

1 Garrard R. Beeney (NY Reg. No. 1656172)
(beeneyg@sullcrom.com)

2 SULLIVAN & CROMWELL LLP
125 Broad Street

3 New York, New York 10004-2498
Telephone: (212) 558-4000

4 Facsimile: (212) 558-3588

5 Brendan P. Cullen (SBN 194057)
(cullenb@sullcrom.com)

6 Shawn Joe Lichaa (SBN 250902)
(lichaas@sullcrom.com)

7 SULLIVAN & CROMWELL LLP
1870 Embarcadero Road

8 Palo Alto, California 94303

Telephone: (650) 461-5600

9 Facsimile: (650) 461-5700

10 *Attorneys for Defendant Philips Electronics North America Corporation*

11

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15 IN RE TFT-LCD (FLAT PANEL)
16 ANTITRUST LITIGATION

Master File No. M 07-1827 SI
Case No. 11-cv-02591 SI

MDL No. 1827

17
18 This Document Relates To:
19 Case No. 11-cv-02591 SI

**PHILIPS ELECTRONICS NORTH
AMERICA CORPORATION'S ANSWER
TO AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF**

20 T-MOBILE U.S.A., INC.,

21 Plaintiff,

22 v.

23
24 AU OPTRONICS CORPORATION, *et al.*,

25 Defendants.

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1 Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, Defendant Philips
2 Electronics North America Corporation (“PENAC”) by its undersigned counsel, hereby answers the
3 allegations contained in the numbered paragraphs of the Amended Complaint (“Complaint”) of T-
4 Mobile U.S.A., Inc. (“T-Mobile”). PENAC denies all allegations contained in the Complaint –
5 including headings, captions, and definitions – not expressly and specifically admitted in this answer
6 (“Answer”) to the Complaint.

7 1. The allegations contained in Paragraph 1 consist of Plaintiff’s argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 1 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 1 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 2. The allegations contained in Paragraph 2 consist of Plaintiff’s argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 2 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 2 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 3. The allegations contained in Paragraph 3 consist of Plaintiff’s argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 3 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 3 are deemed to require a response and are
24 directed toward PENAC, they are denied.

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1 4. The allegations contained in Paragraph 4 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 4 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 4 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 5. The allegations contained in Paragraph 5 consist of Plaintiff’s argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 5 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 5 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 6. The allegations contained in Paragraph 6 consist of Plaintiff’s argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 6 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 6 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 7. The allegations contained in Paragraph 7 consist of Plaintiff’s argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 7 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 7 are deemed to require a response and are
24 directed toward PENAC, they are denied.

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1 8. The allegations contained in Paragraph 8 consist of Plaintiff's argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 8 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 8 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 9. The allegations contained in Paragraph 9 consist of Plaintiff's characterizations of its
8 claims, to which no response is required. To the extent the allegations contained in Paragraph 9 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 9 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 10. The allegations contained in Paragraph 10 consist of Plaintiff's characterizations of its
14 claims, to which no response is required. To the extent the allegations contained in Paragraph 10 refer
15 to or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient
16 to form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 10 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 11. The allegations contained in Paragraph 11 consist of Plaintiff's characterizations of its
20 claims, to which no response is required. To the extent the allegations contained in Paragraph 11 refer
21 to or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 11 are deemed to require a response and are
24 directed toward PENAC, they are denied.

1 12. The allegations contained in Paragraph 12 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. Subject to the foregoing, PENAC denies that the Court has
3 jurisdiction over Plaintiff’s causes of action purportedly arising under the laws of the United States,
4 including the Sherman and Clayton Acts. PENAC also denies that the Court has jurisdiction over
5 Plaintiff’s causes of action purportedly arising under the laws of the States of California and New York,
6 because the Court has dismissed those causes of action without leave to amend. (*See Order re:*
7 *Defendants’ Motion to Dismiss*, Dkt. No. 90; at p. 3:3-19, n.3; 11-cv-02591-SI; February 6, 2012 (“*T-*
8 *Mobile Dismissal Order*”).) To the extent that the allegations contained in Paragraph 12 are deemed to
9 require a further response from PENAC, PENAC denies such allegations.

