

5. As paragraph 4 pertains to this defendant, it is denied. Further, this defendant is without information with which to admit or deny that separate defendant Hodgdon Powder Company, Inc. is authorized to do business and is doing business in Arkansas. Therefore, those allegations are denied as well.

6. This defendant is without information with which to admit or deny the allegations contained in paragraph 5 and therefore denies same.

7. The allegations contained in paragraph 6 of the plaintiffs' Complaint are denied.

8. The allegations contained in paragraph 7 of the plaintiffs' Complaint are denied.

9. This defendant is without information with which to admit or deny the allegations contained in paragraph 8. Therefore, those allegations are denied.

10. The allegations contained in paragraph 9 are denied. Further, it is affirmatively pled that separate defendant Connecticut Valley Arms, Inc. did not manufacture, distribute or supply the "muzzle loader" referenced in the Complaint.

11. The allegations contained in paragraph 10 of plaintiffs' Complaint are denied. Further, it is affirmatively pled that the "muzzle loader" referenced in paragraph 10 of the Complaint was not manufactured, supplied or distributed by Connecticut Valley Arms, Inc. Further, it is affirmatively pled that the "muzzle loader" referenced in paragraph 10 of the Complaint was not defective or unreasonably dangerous.

12. The allegations contained in paragraph 11 of plaintiffs' Complaint are denied.

13. In response to the allegations contained in paragraph 12, it is specifically denied the plaintiff was using Pyrodex at the time of his injury. This defendant is without information with which to admit or deny the remainder of the allegations in paragraph 12 and therefore denies same.

14. In response to paragraph 13 of the Complaint, it is specifically denied that the plaintiff was using Pyrodex at the time of the incident described in the Complaint. Further, it does not appear the balance of the allegations in paragraph 13 pertain to this defendant. However, to the extent they do, they are denied.

15. In response to the allegations contained in paragraph 14, it is specifically denied that the plaintiff was using Pyrodex at the time of the incident described in his Complaint. Further, it does not appear that the balance of the allegations contained in paragraph 14 pertain to this defendant. However, to the extent they do, they are denied.

16. The allegations contained in paragraphs 15, 16, and 17, of the plaintiffs' Complaint are denied. Further, it is affirmatively pled that Connecticut Valley Arms, Inc. did not manufacture, supply or distribute the "muzzle loader" referenced in paragraphs 15, 16, and 17, of the plaintiffs' Complaint.

17. In response to the allegations contained in paragraph 18, it is denied that "defendant CVA has examined the muzzle loader at issue in this case." Defendant states that the remainder of the allegations do not allege a proper matter of fact requiring a response by the defendant under the Federal Rules of Civil Procedure or the applicable law. Therefore, defendant moves that they be stricken.

18. In response to the allegations contained in paragraph 19, it is specifically denied that "CVA recommends the use of Pyrodex in its muzzle loaders." It is affirmatively pled that CVA does not manufacture, supply or distribute "muzzle loaders." This defendant is without information with which to admit or deny the balance of the allegations contained in paragraph 19 and therefore denies same.

19. It does not appear that the allegations contained in paragraph 20 of plaintiffs' Complaint pertain to this defendant. However, to the extent they do, this defendant is without information with which to admit or deny said allegations and therefore denies same.

20. The allegations contained in paragraph 21 of plaintiffs' Complaint are denied as to this defendant.

21. The allegations contained in paragraph 22 of plaintiffs' Complaint are denied as to this defendant.

22. In response to the allegations contained in paragraph 23, this defendant acknowledges the plaintiffs' demand for trial by jury. Further, this defendant also demands a trial by jury.

23. This defendant affirmatively pleads that the plaintiffs' Complaint fails to state either facts or a claim upon which relief may be granted.

24. This defendant affirmatively pleads the Court lacks personal jurisdiction over this defendant and therefore, the plaintiffs' Complaint should be dismissed as to this defendant.

25. This defendant affirmatively pleads that venue is improper in this Court as to this defendant, and therefore plaintiffs' Complaint should be dismissed.

26. This defendant has had no opportunity to conduct discovery and only limited opportunity to investigate this matter. Therefore, it affirmatively pleads the following defenses:

- a. Lack of jurisdiction over the subject matter;
- b. Insufficiency of process;
- c. Insufficiency of service of process; and
- d. Failure to join a necessary party.

This defendant specifically pleads each of those defenses found in Rule 12 of the Federal Rules of Civil Procedure.

27. To the extent the Complaint alleges a cause of action for punitive damages, this defendant requests a bifurcated proceeding pursuant to Arkansas Code Annotated § 16-55-211.

28. This defendant specifically pleads all affirmative defenses available to it under The Civil Justice Reform Act of 2003, Arkansas Code Annotated § 16-55-201, et seq.

29. This defendant affirmatively pleads the alleged injury or damage suffered by the plaintiff was a result of plaintiff's own negligence, unmixed with any alleged negligence on the part of this defendant, and/or the plaintiff's comparative fault, and therefore plaintiff is unable to recover any sum whatsoever from this defendant.

30. This defendant affirmatively pleads the plaintiff assumed the risk of any injury or damage by his conduct, and therefore is not entitled to any sum whatsoever from any defendant.

31. This defendant affirmatively pleads the plaintiff misused the product at issue, this misuse constitutes an unauthorized and improper use, which was the proximate cause of any alleged injury or damage sustained, and therefore plaintiff is unable to recover any sum whatsoever from this defendant.

32. This defendant specifically pleads the doctrines of comparative fault and intervening proximate causation.

33. This defendant specifically pleads each of those defenses found in the Arkansas Products Liability Act, Ark. Code Ann. § 16-116-101, et seq.

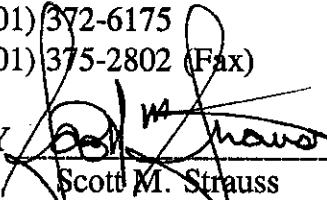
WHEREFORE, premises considered, separate defendant, Connecticut Valley Arms, Inc., prays that the Complaint be dismissed, for its costs, attorney's fees, and all other just and proper relief to which it may be entitled.

Respectfully submitted,

Lead Counsel
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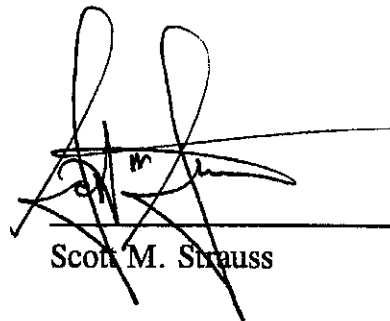
BY 
Scott M. Strauss

AR BIN 92009

CERTIFICATE OF SERVICE

On this 23rd day of September, 2004, a true and correct copy of the above and foregoing pleading was mailed to:

Mr. Tim Dudley
Attorney at Law
114 South Pulaski Street
Little Rock, AR 72201


Scott M. Strauss