

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,	:	G. DENVER AND CO., LLC'S
	:	VERIFIED ANSWER, INCLUDING
- against -	:	AFFIRMATIVE DEFENSES AND
	:	CROSS CLAIMS
	:	
84 LUMBER COMPANY, et al.	:	
	:	
Defendants.	:	
	:	
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Defendants G. DENVER AND CO., LLC, incorrectly named herein as GARDNER-DENVER NASH, LLC., Individually and as Successor to Nash Engineering Company and GARDNER-DENVER INC., Individually and as Successor to Nash Engineering Company, (hereinafter "Gardner Denver"), by its attorneys, Manning Gross + Massenburg LLP, for its Verified Answer to Plaintiff's Verified Complaint, states as follows:

1. Gardner Denver denies any knowledge or information to form a belief as to the allegations contained in paragraphs of the Verified Complaint numbered "1", "2" and "3" and begs leave to refer all questions of law to this honorable Court.

2. As "Defendants" refers to parties other than Gardner Denver, Gardner Denver denies any knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "4" and "5" of the Verified Complaint.

3. As "Defendants" refers to Gardner Denver, Gardner Denver denies the allegations contained in paragraph "4" and "5" of the Verified Complaint, except as to admit that Gardner Denver has "conducted or transacted business in" the State of New York, and begs leave to refer all questions of law to this honorable Court.

4. Gardner Denver denies any knowledge or information sufficient to form a belief as

“10”, “11”, “12”, “13”, “14”, “15”, “16”, “17”, “18”, “19”, “20”, “21”, “22”, “23”, “24”, “25”, “26”, “27”, “28”, “29”, “30”, “31”, “34”, “35”, “36”, “37”, “38”, “39”, “40”, “41”, “42”, “43”, “44”, “45”, “46”, “47”, “48”, “49”, “50”, “51”, “52”, “53”, “54”, “55”, “56”, “57”, “58”, “59”, and “60”.

5. Gardner Denver denies the allegations contained in paragraphs “32” and “33” of the Verified Complaint, except to admit that Gardner Denver is a duly organized domestic corporation that has transacted business in the State of New York, and begs leave to refer all questions of law to this honorable court.

6. As “Defendants” refers to parties other than Gardner Denver, Gardner Denver denies any knowledge or information sufficient to form a belief as to the allegations contained in paragraphs of the Verified Complaint numbered “61”, through “69”.

7. As “Defendants” refers to Gardner Denver, Gardner Denver denies the allegations contained in paragraphs of the Verified Complaint numbered “61”, through “69”, and begs leave to refer all questions of law to this honorable Court.

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

8. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “70” of the Verified Complaint.

9. Gardner Denver denies each and every allegation contained in paragraphs “71” through “78” of the Verified Complaint to the extent that such allegations are directed towards Gardner Denver, and begs leave to refer all questions of law to this honorable Court.

10. Gardner Denver is without knowledge or information sufficient to form a belief as

Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

AS AND FOR A SECOND CAUSE OF ACTION SOUNDING IN BREACH OF WARRANTY, GARDNER DENVER ANSWERS AS FOLLOWS:

11. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “79” of the Verified Complaint.

12. Gardner Denver denies each and every allegation contained in paragraphs “80” through “83” of the Verified Complaint to the extent that such allegations are directed towards Gardner Denver, and refers all questions of law to this honorable Court.

13. Gardner Denver is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “80” through “83” of the Verified Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

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

14. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “84” of the Verified Complaint.

15. Gardner Denver denies each and every allegation contained in paragraphs “85” through “93” of the Verified Complaint to the extent that such allegations are directed towards Gardner Denver, and refers all questions of law to this honorable Court.

16. Gardner Denver is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “85” through “93” of the Verified

Complaint as they relate to other defendants, and therefore denies them, and refers all questions of law to this honorable Court.

**AS AND FOR A FOURTH CAUSE OF ACTION [FOR] LABOR LAW VIOLATIONS,
GARDNER DENVER ANSWERS AS FOLLOWS:**

17. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “94” of the Verified Complaint.

18. Gardner Denver denies each and every allegation contained in paragraphs “95”, “96”, “98”, “99”, “100”, “101”, “102”, “103”, “104”, “105”, “106”, “107”, “108”, “109”, “110”, and “112” of the Verified Complaint to the extent that such allegations are directed towards Gardner Denver, and refers all questions of law to the Court.

19. Gardner Denver is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “95”, “96”, “98”, “99”, “100”, “101”, “102”, “103”, “104”, “105”, “106”, “107”, “108”, “109”, “110”, and “112” of the Verified Complaint as they relate to other defendants, and therefore denies them, and refers all questions of law to this honorable Court.

20. Gardner Denver denies any knowledge or information sufficient to form a belief as to the allegations contained in paragraphs “97” and “111” of the Verified Complaint, and therefore denies them, and refers all questions of law to this honorable Court.

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

21. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “113” of the Verified Complaint.

22. Gardner Denver denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “114” through “120” of the Verified Complaint as they relate to another defendant, and therefore denies them.

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

23. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “121” of the Complaint.

24. Gardner Denver denies each and every allegation contained in paragraphs “122”, “123”, “124”, “125”, “126”, “127”, “128”, “129”, “130”, “132”, “133”, “134”, “135”, and “136 of the Verified Complaint to the extent that such allegations are directed towards Gardner Denver, and refers all questions of law to the Court.

25. Gardner Denver is without knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs “122”, “123”, “124”, “125”, “126”, “127”, “128”, “129”, “130”, “132”, “133”, “134”, “135”, and “136 of the Verified Complaint as they relate to other defendants, and therefore denies them, and refers all questions of law to this honorable Court.

26. Gardner Denver denies each and every allegation contained in paragraph “131” of the Verified Complaint and begs leave to refer all questions of law to this honorable Court.

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

27. Repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraph “137” of the Complaint.

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