

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 INDUSTRIES,
LLC'S VERIFIED ANSWER
WITH CROSS-CLAIMS**

Defendant Cooper Industries, LLC, incorrectly sued herein as "Cooper Industries, Inc." ("Cooper Industries"), by its attorneys Darger Errante Yavitz & Blau LLP for its Verified Answer with Cross-Claims ("Answer") to the Verified Complaint ("Complaint") filed by Plaintiffs Troy Shane Smith and Allyson Jane Smith ("Plaintiff" or collectively "Plaintiffs"):

1. Denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 1 through 3 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 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, except to admit that Cooper Industries has done business in the State of New York.
4. Denies knowledge and information sufficient to form a belief with respect to the truth of all allegations contained in Paragraphs 6 through 21 of the Complaint.
5. Denies the allegations contained in Paragraph 22 of the Complaint, except to admit that Cooper Industries 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 23 through 61 of the Complaint.

7. Denies the allegations contained in Paragraph 62 of the Complaint, except to admit that Cooper Industries has done business in the State of New York.

8. Denies the allegations contained in Paragraphs 63 through 69 of the Complaint as they pertain to Cooper Industries, 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 Plaintiff's Complaint, Cooper Industries repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

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

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

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

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

18. Cooper Industries denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 114 through 120 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 Plaintiff's Complaint, Cooper Industries repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

20. Cooper Industries denies the allegations contained in Paragraphs 122 through 136, including all subparts therein, of the Complaint as they pertain to Cooper Industries, 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 Plaintiff's Complaint, Cooper Industries 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 denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth.

23. Cooper Industries denies the allegations contained in Paragraphs 139 through 150 of the Complaint as they pertain to Cooper Industries, 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 Plaintiff's Complaint, Cooper Industries repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

25. Cooper Industries denies the allegations contained in Paragraphs 152 through 166 of the Complaint as they pertain to Cooper Industries, 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 Plaintiff's Complaint, Cooper Industries repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

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

29. Cooper Industries denies the allegations contained in Paragraph 181 of the Complaint as they pertain to Cooper Industries, 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 ELEVENTH CAUSE OF ACTION

30. In response to Paragraph 182 contained in Plaintiff's Complaint, Cooper Industries repeats and reiterates each and every response contained hereinabove with the same force and effect as if hereinafter set forth at length.

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