10 13. The allegations contained in Paragraph 13 consist of Plaintiff’s argument and conclusions
11 of law, to which no response is required. Subject to the foregoing, PENAC admits that the Court may
12 exercise personal jurisdiction over PENAC. To the extent the allegations contained in Paragraph 13
13 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or information
14 sufficient to form a belief as to the truth of the allegations, and on this basis denies each and every such
15 allegation. To the extent that the allegations contained in Paragraph 13 are deemed to require a further
16 response from PENAC, PENAC denies such allegations.

17 14. The allegations contained in Paragraph 14 consist of Plaintiff’s argument and conclusions
18 of law, to which no response is required. Subject to the foregoing, PENAC admits that venue is proper
19 in the Northern District of California and the Western District of Washington. To the extent the
20 allegations contained in Paragraph 14 refer to or are directed toward other defendants or entities,
21 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and
22 on this basis denies each and every such allegation. To the extent that the allegations contained in
23 Paragraph 14 are deemed to require a further response from PENAC, PENAC denies such allegations.

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1 15. The allegations contained in Paragraph 15 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. Subject to the foregoing, PENAC admits that venue is proper
3 for the purposes of discovery in the Northern District of California. To the extent the allegations
4 contained in Paragraph 15 refer to or are directed toward other defendants or entities, PENAC lacks
5 knowledge or information sufficient to form a belief as to the truth of the allegations, and on this basis
6 denies each and every such allegation. To the extent that the allegations contained in Paragraph 15 are
7 deemed to require a further response from PENAC, PENAC denies such allegations.

8 16. The allegations contained in Paragraph 16 consist of Plaintiff’s argument and conclusions
9 of law, to which no response is required. Subject to the foregoing, PENAC admits that, in the event of
10 trial, “this case should be returned to the Western District of Washington.” To the extent the allegations
11 contained in Paragraph 16 refer to or are directed toward other defendants or entities, PENAC lacks
12 knowledge or information sufficient to form a belief as to the truth of the allegations, and on this basis
13 denies each and every such allegation. To the extent that the allegations contained in Paragraph 16 are
14 deemed to require a further response from PENAC, PENAC denies such allegations.

15 17. The allegations contained in Paragraph 17 consist of Plaintiff’s explanation of its
16 terminology, to which no response is required. To the extent that the allegations contained in
17 Paragraph 17 are deemed to require a response and are directed toward PENAC, they are denied.

18 18. The allegations contained in Paragraph 18 consist of Plaintiff’s explanation of its
19 terminology, to which no response is required. To the extent that the allegations contained in
20 Paragraph 18 are deemed to require a response and are directed toward PENAC, they are denied.

21 19. The allegations contained in Paragraph 19 consist of Plaintiff’s explanation of its
22 terminology, to which no response is required. To the extent that the allegations contained in
23 Paragraph 19 are deemed to require a response and are directed toward PENAC, they are denied.

24 20. The allegations contained in Paragraph 20 consist of Plaintiff’s explanation of its
25 terminology, to which no response is required. To the extent that the allegations contained in
26 Paragraph 20 are deemed to require a response and are directed toward PENAC, they are denied.

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1 21. The allegations contained in Paragraph 21 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 21 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 21 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 22. The allegations contained in Paragraph 22 consist of Plaintiff’s argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 22 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 22 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 23. The allegations contained in Paragraph 23 consist of Plaintiff’s argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 23 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 23 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 24. The allegations contained in Paragraph 24 consist of Plaintiff’s argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 24 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 24 are deemed to require a response and are
24 directed toward PENAC, they are denied.

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1 25. The allegations contained in Paragraph 25 consist of Plaintiff's argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 25 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 25 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 26. The allegations contained in Paragraph 26 consist of Plaintiff's argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 26 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 26 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 27. The allegations contained in Paragraph 27 consist of Plaintiff's argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 27 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 27 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 28. The allegations contained in Paragraph 28 consist of Plaintiff's argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 28 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 28 are deemed to require a response and are
24 directed toward PENAC, they are denied.

