

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DISTRICT

In Re Flint Water Cases,

No: 5:16-cv-10444-JEL-MKM
(Consolidated)
Hon. Judith E. Levy

Kimberly Gaddy; et. al.

No: 5:17-cv-11166-JEL-MKM

Plaintiffs,

-vs-

City of Flint, et. al.

**ANSWER OF LEO A. DALY COMPANY TO PLAINTIFFS' MASTER SHORT
FORM COMPLAINT [#49], AFFIRMATIVE DEFENSES
AND RELIANCE UPON JURY DEMAND**

NOW COMES Defendant Leo A. Daly Company, and for its Answer to the Master Short Form Complaint [#49] filed by Plaintiffs in this matter on February 22, 2018, states as follows:

1. This Short Form Answer is filed on behalf of Defendant Leo A. Daly Company. Defendant incorporates by reference its Answer to Plaintiffs' Amended Master Long Form Complaint, Affirmative Defenses and Reliance on Jury Demand filed on or about September 10, 2019, in *Walters, et al. v. City of Flint, et. al.*, Case No. 5:17-cv-10164, as though set forth herein word for word.

2. Defendant Leo A. Daly incorporates by reference its Answer to Plaintiffs' Amended Master Long Form Complaint, Affirmative Defenses and Reliance on Jury Demand filed on or about September 10, 2019, in *Walters, et*

al. v. City of Flint, et. al., Case No. 5:17-cv-10164, as though set forth herein word for word. The Court has dismissed all claims of Plaintiffs asserting joint and several liability.

3. Defendant Leo A. Daly Company is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

4. Defendant Leo A. Daly Company is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

5. Defendant Leo A. Daly Company is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

6. Defendant Leo A. Daly is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

7. Defendant Leo A. Daly is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

8. Defendant Leo A. Daly is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

9. Defendant Leo A. Daly is without knowledge or information sufficient to form a belief as to the truth of the matter asserted, and, therefore, neither admits nor denies but leaves Plaintiffs to their proofs.

10. All claims against Defendant Leo A. Daly have been withdrawn or dismissed, other than Count XVI for Professional Negligence (which claim is renumbered as Count IX in the Amended Master Long Form Complaint).

Defendant Leo A. Daly denies Plaintiffs' claim for Professional Negligence.

Defendant Leo A. Daly incorporates by reference its Answer to all of the factual allegations and to Count IX of its Answer to the Amended Master Long Form Complaint Demand filed on or about September 10, 2019, in *Walters, et al. v. City of Flint, et. al.*, Case No. 5:17-cv-10164, as though set forth herein word for word.

11. The matter in ¶ 11 is an instruction to which no answer is required.

12. No additional claims are pled, and no answer is required.

13. No additional claims are pled, and no answer is required.

14. No additional claims are pled, and no answer is required.

WHEREFORE, Defendant Leo A. Daly prays for relief as set forth in its Answer to Plaintiffs' Amended Master Long Form Complaint.

AFFIRMATIVE DEFENSES AND JURY DEMAND

Defendant Leo A. Daly Company incorporates its affirmative defenses and jury demand set forth in their Answer to Plaintiffs' Amended Master Long Form Complaint, Affirmative Defenses and Jury Demand filed on September 10, 2019, in *Walters, et. al. City of Flint, et. al.*, Case No. 5:17-cv-10164, as though set forth herein word for word.

Submitted by:

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ATTORNEYS FOR DEFENDANT
LEO A. DALY COMPANY

Dated: September 30, 2019

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2019, I electronically filed Defendant Leo A. Daly Company's Answer to Complaint, Affirmative Defenses and Reliance Upon Jury Demand with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/ Philip A. Erickson

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