

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

**COOPER BUSSMANN'S  
VERIFIED ANSWER WITH  
CROSS-CLAIMS**

Defendant Cooper Bussmann, sued herein as “Cooper Bussmann, a Division of Cooper Industries” (“Cooper Bussmann” or “Defendant”), by its attorneys Darger Errante Yavitz & Blau LLP, for its Verified Answer with Cross-Claims (“Answer”) to the Complaint (“Complaint”) filed by Plaintiffs Troy Shane Smith and Allyson Jane Smith (“Plaintiff” or collectively “Plaintiffs”):

**THE PARTIES**

1. Denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 1 through 3 (inclusive) of the Complaint.
2. Paragraph 4 of Plaintiffs’ Complaint contains no allegations to which a response is required; to the extent a response is required, Cooper Bussmann denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth.
3. Denies the allegations contained in Paragraph 5 of the Complaint to the extent that they apply to Cooper Bussmann, except to admit that Cooper Bussmann has done 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. Denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 6 through 20 (inclusive) of the Complaint.

5. Denies the allegations contained in Paragraph 21 of the Complaint, except to admit that Cooper Bussmann has done business in the State of New York.

6. Denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 22 through 61 (inclusive) of the Complaint.

7. Denies the allegations contained in Paragraph 62 of the Complaint to the extent that they apply to Cooper Bussmann, except to admit that Cooper Bussmann has done 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.

8. Cooper Bussmann denies the allegations contained in Paragraphs 63 through 69 (inclusive) of the Complaint as they pertain to Cooper Bussmann 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

10. Cooper Bussmann denies the allegations contained in Paragraphs 71 through 78 (inclusive) of the Complaint, including all subparts therein, as they pertain to Cooper Bussmann, 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

12. Cooper Bussmann denies the allegations contained in Paragraphs 80 through 83 (inclusive) of the Complaint as they pertain to Cooper Bussmann 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

14. Cooper Bussmann denies the allegations contained in Paragraphs 85 through 93 (inclusive) of the Complaint as they pertain to Cooper Bussmann, 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

16. Cooper Bussmann denies the allegations contained in Paragraphs 95 through 112 (inclusive) of the Complaint, including all subparts therein, as they pertain to Cooper Bussmann, 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

18. Cooper Bussmann 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 and refers all questions of law to the Court.

**AS TO THE SIXTH CAUSE OF ACTION**

19. In response to Paragraph 121 contained in Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

20. Cooper Bussmann denies the allegations contained in Paragraphs 122 through 136 (inclusive) of the Complaint, including all subparts therein, as they pertain to Cooper Bussmann, 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

22. Paragraph 138 of Plaintiffs' Complaint contains no allegations to which a response is required; to the extent a response is required, Cooper Bussmann denies the allegations and denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth insofar as they pertain to other parties.

23. Cooper Bussmann denies the allegations contained in Paragraphs 139 through 150 (inclusive) of the Complaint as they pertain to Cooper Bussmann, 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 EIGHTH CAUSE OF ACTION**

24. In response to Paragraph 151 contained in Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

25. Cooper Bussmann denies the allegations contained in Paragraphs 152 through 166 (inclusive) of the Complaint as they pertain to Cooper Bussmann, 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 NINTH CAUSE OF ACTION**

26. In response to Paragraph 167 contained in Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

27. Cooper Bussmann denies the allegations contained in Paragraphs 168 through 179 (inclusive) of the Complaint as they pertain to Cooper Bussmann, 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 Plaintiffs' Complaint, Cooper Bussmann repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

29. Cooper Bussmann denies the allegations contained in Paragraph 181 of the Complaint as they pertain to Cooper Bussmann, and denies knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to other parties.

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