

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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DENNIS KILKENNY AND PATRICIA KILKENNY,	:	Index No. 190011/2024
	:	
Plaintiff,	:	
	:	
- against -	:	ECR INTERNATIONAL INC.'S
	:	ANSWER TO PLAINTIFFS'
	:	VERIFIED COMPLAINT WITH
AII ACQUISITION, LLC, et al.,	:	AFFIRMATIVE DEFENSES AND
	:	CROSS-CLAIMS
	:	
Defendants.	:	
	:	
----- X	:	

Defendant ECR INTERNATIONAL, INC., formerly known as Dunkirk Radiator Corporation and as successor by merger to The Utica Companies, Inc., incorrectly sued herein as ECR INTERNATIONAL INC. FORMERLY KNOWN AS DUNKIRK RADIATOR CORPORATION AND AS SUCCESSOR BY MERGER TO THE UTICA COMPANIES, INC., S/H/A ECR INTERNATIONAL, INC., INDIVIDUALLY AND AS SUCCESSOR TO DUNKIRK, DUNKIRK BOILERS AND UTICA BOILERS (hereinafter "ECR International"), by its attorneys, Manning Gross + Massenburg LLP by way of a Verified Answer to Plaintiffs' Verified Complaint (hereinafter "Complaint"), states as follows:

COMPLAINT

1. ECR International denies any knowledge or information sufficient to form a belief as to the allegations contained in paragraph of the Complaint numbered "1".

2. As "Defendants" refers to ECR International, ECR International denies the allegations contained in paragraph of the Complaint numbered "2" except to admit that

ECR International has “conducted business in” the State of New York, and begs leave to refer all questions of law to this honorable Court.

3. As “Defendants” refers to parties other than ECR International, ECR International denies any knowledge or information sufficient to form a belief as to the allegations contained in paragraph of the Complaint numbered “2”.

4. ECR International denies each and every allegation contained in paragraphs “3” through “8” of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

5. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “3” through “8” of the Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

6. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph “9” of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION,
ECR INTERNATIONAL ANSWERS AS FOLLOWS:

ECR International repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraphs “1” through “9” of the Complaint.

7. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "10" of the Complaint, and begs leave to refer all questions of law to this honorable Court.

8. ECR International denies each and every allegation contained in paragraphs "11" through "19" of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

9. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs "11" through "19" of the Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

10. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs "20" through "22" of the Complaint, and begs leave to refer all questions of law to this honorable Court.

11. ECR International denies each and every allegation contained in paragraphs "23" through "35" of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

12. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs "23" through "35" of the Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

13. **WHEREFORE**, defendant denies it is liable for any damages, compensatory, punitive or otherwise.

**AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION,
ECR INTERNATIONAL ANSWERS AS FOLLOWS:**

ECR International repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraphs "1" through "35" of the Complaint.

14. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "36" of the Complaint, and begs leave to refer all questions of law to this honorable Court.

15. ECR International denies each and every allegation contained in paragraphs "37" through "39" of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

16. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs "37" through "39" of the Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

17. **WHEREFORE**, defendant denies it is liable for any damages, compensatory, punitive or otherwise.

**AS AND FOR AN ANSWER TO THE THIRD CAUSE OF ACTION,
ECR INTERNATIONAL ANSWERS AS FOLLOWS:**

ECR International repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraphs "1" through "39" of the Complaint.

18. ECR International denies each and every allegation contained in paragraphs "40" through "41" of the Complaint to the extent that such allegations are directed towards ECR International, and begs leave to refer all questions of law to this honorable Court.

19. ECR International is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs "40" through "41" of the Complaint as they relate to other defendants and therefore denies them, and begs leave to refer all questions of law to this honorable Court.

20. **WHEREFORE**, defendant denies it is liable for any damages, compensatory, punitive or otherwise.

**AS AND FOR AN ANSWER TO THE FOURTH CAUSE OF ACTION,
ECR INTERNATIONAL ANSWERS AS FOLLOWS:**

ECR International repeats and reiterates each and every response hereinbefore made with the same force and effect as though the same were set forth at length herein in response to paragraphs "1" through "42" of the Complaint.

21. ECR International denies each and every allegation contained in paragraphs "43", "44", "46", "47", "48", "49", "50", "51", "52", "53", "54", "56", "57", "58", "59", "60", "61", "62", "63", "64", "65", "66" and "68" of the Complaint to the extent

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