25 29. The allegations contained in Paragraph 29 refer to or are directed toward other defendants
26 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations, and on this basis denies each and every such allegation.

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1 30. The allegations contained in Paragraph 30 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 31. The allegations contained in Paragraph 31 refer to or are directed toward other defendants
5 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations, and on this basis denies each and every such allegation.

7 32. The allegations contained in Paragraph 32 refer to or are directed toward other defendants
8 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations, and on this basis denies each and every such allegation.

10 33. The allegations contained in Paragraph 33 refer to or are directed toward other defendants
11 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations, and on this basis denies each and every such allegation.

13 34. The allegations contained in Paragraph 34 refer to or are directed toward other defendants
14 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations, and on this basis denies each and every such allegation.

16 35. The allegations contained in Paragraph 35 refer to or are directed toward other defendants
17 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations, and on this basis denies each and every such allegation.

19 36. The allegations contained in Paragraph 36 refer to or are directed toward other defendants
20 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation.

22 37. The allegations contained in Paragraph 37 refer to or are directed toward other defendants
23 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations, and on this basis denies each and every such allegation.

25 38. The allegations contained in Paragraph 38 refer to or are directed toward other defendants
26 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations, and on this basis denies each and every such allegation.

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1 39. The allegations contained in Paragraph 39 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 40. The allegations contained in Paragraph 40 refer to or are directed toward other defendants
5 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations, and on this basis denies each and every such allegation.

7 41. The allegations contained in Paragraph 41 refer to or are directed toward other defendants
8 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations, and on this basis denies each and every such allegation.

10 42. The allegations contained in Paragraph 42 refer to or are directed toward other defendants
11 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations, and on this basis denies each and every such allegation.

13 43. The allegations contained in Paragraph 43 refer to or are directed toward other defendants
14 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations, and on this basis denies each and every such allegation.

16 44. The allegations contained in Paragraph 44 refer to or are directed toward other defendants
17 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations, and on this basis denies each and every such allegation.

19 45. The allegations contained in Paragraph 45 refer to or are directed toward other defendants
20 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation.

22 46. The allegations contained in Paragraph 46 refer to or are directed toward other defendants
23 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations, and on this basis denies each and every such allegation.

25 47. The allegations contained in Paragraph 47 refer to or are directed toward other defendants
26 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations, and on this basis denies each and every such allegation.

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1 48. The allegations contained in Paragraph 48 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 49. The allegations contained in Paragraph 49 refer to or are directed toward other defendants
5 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations, and on this basis denies each and every such allegation.

7 50. The allegations contained in Paragraph 50 refer to or are directed toward other defendants
8 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations, and on this basis denies each and every such allegation.

10 51. The allegations contained in Paragraph 51 refer to or are directed toward other defendants
11 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations, and on this basis denies each and every such allegation.

13 52. The allegations contained in Paragraph 52 refer to or are directed toward other defendants
14 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations, and on this basis denies each and every such allegation.

16 53. The allegations contained in Paragraph 53 refer to or are directed toward other defendants
17 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations, and on this basis denies each and every such allegation.

19 54. The allegations contained in Paragraph 54 refer to or are directed toward other defendants
20 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation.

22 55. The allegations contained in Paragraph 55 refer to or are directed toward other defendants
23 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations, and on this basis denies each and every such allegation.

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1 56. PENAC admits that PENAC's current principal place of business is 3000 Minuteman
2 Road, Andover, Massachusetts 01810. The last sentence of Paragraph 56 is vague, and on this basis
3 PENAC denies it. The remainder of the allegations contained in Paragraph 56 consist of Plaintiff's
4 argument and conclusions of law, to which no response is required. To the extent that the remainder of
5 the allegations contained in Paragraph 56 refer to or are directed toward other defendants or entities,
6 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and
7 on this basis denies each and every such allegation. To the extent that the allegations contained in
8 Paragraph 56 may be deemed to require a further response from PENAC, PENAC denies such
9 allegations.

