through 136 of the Complaint, including all sub-parts, insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs.

AS TO THE SEVENTH CAUSE OF ACTION AGAINST DEFENDANT CONTRACTORS

20. With regard to paragraph 137 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 136 of the Complaint as if more fully set forth herein.

21. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 138 through 150 (inclusive) of the Complaint, as these allegations do not pertain to it.

AS TO THE EIGHTH CAUSE OF ACTION FOR PREMISES LIABILITY AGAINST
CERTAIN DEFENDANTS

22. With regard to paragraph 151 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 150 of the Complaint as if more fully set forth herein.

23. Electrolux denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 152 through 166 (inclusive), including all sub-parts therein, as these allegations do not pertain to it.

AS TO THE NINTH CAUSE OF ACTION JOINT AND SEVERAL LIABILITY

24. With regard to paragraph 167 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 166 of the Complaint as if more fully set forth herein.

25. Electrolux denies the truth of the allegations contained in paragraphs 168 through 179 of the Complaint insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs, and refers all questions of law to the Court.

AS TO THE TENTH CAUSE OF ACTION PUNITIVE DAMAGES

26. With regard to paragraph 180 of the Complaint, Electrolux repeats, reiterates and realleges each and every response as to paragraphs 1 through 179 of the Complaint as if more fully set forth herein.

27. Electrolux denies the truth of the allegations contained in paragraph 181 of the Complaint, insofar as they are directed at Electrolux, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs, and refers all questions of law to the Court.

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