



contained in the paragraph of the Verified Complaint numbered “2,” “3,” “5,” “6,” and “7,” except admits that it has “done” or “conducted” business in New York, and refers all matters of law to this Court.

4. Progress can neither admit nor deny the allegations contained in the paragraphs numbered “4,” “8,” and “9,” of the Verified Complaint, as such statements are legal conclusions and not allegations of fact. To the extent that Progress is required to provide answers to these allegations, Progress denies the allegations contained in the paragraph numbered “4,” “8,” “9,” of the Verified Complaint, and refers all matters of law to this Court.

**AS AND FOR AN ANSWER TO PLAINTIFFS’ FIRST CAUSE OF ACTION**

5. In response to the unnumbered paragraph preceding paragraph “10,” Progress incorporates its responses to paragraphs “1” through “9” as if fully set forth herein.

6. To the extent that the allegations contained in the paragraphs of the Verified Complaint numbered “10,” “11,” “12,” “13,” “14,” “15,” “16,” “19,” “23,” “24,” “25,” “26,” “27,” “28,” “29,” “30,” “31,” “32,” and “33,” and subparts, refer to other defendants, Progress denies any knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint numbered “10,” “11,” “12,” “13,” “14,” “15,” “16,” “19,” “23,” “24,” “25,” “26,” “27,” “28,” “29,” “30,” “31,” “32,” and “33,” and subparts, and refers all matters of law to this Court.

7. To the extent that the allegations contained in the paragraphs of the Verified Complaint numbered “10,” “11,” “12,” “13,” “14,” “15,” “16,” “19,” “23,” “24,” “25,” “26,” “27,” “28,” “29,” “30,” “31,” “32,” and “33,” and subparts, and the “WHEREFORE” paragraph of the First Cause of Action refer to Progress, Progress denies the allegations contained in the paragraphs of the Verified Complaint numbered “10,” “11,” “12,” “13,” “14,” “15,” “16,” “19,” “23,” “24,”

“25,” “26,” “27,” “28,” “29,” “30,” “31,” “32,” and “33,” and subparts, and the “WHEREFORE” paragraph of the First Cause of Action, and refers all matters of law to this Court.

8. Progress can neither admit nor deny the allegations contained in the paragraphs numbered “17,” and subparts, “34,” and “35,” of the Verified Complaint, as such statements are legal conclusions and not allegations of fact. To the extent that Progress is required to provide answers to these allegations, Progress denies the allegations contained in the paragraph numbered “17,” and subparts, “34,” and “35,” of the Verified Complaint, and refers all matters of law to this Court.

9. Progress denies the truth of the allegations contained in the paragraph of the Complaint numbered “18,” “20,” “21,” and “22,” and refers all questions of law to this Court.

**AS AND FOR AN ANSWER TO PLAINTIFFS’ SECOND CAUSE OF ACTION**

10. In response to the unnumbered paragraph preceding paragraph “36,” Progress incorporates its responses to paragraphs “1” through “35” as if fully set forth herein.

11. Progress can neither admit nor deny the allegations contained in the paragraphs numbered “36,” “37,” “38,” and “39” of the Verified Complaint, as such statements are legal conclusions and not allegations of fact. To the extent that Progress is required to provide answers to these allegations, Progress denies the allegations contained in the paragraph numbered “36,” “37,” “38,” and “39” of the Verified Complaint, and refers all matters of law to this Court.

12. To the extent that the allegations contained in the “WHEREFORE” paragraph of the Second Cause of Action refers to Progress, Progress denies the allegations contained in the “WHEREFORE” paragraph of the Second Cause of Action and refers all matters of law to this Court.

**AS AND FOR AN ANSWER TO PLAINTIFFS' THIRD CAUSE OF ACTION**

13. In response to the unnumbered paragraph preceding paragraph "40," Progress incorporates its responses to paragraphs "1" through "39" as if fully set forth herein.

14. Progress can neither admit nor deny the allegations contained in the paragraphs numbered "40" and "41" of the Verified Complaint, as such statements are legal conclusions and not allegations of fact. To the extent that Progress is required to provide answers to these allegations, Progress denies the allegations contained in the paragraph numbered "40" and "41" of the Verified Complaint, and refers all matters of law to this Court.

15. To the extent that the allegations contained in the "WHEREFORE" paragraph of the Third Cause of Action refers to Progress, Progress denies the allegations contained in the "WHEREFORE" paragraph of the Third Cause of Action and refers all matters of law to this Court.

**AS AND FOR AN ANSWER TO PLAINTIFFS' FOURTH CAUSE OF ACTION**

16. In response to the unnumbered paragraph preceding the paragraph numbered "42" and the paragraph numbered "42" of the Verified Complaint, Progress repeats and realleges its answers to the paragraphs numbered "1" through 41" of the Verified Complaint as if fully set forth herein.

17. To the extent that the allegations contained in the paragraphs of the Verified Complaint numbered "43," "44," "46," "47," "48," "49," "50," "51," "52," and subparts, "54," "58," "59," "60," "61," "62," "63," "64," "66," and "68," refer to other defendants, Progress denies any knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the Verified Complaint numbered "43," "44," "46," "47," "48," "49," "50," "51,"

“52,” and subparts, “54,” “58,” “59,” “60,” “61,” “62,” “63,” “64,” “66,” and “68,” and refers all matters of law to this Court.

18. To the extent that the allegations contained in the paragraphs of the Verified Complaint numbered “43,” “44,” “46,” “47,” “48,” “49,” “50,” “51,” “52,” and subparts, “54,” “58,” “59,” “60,” “61,” “62,” “63,” “64,” “66,” “68,” and the “WHEREFORE” paragraph of the Fourth Cause of Action refer to Progress, Progress denies the allegations contained in the paragraphs of the Verified Complaint numbered “43,” “44,” “46,” “47,” “48,” “49,” “50,” “51,” “52,” and subparts, “54,” “58,” “59,” “60,” “61,” “62,” “63,” “64,” “66,” and “68,” and the “WHEREFORE” paragraph of the Fourth Cause of Action refer to Progress, Progress denies and refers all matters of law to this Court.

19. Progress denies the truth of the allegations contained in the paragraph of the Complaint numbered “45,” “53,” and “67,” and refers all questions of law to this Court.

20. Progress can neither admit nor deny the allegations contained in the paragraphs numbered “55,” “56,” “57,” and “65,” of the Verified Complaint, as such statements are legal conclusions and not allegations of fact. To the extent that Progress is required to provide answers to these allegations, Progress denies the allegations contained in the paragraph numbered “55,” “56,” “57,” and “65,” of the Verified Complaint, and refers all matters of law to this Court.

#### **AS AND FOR AN ANSWER TO PLAINTIFFS’ FIFTH CAUSE OF ACTION**

21. In response to the unnumbered paragraph preceding the paragraph numbered “69” and paragraph numbered “69” of the Verified Complaint, Progress repeats and realleges its answers to the paragraphs numbered “1” through “68” of the Verified Complaint as if fully set forth herein.

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