10 57. PENAC admits that Royal Philips is PENAC's ultimate parent company. PENAC states
11 that it does not now hold and has never held an ownership interest in LG Philips LCD Co., Ltd. or LG
12 Display Co., Ltd. The remainder of the allegations contained in Paragraph 57 consist of Plaintiff's
13 argument and conclusions of law, to which no response is required. To the extent that the remainder of
14 the allegations contained in Paragraph 57 refer to or are directed toward other defendants or entities,
15 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and
16 on this basis denies each and every such allegation.

17 58. The allegations contained in Paragraph 58 consist of Plaintiff's conclusions of law and
18 explanation of its terminology, to which no response is required. To the extent the allegations contained
19 in Paragraph 58 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
21 every such allegation. To the extent that the allegations contained in Paragraph 58 are deemed to require
22 a response and are directed toward PENAC, they are denied.

23 59. The allegations contained in Paragraph 59 refer to or are directed toward other defendants
24 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
25 truth of the allegations, and on this basis denies each and every such allegation.

26 60. The allegations contained in Paragraph 60 refer to or are directed toward other defendants
27 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
28 truth of the allegations, and on this basis denies each and every such allegation.

1 61. The allegations contained in Paragraph 61 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 62. The allegations contained in Paragraph 62 refer to or are directed toward other defendants
5 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations, and on this basis denies each and every such allegation.

7 63. The allegations contained in Paragraph 63 refer to or are directed toward other defendants
8 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations, and on this basis denies each and every such allegation.

10 64. The allegations contained in Paragraph 64 refer to or are directed toward other defendants
11 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations, and on this basis denies each and every such allegation.

13 65. The allegations contained in Paragraph 65 refer to or are directed toward other defendants
14 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations, and on this basis denies each and every such allegation.

16 66. The allegations contained in Paragraph 66 refer to or are directed toward other defendants
17 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations, and on this basis denies each and every such allegation.

19 67. The allegations contained in Paragraph 67 refer to or are directed toward other defendants
20 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation.

22 68. The allegations contained in Paragraph 68 refer to or are directed toward other defendants
23 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations, and on this basis denies each and every such allegation.

25 69. The allegations contained in Paragraph 69 refer to or are directed toward other defendants
26 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations, and on this basis denies each and every such allegation.

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1 70. The allegations contained in Paragraph 70 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 71. The allegations contained in Paragraph 71 refer to or are directed toward other defendants
5 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations, and on this basis denies each and every such allegation.

7 72. The allegations contained in Paragraph 72 refer to or are directed toward other defendants
8 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations, and on this basis denies each and every such allegation.

10 73. The allegations contained in Paragraph 73 refer to or are directed toward other defendants
11 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations, and on this basis denies each and every such allegation.

13 74. The allegations contained in Paragraph 74 refer to or are directed toward other defendants
14 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations, and on this basis denies each and every such allegation.

16 75. The allegations contained in Paragraph 75 refer to or are directed toward other defendants
17 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations, and on this basis denies each and every such allegation.

19 76. The allegations contained in Paragraph 76 refer to or are directed toward other defendants
20 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation.

22 77. The allegations contained in Paragraph 77 refer to or are directed toward other defendants
23 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations, and on this basis denies each and every such allegation.

25 78. The allegations contained in Paragraph 78 refer to or are directed toward other defendants
26 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations, and on this basis denies each and every such allegation.

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1 79. The allegations contained in Paragraph 79 refer to or are directed toward other defendants
2 or entities. Accordingly, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation.

4 80. The allegations contained in Paragraph 80 consist of Plaintiff's argument and conclusions
5 of law, to which no response is required. To the extent the allegations contained in Paragraph 80 refer to
6 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
7 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
8 To the extent that the allegations contained in Paragraph 80 are deemed to require a response and are
9 directed toward PENAC, they are denied.

10 81. The allegations contained in Paragraph 81 consist of Plaintiff's argument and conclusions
11 of law, to which no response is required. To the extent the allegations contained in Paragraph 81 refer to
12 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
13 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
14 To the extent that the allegations contained in Paragraph 81 are deemed to require a response and are
15 directed toward PENAC, they are denied.

