

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

SEP 27 2004

JAMES W. MCGORMACK, CLERK
By: *[Signature]*
DEP CLERK

**HERBERT SULLINS and TAMMY SULLINS,
His Wife**

PLAINTIFFS

vs.

CAUSE NO. 4:04-CV-792 GH

**CONNECTICUT VALLEY ARMS, INC. and
HODGDON POWDER COMPANY, INC.**

DEFENDANTS

SEPARATE ANSWER OF HODGDON POWDER

Comes now Hodgdon Powder Company, Inc. ("Hodgdon"), defendant, by and through its attorneys, Rieves, Rubens & Mayton, and for its Separate Answer to Complaint filed herein states that:

1. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 1 of the Complaint.
2. Admits that Defendant Connecticut Valley Arms, Inc., has a registered agent for service of process in Georgia. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph numbered 2 of the Complaint.
3. Denies the averments contained in paragraph numbered 3 of the Complaint.
4. Denies that Hodgdon is authorized (registered with the Secretary of State) to do business in the state of Arkansas. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph numbered 4 of the Complaint.
5. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 5 of the Complaint.

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6. Admits the averments contained in paragraph numbered 6 of the Complaint.

7. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 7 of the Complaint.

8. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 8 of the Complaint.

9. Admits that Connecticut Valley Arms, Inc. was engaged in the business of manufacturing and distributing muzzleloaders. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph numbered 9 of the Complaint.

10. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 10 of the Complaint.

11. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 11 of the Complaint.

12. Admits that Hodgdon manufactures, supplies and distributes Pyrodex as a part of its business. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph numbered 12 of the Complaint.

13. Denies the averments contained in paragraph numbered 13 of the Complaint.

14. Denies the averments contained in paragraph numbered 14 of the Complaint.

15. Admits that Connecticut Valley Arms, Inc. recalled muzzleloaders at some point. Hodgdon is without knowledge or information as to whether the muzzleloader in question was subject to such recall. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph numbered 15 of the Complaint.

16. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 16 of the Complaint.

17. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 17 of the Complaint.

18. Hodgdon is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph numbered 18 of the Complaint.

19. Admits that Connecticut Valley Arms, Inc. recommends the use of Pyrodex in its muzzleloaders. Denies the remaining averments contained in paragraph numbered 19 of the Complaint.

20. Denies the averments contained in paragraph numbered 20 of the Complaint.

21. Denies that Herbert Sullins sustained any damage as a result of negligence on the part of Hodgdon.

22. Denies that Tammy Sullins sustained any damage as a result of negligence on the part of Hodgdon.

23. Hodgdon joins with the Plaintiffs in the demand for a trial by jury on all issues of fact.

24. Denies each and every other allegation contained in the Complaint that has been neither specifically admitted nor denied herein.

25. Affirmatively states that a proximate cause of any damages sustained by the plaintiffs was the negligence of Herbert Sullins. Such negligence is pled as a bar to or, alternatively, in diminution of the plaintiffs' damages in accordance with the Arkansas Law of Comparative Fault.

26. Hodgdon asserts all defenses available to it under the Arkansas Product Liability Act of 1979, as amended.

WHEREFORE, PREMISED CONSIDERED, HODGDON POWDER COMPANY, INC., DEFENDANT, PRAYS THAT:

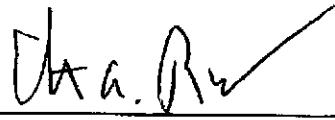
- a. The Plaintiffs' Complaint be dismissed and held for naught insofar as it makes claim against Hodgdon;
- b. In the event that a verdict is awarded to the Plaintiffs, such verdict be diminished in accordance with the Arkansas Law of Comparative Fault;
- c. It receive a trial by jury on all issues of fact; and,
- d. It receive any and all other relief to which it may be entitled.

RESPECTFULLY SUBMITTED,

HODGDON POWDER COMPANY, INC.,
Defendant

BY: RIEVES, RUBENS & MAYTON
304 E. Broadway
P. O. Box 1359
West Memphis, AR 72303
(870) 735-3420

BY:



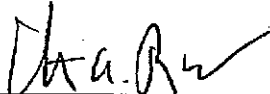
Elton A. Rieves IV (#82135)

CERTIFICATE OF SERVICE

I, one of the attorneys for Hodgdon Powder Company, Inc., state that I have served a copy of the foregoing pleading on the attorney of record by depositing a copy thereof, postage prepaid, in the United States Mail, addressed as follows:

Mr. Timothy O. Dudley
114 South Pulaski Street
Little Rock, AR 72201

Dated this 23 day of September, 2004.



Elton A. Rieves IV