

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

X

DENNIS KILKENNY AND PATRICIA KILKENNY,

Plaintiffs,

- against -

AII ACQUISITION, LLC, F/K/A AII ACQUISITION
CORP., F/K/A ATHLONE INDUSTRIES, INC., F/K/A
HOLLAND FURNACE COMPANY, *et al.*,

Defendants.

X

Index No: 190011/2024

**VERIFIED AMENDED
ANSWER TO VERIFIED
COMPLAINT**

Defendant, **AII Acquisition, LLC, f/k/a AII Acquisition Corp., f/k/a Athlone Industries, Inc., f/k/a Holland Furnace Company, (hereinafter “AII Acquisition, LLC”)** by its attorneys **McGivney, Kluger, Clark & Intoccia, P.C.** for its Verified Amended Answer to Plaintiffs’ Verified Complaint states as follows:

1. Defendant, **AII ACQUISITION, LLC**, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph “1” of Plaintiffs’ Verified Complaint and leaves Plaintiffs to their proofs.

2. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “2” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial.

3. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “3” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial.

4. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “4” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial.

5. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “5” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, refers all questions of law to this Court for determination at time of trial, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial and leaves Plaintiffs to their proofs.

6. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “6” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial.

7. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “7” of the Plaintiffs’ Verified Complaint as it pertains to this answering defendant, 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 Plaintiffs’ Verified Complaint to this Court for determination at time of trial.

8. Defendant, **AII ACQUISITION, LLC**, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph “8” of Plaintiffs’ Verified Complaint and leaves Plaintiffs to their proofs.

9. Defendant, **AII ACQUISITION, LLC**, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph “9” of Plaintiffs’ Verified Complaint and leaves Plaintiffs to their proofs.

**AS AND FOR AN ANSWER TO THE
FIRST CAUSE OF ACTION**

Defendant, **AII ACQUISITION, LLC**, herein repeats and reiterates each and every answer heretofore made to Paragraphs “1” through “9” of Plaintiffs’ Verified Complaint.

10. Defendant, **AII ACQUISITION, LLC**, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph “10” of Plaintiffs’ Verified Complaint and leaves Plaintiffs to their proofs

11. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “11” of the Plaintiffs’ Verified Complaint insofar as it pertains to the answering defendant, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in the aforesaid paragraph as it pertains to the remaining defendants in the Plaintiffs’ Verified Complaint and leaves Plaintiffs to their proofs.

12. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “12” of the Plaintiffs’ Verified Complaint insofar as it pertains to the answering defendant, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in the aforesaid paragraph as it pertains to the remaining defendants in the Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

13. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “13” of the Plaintiffs’ Verified Complaint insofar as it pertains to the answering defendant, denies any knowledge or information sufficient to form a belief as to each and every allegation contained in the aforesaid paragraph as it pertains to the remaining defendants in the Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

14. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “14” of the Plaintiffs’ Verified Complaint insofar as it pertains to the answering defendant and denies any knowledge or information sufficient to form a belief as to each and every allegation contained in the aforesaid paragraph as it pertains to the remaining defendants in the Plaintiffs’ Verified Complaint.

15. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “15” 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 Plaintiffs’ Verified Complaint.

16. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “16” 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, 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 Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

17. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “17”, and all subparts, 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, 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 Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

18. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “18” 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, 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 Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

19. Defendant, **AII ACQUISITION, LLC**, denies each and every allegation contained in Paragraph “19” 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, 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 Plaintiffs’ Verified Complaint, and leaves Plaintiffs to their proofs.

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