

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE	Index No.: 814633/2023 VERIFIED ANSWER TO VERIFIED COMPLAINT
TROY SHANE SMITH and ALLYSON JANE SMITH, <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> 84 LUMBER COMPANY, et al., <p style="text-align: center;">Defendants,</p>	

Defendant, **NEW YORKER BOILER COMPANY, INC.**, by its attorneys The Cook Group, PLLC, answering Plaintiffs' Verified Complaint in this action, hereby states upon information and belief as follows:

THE PARTIES

1. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies any knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph "1" of the Plaintiffs' Verified Complaint and leaves Plaintiffs to their proofs.

2. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies any knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph "2" of the Plaintiffs' Verified Complaint and leaves Plaintiffs to their proofs.

3. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies any knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph "3" of the Plaintiffs' Verified Complaint and leaves Plaintiffs to their proofs.

4. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph "4" of the Plaintiffs' Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial,

and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

5. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies the allegations in Paragraph “5” related to the alleged commission of tortious acts and/or acts giving rise to injuries and losses and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations. **NEW YORKER BOILER COMPANY, INC.** denies knowledge or information sufficient to form a belief as to the truth of allegations contained in this paragraph pertaining to the remaining Defendants.

6. The allegations in Paragraphs “6” through “46,” inclusive, of the Plaintiffs’ Verified Complaint are directed to parties other than **NEW YORKER BOILER COMPANY, INC.** and no response is required. To the extent that any response is required, **NEW YORKER BOILER COMPANY, INC.**, denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs “6” through “46,” inclusive, of the Plaintiffs’ Verified Complaint.

7. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “47” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

8. The allegations in Paragraphs “48” through “60,” inclusive, of the Plaintiffs’ Verified Complaint are directed to parties other than **NEW YORKER BOILER COMPANY,**

INC. and no response is required. To the extent that any response is required, **NEW YORKER BOILER COMPANY, INC.**, denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs “48” through “60,” inclusive, of the Plaintiffs’ Verified Complaint.

9. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “61” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

10. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “62” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

11. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “63” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

12. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “64” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

13. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “65” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

14. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “66” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

15. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “67” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations

contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

16. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “68” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

17. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “69” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the aforesaid paragraph as it pertains to the remaining defendants in the Verified Complaint.

WHEREFORE, Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies it is liable for any damages, compensatory, punitive, or otherwise.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

18. Defendant, **NEW YORKER BOILER COMPANY, INC.**, repeats, reiterates, and re-alleges each and every answer heretofore made to Paragraphs “1” through “69,” inclusive, of Plaintiffs’ Verified Complaint as if set forth in full herein.

19. Defendant, **NEW YORKER BOILER COMPANY, INC.**, denies each and every allegation contained in Paragraph “71” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, and refers all questions of law to this Court for determination at time of trial, and denies any knowledge or information sufficient to form a belief as to the truth of the allegations

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