

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

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**DENNIS KILKENNY AND PATRICIA KILKENNY**

**Index No: 24-190011**

**SUMMONS AND FOURTH AMENDED COMPLAINT**

Plaintiff,  
-against-

AII ACQUISITION, LLC, F/K/A AII ACQUISITION CORP., F/K/A ATHLONE INDUSTRIES, INC., F/K/A HOLLAND FURNACE COMPANY;  
A.O. SMITH CORPORATION;  
ARMSTRONG INTERNATIONAL, INC. f/k/a ARMSTRONG MACHINE WORKS ind. and as suc. to f/k/a ARMSTRONG MACHINE WORKS;  
ARMSTRONG PUMPS, INC.;  
AURORA PUMP COMPANY;  
BURNHAM LLC;  
BW/IP INTERNATIONAL COMPANY;  
BW/IP INTERNATIONAL CORPORATION (formerly BORG WARNER INDUSTRIAL PRODUCTS) ind. and as suc. to SUCCESSOR IN INTEREST TO BYRON JACKSON PUMPS;  
CANVAS MW, LLC ind. and as suc. to F/K/A THE MARLEY-WYLAIN COMPANY, LLC AND CANVAS SX, LLC, F/K/A SPX, LLC;  
CARRIER CORPORATION ind. and as suc. to BRYANT HEATING AND COOLING SYSTEMS;  
CARRIER CORPORATION;  
CLEAVER-BROOKS, INC.;  
CROWN BOILER COMPANY.;  
DAP PRODUCTS, INC.;  
DUNPHEY SMITH COMPANY;  
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;  
ELLIOTT COMPANY;  
EMERSON ELECTRIC COMPANY;  
FLOWERVE US, INC. ind. and as suc. to EDWARD VALVES, INC., ROCKWELL

MANUFACTURING INC., GESTRA INC.,  
ALDRICH PUMPS, DURCO PUMPS,  
CAMERON PUMPS, VOGT VALVES,  
NORDSTROM VALVES, AND WILSON-  
SNYDER CENTRIFUGAL PUMPS;  
FORT KENT HOLDINGS, INC. f/k/a DUNHAM-  
BUSH. INC.;  
FOSTER WHEELER LLC ind. and as suc. to  
SURVIVOR TO A MERGER WITH FOSTER  
WHEELER CORPORATION;  
GENERAL ELECTRIC COMPANY;  
GOULDS PUMPS, LLC ind. and as suc. to  
INDIVIDUALLY AND AS SUCCESSOR-IN-  
INTEREST TO GOULDS PUMPS (TX), LP;  
GRUNDFOS PUMPS CORPORATION USA;  
GRINNELL CORPORATION;  
GTE PRODUCTS OF CONNECTICUT  
CORPORATION;  
GTE SYLVANIA INCORPORATED;  
H.B. SMITH COMPANY, INC.;  
HEXION INC. ind. and as suc. to F/K/A  
MOMENTIVE SPECIALTY CHEMICALS INC.  
AND AS SUCCESSOR IN INTEREST TO  
BORDEN CHEMICAL INC.;  
HONEYWELL INTERNATIONAL INC. Successor  
to: (F/K/A ALLIED SIGNAL) AS SUCCESSOR  
IN INTEREST TO BENDIX CORPORATION;  
HUBBELL INCORPORATED (DELAWARE);  
IMO INDUSTRIES, INC. ind. and as suc. to  
DELAVAL TURBINE, TRANSAMERICA  
DELAVAL AND IMO DELAVAL;  
ITT CORPORATION ind. and as suc. to ITT FLUID  
PRODUCTS CORP., ITT HOFFMAN, ITT BELL  
& GOSSETT COMPANY, MCDONNELL &  
MILLER AND KENNEDY VALVE.;  
J.H. FRANCE REFRACTORIES CO., INC.;  
KOHLER COMPANY;  
LENNOX INDUSTRIES, INC.;  
LENNOX INDUSTRIES, INC. ind. and as suc. to  
THE DUCANE COMPANY;  
LENOVO (UNITED STATES) INC. (individually and :  
MOTOROLA MOBILITY LLC)  
LEVITON MANUFACTURING CO.;  
LG ELECTRONICS U.S.A., INC. (INDIVIDUALLY  
AND AS SUCCESSOR IN INTEREST TO  
ZENITH ELECTRONICS LLC and GOLD  
STAR);

