IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MICHAEL P. HEALY	:	
Plaintiff	:	
v.	:	Case No.: 223610-V
WAL-MART STORES, INC., et al.	:	
Defendants	:	

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FILED
MOLLY O. RUHL
CLERK'S OFFICE
MONTGOMERY CO. MD

ANSWER OF DEFENDANT CONNECTICUT VALLEY ARMS, INC TO PLAINTIFF'S COMPLAINT

COMES NOW the Defendant, DC 1980, Inc., f/k/a Connecticut Valley Arms, Inc., (hereinafter CVA), by and through its attorneys, Michael A. DeSantis and HARTEL, KANE, DESANTIS, MACDONALD, & HOWIE, LLP, and as its Answer to the Plaintiff's Complaint states as follows:

FIRST DEFENSE

Defendant generally denies liability and the allegations as to all Counts of Plaintiff's Complaint pursuant to Rule 2-323(d) and states that it did not commit the wrongs alleged.

SECOND DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

The Complaint fails to join all necessary parties under Rule 2-211.

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FOURTH DEFENSE

If Plaintiff sustained injuries or damages as alleged, the Plaintiff assumed the risk thereof.

FIFTH DEFENSE

If the Plaintiff sustained damages or injuries as alleged, they were caused by the negligence of the Plaintiff.

SIXTH DEFENSE

The alleged cause of action is barred by the applicable statutes of limitations.

SEVENTH DEFENSE

At all times applicable hereto the Defendant complied with the standard of care of a reasonably competent corporation under the same or similar circumstances.

EIGHTH DEFENSE

The Plaintiff's injuries, if any, are the result of the acts, commissions or omissions of others for which this Defendant cannot be held responsible.

NINTH DEFENSE

The Defendant denies that it warranted as alleged.

TENTH DEFENSE

The Defendant did not commit the wrongs alleged.

ELEVENTH DEFENSE

The Defendant never promised as alleged.

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TWELFTH DEFENSE

Defendant intends to rely on all legal and factual defenses not heretofore mentioned, including but not limited to: absence of legal duty; absence of primary negligence; lack of proximate cause; intervening or superseding cause; laches; non-joinder; misjoinder; improper venue; and forum non conveniens.

THIRTEENTH DEFENSE

Defendant CVA adopts and incorporates as if fully included herein, the defenses raised or to be raised by any other Defendant to these proceedings, to the extent said defenses are not incompatible with this Answer.

FOURTEENTH DEFENSE

If the Plaintiff sustained injuries and/or damages as alleged, said injuries and/or damages were caused by misuse of the products in question.

FIFTEENTH DEFENSE

Plaintiff's Complaint, to the extent that it seeks exemplary or punitive damages, violates Defendant's right to procedural due process under the Fourteenth Amendment of the United States Constitution and the Constitution or Charter of the State of Maryland, and therefore fails to state a cause of action upon which either punitive or exemplary damages may be awarded.

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SIXTEENTH DEFENSE

Plaintiff's Complaint, to the extent that it seeks punitive or exemplary damages, violates Defendant's right to protection from "excessive fines" as provided in the Eighth Amendment of the United States Constitution and the Declaration of Rights provision of the Constitution or Charter of the State of Maryland and violates Defendant's right to substantive due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution or Charter of the State of Maryland and therefore fails to state a cause of action upon which punitive or exemplary damages may be awarded.

SEVENTEENTH DEFENSE

If any products allegedly manufactured or used by this Defendant were unsafe, they were unavoidably so.

EIGHTEENTH DEFENSE

While denying any negligence or improper conduct with respect to the subject matter of the Complaint, the Defendant states that insofar as negligence or improper conduct is found against this Defendant, it was not a proximate cause of any injury allegedly sustained by the Plaintiff.

NINETEENTH DEFENSE

While denying all allegations of the Complaint regarding injury and damages allegedly sustained by the Plaintiff, the Defendant states that if Plaintiff proves said injuries and

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damages, they were caused by the superseding and intervening acts of negligence of other parties over whom this Defendant had no control, nor right of control, and for whose actions this Defendant is not liable.

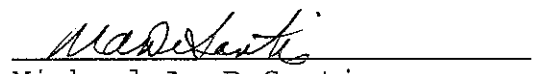
TWENTIETH DEFENSE

There is no warranty, expressed or implied, between the Plaintiff and this Defendant, and if there is such warranty, the Plaintiff has waived any such warranty.

WHEREFORE, having fully answered, this Defendant prays that the Complaint be dismissed with costs and attorney's fees assessed against the Plaintiff.

Respectfully submitted,

HARTEL, KANE, DESANTIS,
MACDONALD & HOWIE, LLP



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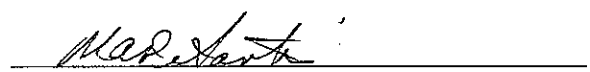
REQUEST FOR JURY TRIAL

The Defendant, through counsel, requests a trial by jury as to all issues herein.



Michael A. DeSantis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17 day of October, 2001, I mailed, postage pre-paid, a copy of the foregoing Answer, to:

Paul W. Spence, Esquire
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