

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

TROY SHANE SMITH and ALLYSON JANE
SMITH,

Plaintiffs,

v.

84 LUMBER COMPANY, et al.,

Defendants.

Index No. : 814633/2023

Date Filed: November 14, 2023

Plaintiff designates

ERIE

County as the place of trial

The basis of the venue is

**DEFENDANTS' PLACE OF
BUSINESS**

See Attached Rider - FULL CAPTION

THIRD AMENDED SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorney within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York). In the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
May 6, 2024

Yours etc.,

BELLUCK & FOX, LLP

Attorneys for Plaintiff

546 Fifth Avenue, 5th Floor

New York, New York 10036

(212) 681-1575

By: /s/ Joseph W. Belluck, Esq.

Joseph W. Belluck, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

TROY SHANE SMITH and ALLYSON JANE
SMITH,

Index No. : 814633/2023

FULL CAPTION RIDER

Plaintiffs,

- against -

84 LUMBER COMPANY;
A.O. SMITH WATER PRODUCTS;
ABB, INC., formerly known as Brown Boveri;
AIR & LIQUID SYSTEMS CORPORATION, as
Successor by Merger to Buffalo Pumps, Inc.;
ALLEN-BRADLEY COMPANY, INC.,
Individually and as Successor to Rostone;
AMTROL, INC., Individually and as Successor to
Thrush Products, Inc.;
ARMSTRONG INTERNATIONAL, INC.;
ARMSTRONG PUMPS, INC.;
ATWOOD & MORRILL CO., INC. d/b/a Weir Valves
& Controls USA Inc.;
BLACKMER PUMP;
BW/IP INTERNATIONAL CO., formerly known as
Borg Warner Industrial Products Inc., a former
subsidiary of and successor to Borg Warner
Corp. and Byron Jackson Pumps;
CARRIER CORPORATION;
CATERPILLAR INC.;
CLARK RELIANCE CORPORATION, Individually
and as Successor to Jerguson;
CLEAVER BROOKS COMPANY f/k/a Aqua Chem,
Inc.;
CLEAVER BROOKS COMPANY f/k/a Aqua
Chem, Inc. and Davis Engineering;
COOPER BUSSMANN, a Division of Cooper
Industries;
COOPER INDUSTRIES, INC.;
CROWN BOILER CO.;
CUMMINS ENGINE COMPANY, INC.;
CUMMINS INC.;
CUMMINS NORTHEAST, INC.;
DAP, INC. k/n/a La Mirada Products Co., Inc.;
DEAN PUMP DIVISION;
DOMCO PRODUCTS TEXAS, INC., d/b/a Tarkett,
Inc., Individually and as successor to Azrock

Industries, Inc.;

EATON CORPORATION, Individually and now
Known as Eaton Electrical, Inc and as
Successor to The Vickers Pump Company and
Cutler-Hammer, Inc and Waterbury Pump;

ELECTROLUX HOME PRODUCTS, INC.,
Individually and as Successor to Tappan and
Copes Vulcan, Blaw-Knox Company, and
White Consolidated Industries;

FLOWERVE US, INC., solely as Successor to
Rockwell Manufacturing Company, Edward
Valves, Inc., Nordstrom Valves, Inc. and
Edward Vogt Valve Company;

FMC CORPORATION, Individually and as Successor
to Northern Pump Company, Coffin and
Peerless Pump Company and Labour Pump
Company;

FORD MOTOR COMPANY;

FOSTER WHEELER, LLC;

GARDNER-DENVER INC., Individually and as
Successor to Nash Engineering Company;

GARDNER-DENVER NASH LLC, Individually and
as Successor to Nash Engineering Company;

GENERAL ELECTRIC COMPANY;

GOULDS PUMPS, INC.;

GREENE, TWEED & CO., LLP, Individually and as
Successor to Palmetto Packings;

GRINNELL CORPORATION;

GTE SYLVANIA INCORPORATED;

HANSEN PERMANENTE CEMENT INC.;

HONEYWELL INTERNATIONAL, INC.,
Individually and f/k/a AlliedSignal, Inc., and as
Successor-in-Interest to The Bendix Corp.;

HOWDEN BUFFALO, INC., Individually and as
Successor In Interest to FB Sturtevant, The
Howden Buffalo Group and Buffalo Fan;

I.T.T. INDUSTRIES, INC., Individually and as
successor to Bell & Gossett;

INTERNATIONAL PAPER COMPANY f/k/a
Hammermill Paper Co. and Individually and
as Successor to US Plywood;

KAISER GYPSUM COMPANY, INC.;

LENNOX INDUSTRIES, INC., Individually and as
Successor to Lennox Furnace Company and
Ducane;

MAGNAVOX;

MANNINGTON MILLS INC.;
METROPOLITAN LIFE INSURANCE COMPANY;
MOTOROLA COMMUNICATIONS AND
ELECTRONICS, INC.;
MOTOROLA MOBILITY, INC.;
MOTOROLA SOLUTIONS, INC.;
NEW YORKER BOILER COMPANY, INC.;
NORTHERN PUMP COMPANY;
PANASONIC CORPORATION OF NORTH
AMERICA, Individually and as Successor to
Sanyo North America Corporation and
Fisher Electronics;
PARAMOUNT GLOBAL, f/k/a ViacomCBS Inc., f/k/a
CBS Corporation, a Delaware corporation,
f/k/a/ Viacom Inc., successor by merger to CBS
Corporation, a Pennsylvania corporation, f/k/a
Westinghouse Electric Corporation;
R.T. VANDERBILT COMPANY, INC.,
Individually and as Successor to
International Talc Co., International Pulp Co.
and Gouverneur Talc Co., Inc.;
REDCO CORP., f/k/a Crane Co.;
SANYO NORTH AMERICA CORPORATION,
Individually and as Successor to Fisher
Electronics;
SCHNEIDER ELECTRIC USA, INC. formerly
known as Square D Company;
SPIRAX SARCO, INC.;
THRUSH CO., INC.;
UNION CARBIDE CORPORATION;
VANTIVA INTERNET SOLUTIONS, LLC;
VANTIVA USA SHARED SERVICES INC.;
VELAN VALVE CORP.;
VISTEON CORPORATION, Individually and as
Successor to Philco-Ford;
WARREN PUMPS, LLC, Individually and as
Successor to The Quimby Pump Company;
WEIL McLAIN, a division of Marley Wylain
Company;
WEYERHAEUSER COMPANY;
YORK INTERNATIONAL CORPORATION,
Individually and as Successor to Frick
Company;
ZENITH ELECTRONICS LLC.

Defendants.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.