MORSE TEC LLC ind. and as suc. to F/K/A  
BORGWARNER MORSE TEC LLC, AS  
SUCCESSOR-BY-MERGER TO BORG-  
WARNER-CORPORATION;  
MOTOROLA SOLUTIONS, INC.;  
PANASONIC CORPORATION OF NORTH  
AMERICA;  
PARAMOUNT GLOBAL ind. and as suc. to F/K/A  
VIACOM CBS 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;  
PB HEAT LLC, Individually and as successor in  
interest to PEERLESS INDUSTRIES;  
PEERLESS INDUSTRIES, INC.;  
PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION;  
PHILLIPS ELECTRONICS NORTH AMERICA  
CORP (INDIVIDUALLY AND AS SUCCESSOR  
TO MAGNAVOX);  
PROGRESS LIGHTING, INC.;  
REDCO CORPORATION ind. and as suc. to F/K/A  
CRANE CO. AND IND. AND AS SUC. TO  
DEMING PUMP, WEINMAN PUMP  
MANUFACTURING COMPANY, PACIFIC  
STEEL BOILER CORPORATION AND  
THATCHER BOILER;  
RCA CORPORATION;  
RICHARDS INDUSTRIES VALVE GROUP ind. and  
as suc. to BESTOBELL STEAM TRAPS and  
JORDAN VALVES;  
SAMSUNG ELECTRONICS AMERICA, INC.;  
SID HARVEY INDUSTRIES, INC.;  
SLANT/FIN CORPORATION;  
SONY ELECTRONICS INC.;  
SPIRAX SARCO, INC. ind. and as suc. to SARCO  
COMPANY, INC.;  
TACO, INC.;  
TOSHIBA AMERICA INC.;  
THRUSH COMPANY, INC.,  
UNION CARBIDE CORPORATION;  
UTICA BOILERS;  
YORK INTERNATIONAL CORPORATION ind. and  
as suc. to FRICK COMPANY;  
ZENITH ELECTRONICS, LLC.;

ZURN INDUSTRIES ind. and as suc. to  
SUCCESSOR TO ERIE CITY IRON  
WORKERS CORPORATION;

AND

**RHEEM MANUFACTURING COMPANY**  
**(RUUD WATER HEATER DIVISION) ind.**  
**and as suc. to HOFFMAN NEW YORK;**

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**DEFENDANTS.**

**To the above-named Defendants:**

**YOU ARE HEREBY SUMMONED**, to answer this Summons and Fourth Amended Complaint, originally filed 1/9/2024, 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(s) 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); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

**Date:2/16/24**

New York, New York

To: See attached rider



**Mark Bibro, Esq.**  
The Early Law Firm, LLC  
Attorneys for Plaintiffs  
360 Lexington Avenue, 20th Fl.  
New York, NY 10017

Plaintiffs, by their attorneys, with reference to the Complaint filed in this action on 1/9/2024, which set forth claims for personal injuries based on theories of negligence, breach of express and implied warranty and strict product liability, due to asbestos exposure, hereby adds additional defendant pursuant to NEW YORK ASBESTOS LITIGATION Case Management Order Paragraph VI(E), by this "Short Form Amended Complaint", incorporating each and every claim, allegation, paragraph and request for relief in the original and amended complaints which set forth, among others, claims for personal injuries and which has been served by Plaintiff's counsel on all defense counsel and filed in the New York Asbestos Litigation Master File.

**Dated:2/16/24**

New York, New York



**Mark Bibro, Esq.**  
The Early Law Firm, LLC  
Attorneys for Plaintiffs  
360 Lexington Avenue, 20th Fl.  
New York, NY 10017

To: See attached rider

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues present herein.



**Mark Bibro, Esq.**  
The Early Law Firm, LLC  
360 Lexington Avenue, 20<sup>th</sup> Fl  
New York, NY 10017  
212.986.2233

To: See attached Service Rider

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