16 82. The allegations contained in Paragraph 82 consist of Plaintiff's argument and conclusions
17 of law, to which no response is required. To the extent the allegations contained in Paragraph 82 refer to
18 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
19 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
20 To the extent that the allegations contained in Paragraph 82 are deemed to require a response and are
21 directed toward PENAC, they are denied.

22 83. The allegations contained in Paragraph 83 consist of Plaintiff's argument and conclusions
23 of law, to which no response is required. To the extent the allegations contained in Paragraph 83 refer to
24 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
25 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
26 To the extent that the allegations contained in Paragraph 83 are deemed to require a response and are
27 directed toward PENAC, they are denied.

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1 84. The allegations contained in Paragraph 84 consist of Plaintiff's argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 84 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 84 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 85. PENAC admits the first sentence of Paragraph 85. The remainder of the allegations
8 contained in Paragraph 85 consist of Plaintiff's argument and conclusions of law, to which no response
9 is required. To the extent that the allegations contained in Paragraph 85 are deemed to require a
10 response and are directed toward PENAC, they are denied.

11 86. The allegations contained in Paragraph 86 consist of Plaintiff's argument and conclusions
12 of law, to which no response is required. To the extent that the allegations contained in Paragraph 86
13 are deemed to require a response and are directed toward PENAC, they are denied.

14 87. The allegations contained in Paragraph 87 consist of Plaintiff's argument and conclusions
15 of law, to which no response is required. To the extent that the allegations contained in Paragraph 87
16 are deemed to require a response and are directed toward PENAC, they are denied.

17 88. The allegations contained in Paragraph 88 consist of Plaintiff's argument and conclusions
18 of law, to which no response is required. To the extent that the allegations contained in Paragraph 88
19 are deemed to require a response and are directed toward PENAC, they are denied.

20 89. The allegations contained in Paragraph 89 consist of Plaintiff's argument and conclusions
21 of law, to which no response is required. To the extent the allegations contained in Paragraph 89 refer to
22 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
23 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
24 To the extent that the allegations contained in Paragraph 89 are deemed to require a response and are
25 directed toward PENAC, they are denied.

1 90. The allegations contained in Paragraph 90 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 90 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 90 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 91. The allegations contained in Paragraph 91 consist of Plaintiff’s argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 91 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 91 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 92. The allegations contained in Paragraph 92 consist of Plaintiff’s argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 92 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 92 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 93. The allegations contained in Paragraph 93 consist of Plaintiff’s argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 93 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 93 are deemed to require a response and are
24 directed toward PENAC, they are denied.

1 94. The allegations contained in Paragraph 94 consist of Plaintiff's argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 94 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 94 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 95. The allegations contained in Paragraph 95 consist of Plaintiff's argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 95 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 95 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 96. The allegations contained in Paragraph 96 consist of Plaintiff's argument and conclusions
14 of law, to which no response is required. To the extent the allegations contained in Paragraph 96 refer to
15 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
16 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
17 To the extent that the allegations contained in Paragraph 96 are deemed to require a response and are
18 directed toward PENAC, they are denied.

19 97. The allegations contained in Paragraph 97 consist of Plaintiff's argument and conclusions
20 of law, to which no response is required. To the extent the allegations contained in Paragraph 97 refer to
21 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
22 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
23 To the extent that the allegations contained in Paragraph 97 are deemed to require a response and are
24 directed toward PENAC, they are denied.

1 98. The allegations contained in Paragraph 98 consist of Plaintiff’s argument and conclusions
2 of law, to which no response is required. To the extent the allegations contained in Paragraph 98 refer to
3 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
4 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
5 To the extent that the allegations contained in Paragraph 98 are deemed to require a response and are
6 directed toward PENAC, they are denied.

7 99. The allegations contained in Paragraph 99 consist of Plaintiff’s argument and conclusions
8 of law, to which no response is required. To the extent the allegations contained in Paragraph 99 refer to
9 or are directed toward other defendants or entities, PENAC lacks knowledge or information sufficient to
10 form a belief as to the truth of the allegations, and on this basis denies each and every such allegation.
11 To the extent that the allegations contained in Paragraph 99 are deemed to require a response and are
12 directed toward PENAC, they are denied.

