

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.,

Defendant(s).

**ANSWER OF HANSEN
PERMANENTE CEMENT, INC.
TO VERIFIED COMPLAINT**

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Defendant, Hansen Permanente Cement, Inc. ("Hansen Cement"), by its attorneys MARSHALL DENNEHEY P.C., as and for its Answer to the Verified Complaint of the Law Offices of Belluck & Fox, LLP, alleges as follows:

THE PARTIES

1. Defendant, Hansen Cement, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs "1" through "3" of the Verified Complaint.
2. Defendant, Hansen Cement, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of the Verified Complaint, which pertain to the other defendants.
3. Defendant, Hansen Cement, denies each and every allegation contained in paragraph "5" of the Verified Complaint, except admits that it has transacted business in New York State, and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants and respectfully refers all questions of law to the Honorable Court at the time of trial.
4. Defendant, Hansen Cement, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs "6" through "37" of the Verified Complaint, which pertain to the other defendants.

5. Defendant, Hansen Cement, denies each and every allegation contained in paragraph "38" of the Verified Complaint, except admits that it has transacted business in New York State, and respectfully refers all questions of law to the Honorable Court at the time of trial.
6. Defendant, Hansen Cement, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs "39" through "61" of the Verified Complaint, which pertain to the other defendants.
7. Defendant, Hansen Cement, denies each and every allegation contained in paragraphs "62" through "69" of the Verified Complaint, except admits that it has transacted business in New York State, and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE FIRST CAUSE OF ACTION

8. In response to paragraph "70" of the Verified Complaint, defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "69" of the Verified Complaint as though fully set forth at length herein.
9. Denies each and every allegation contained in paragraphs "71" through "78" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE SECOND CAUSE OF ACTION

10. In response to paragraph "79" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations in paragraphs "1" through "78" of the Verified Complaint as though fully set forth at length herein.

11. Denies each and every allegation contained in paragraphs "80" through "83" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE THIRD CAUSE OF ACTION

12. In response to paragraph "84" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "83" of the Verified Complaint as though fully set forth at length herein.
13. Denies each and every allegation contained in paragraphs "85" through "93" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE FOURTH CAUSE OF ACTION

14. In response to paragraph "94" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "93" of the Verified Complaint as though fully set forth at length herein.
15. Denies each and every allegation contained in paragraphs "95" and "96" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants and respectfully refers all questions of law to the Honorable Court at the time of trial.
16. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "97" of the Verified Complaint.

17. Denies each and every allegation contained in paragraphs "98" through "110" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.
18. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "111" of the Verified Complaint.
19. Denies each and every allegation contained in paragraph "112" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE FIFTH CAUSE OF ACTION

20. In response to paragraph "113" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "112" of the Verified Complaint as though fully set forth at length herein.
21. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs "114" through "120" of the Verified Complaint, which pertain to the other defendants.

AS TO THE SIXTH CAUSE OF ACTION

22. In response to paragraph "121" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "120" of the Verified Complaint as though fully set forth at length herein.
23. Denies each and every allegation contained in paragraphs "122" through "130" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth

of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

24. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "131" of the Verified Complaint.
25. Denies each and every allegation contained in paragraphs "132" through "136" of the Verified Complaint, except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

AS TO THE SEVENTH CAUSE OF ACTION

26. In response to paragraph "137" of the Verified Complaint, Defendant, Hansen Cement, repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "136" of the Verified Complaint as though fully set forth at length herein.
27. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "138" of the Verified Complaint.
28. Denies each and every allegation contained in paragraphs "139" through "144" of the Verified Complaint, except denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.
29. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "145" and "146" of the Verified Complaint.
30. Denies each and every allegation contained in paragraphs "147" through "150" of the Verified Complaint, except denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to other defendants, and respectfully refers all questions of law to the Honorable Court at the time of trial.

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