13 100. The allegations contained in Paragraph 100 consist of Plaintiff’s argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 100 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 100 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 101. The allegations contained in Paragraph 101 consist of Plaintiff’s argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 101 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 101 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 102. The allegations contained in Paragraph 102 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 102 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 102 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 103. The allegations contained in Paragraph 103 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 103 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 103 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 104. The allegations contained in Paragraph 104 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 104 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 104 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 105. The allegations contained in Paragraph 105 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 105 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 105 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 106. To the extent the allegations contained in Paragraph 106 refer to or are directed toward
2 other defendants or entities, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation. To the extent that the
4 allegations contained in Paragraph 106 are deemed to require a response and are directed toward
5 PENAC, they are denied.

6 107. The allegations contained in Paragraph 107 consist of Plaintiff's argument and
7 conclusions of law, to which no response is required. To the extent the allegations contained in
8 Paragraph 107 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
9 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
10 every such allegation. To the extent that the allegations contained in Paragraph 107 are deemed to
11 require a response and are directed toward PENAC, they are denied.

12 108. To the extent the allegations contained in Paragraph 108 refer to or are directed toward
13 other defendants or entities, PENAC lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations, and on this basis denies each and every such allegation. To the extent that the
15 allegations contained in Paragraph 108 are deemed to require a response and are directed toward
16 PENAC, they are denied.

17 109. The allegations contained in Paragraph 109 consist of Plaintiff's argument and
18 conclusions of law, to which no response is required. To the extent the allegations contained in
19 Paragraph 109 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
21 every such allegation. To the extent that the allegations contained in Paragraph 109 are deemed to
22 require a response and are directed toward PENAC, they are denied.

23 110. The allegations contained in Paragraph 110 consist of Plaintiff's argument and
24 conclusions of law, to which no response is required. To the extent the allegations contained in
25 Paragraph 110 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
26 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
27 every such allegation. To the extent that the allegations contained in Paragraph 110 are deemed to
28 require a response and are directed toward PENAC, they are denied.

1 111. To the extent the allegations contained in Paragraph 111 refer to or are directed toward
2 other defendants or entities, PENAC lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations, and on this basis denies each and every such allegation. To the extent that the
4 allegations contained in Paragraph 111 are deemed to require a response and are directed toward
5 PENAC, they are denied.

6 112. The allegations contained in Paragraph 112 consist of Plaintiff's argument and
7 conclusions of law, to which no response is required. To the extent the allegations contained in
8 Paragraph 112 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
9 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
10 every such allegation. To the extent that the allegations contained in Paragraph 112 are deemed to
11 require a response and are directed toward PENAC, they are denied.

12 113. The allegations contained in Paragraph 113 consist of Plaintiff's argument and
13 conclusions of law, to which no response is required. To the extent the allegations contained in
14 Paragraph 113 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
15 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
16 every such allegation. To the extent that the allegations contained in Paragraph 113 are deemed to
17 require a response and are directed toward PENAC, they are denied.

18 114. The allegations contained in Paragraph 114 consist of Plaintiff's argument and
19 conclusions of law, to which no response is required. To the extent the allegations contained in
20 Paragraph 114 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
21 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
22 every such allegation. To the extent that the allegations contained in Paragraph 114 are deemed to
23 require a response and are directed toward PENAC, they are denied.

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1 115. The allegations contained in Paragraph 115 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 115 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 115 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 116. The allegations contained in Paragraph 116 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 116 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 116 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 117. The allegations contained in Paragraph 117 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 117 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 117 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 118. The allegations contained in Paragraph 118 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 118 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 118 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 119. The allegations contained in Paragraph 119 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 119 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 119 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 120. The allegations contained in Paragraph 120 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 120 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 120 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 121. The allegations contained in Paragraph 121 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 121 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 121 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 122. The allegations contained in Paragraph 122 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 122 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 122 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 123. The allegations contained in Paragraph 123 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 123 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 123 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 124. The allegations contained in Paragraph 124 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 124 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 124 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 125. The allegations contained in Paragraph 125 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 125 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 125 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 126. The allegations contained in Paragraph 126 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 126 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 126 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 127. The allegations contained in Paragraph 127 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 127 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 127 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 128. The allegations contained in Paragraph 128 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 128 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 128 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 129. The allegations contained in Paragraph 129 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 129 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 129 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 130. The allegations contained in Paragraph 130 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 130 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 130 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 131. The allegations contained in Paragraph 131 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 131 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 131 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 132. The allegations contained in Paragraph 132 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 132 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 132 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 133. The allegations contained in Paragraph 133 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 133 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 133 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 134. The allegations contained in Paragraph 134 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 134 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 134 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 135. The allegations contained in Paragraph 135 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 135 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 135 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 136. The allegations contained in Paragraph 136 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 136 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 136 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 137. The allegations contained in Paragraph 137 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 137 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 137 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 138. The allegations contained in Paragraph 138 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 138 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 138 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 139. The allegations contained in Paragraph 139 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 139 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 139 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 140. The allegations contained in Paragraph 140 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 140 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 140 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 141. The allegations contained in Paragraph 141 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 141 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 141 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 142. The allegations contained in Paragraph 142 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 142 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 142 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 143. The allegations contained in Paragraph 143 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 143 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 143 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 144. The allegations contained in Paragraph 144 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 144 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 144 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 145. The allegations contained in Paragraph 145 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 145 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 145 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 146. The allegations contained in Paragraph 146 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 146 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 146 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 147. The allegations contained in Paragraph 147 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 147 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 147 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 148. The allegations contained in Paragraph 148 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 148 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 148 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 149. The allegations contained in Paragraph 149 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 149 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 149 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 150. The allegations contained in Paragraph 150 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 150 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 150 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 151. The allegations contained in Paragraph 151 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 151 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 151 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 152. The allegations contained in Paragraph 152 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 152 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 152 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 153. The allegations contained in Paragraph 153 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 153 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 153 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 154. The allegations contained in Paragraph 154 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 154 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 154 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 155. The allegations contained in Paragraph 155 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 155 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 155 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 156. The allegations contained in Paragraph 156 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 156 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 156 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 157. The allegations contained in Paragraph 157 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 157 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 157 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 158. The allegations contained in Paragraph 158 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 158 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 158 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 159. The allegations contained in Paragraph 159 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 159 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 159 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 160. The allegations contained in Paragraph 160 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 160 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 160 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 161. The allegations contained in Paragraph 161 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 161 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 161 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 162. The allegations contained in Paragraph 162 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 162 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 162 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 163. The allegations contained in Paragraph 163 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 163 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 163 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 164. The allegations contained in Paragraph 164 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 164 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 164 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 165. The allegations contained in Paragraph 165 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 165 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 165 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 166. The allegations contained in Paragraph 166 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 166 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 166 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 167. The allegations contained in Paragraph 167 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 167 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 167 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 168. The allegations contained in Paragraph 168 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 168 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 168 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 169. The allegations contained in Paragraph 169 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 169 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 169 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 170. The allegations contained in Paragraph 170 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 170 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 170 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 171. The allegations contained in Paragraph 171 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 171 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 171 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 172. The allegations contained in Paragraph 172 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 172 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 172 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 173. The allegations contained in Paragraph 173 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 173 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 173 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 174. To the extent the allegations contained in Paragraph 174 refer to or are directed toward
20 other defendants or entities, PENAC lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations, and on this basis denies each and every such allegation. To the extent that the
22 allegations contained in Paragraph 174 are deemed to require a response and are directed toward
23 PENAC, they are denied.

24 175. To the extent the allegations contained in Paragraph 175 refer to or are directed toward
25 other defendants or entities, PENAC lacks knowledge or information sufficient to form a belief as to the
26 truth of the allegations, and on this basis denies each and every such allegation. To the extent that the
27 allegations contained in Paragraph 175 are deemed to require a response and are directed toward
28 PENAC, they are denied.

1 176. The allegations contained in Paragraph 176 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 176 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 176 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 177. The allegations contained in Paragraph 177 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 177 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 177 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 178. The allegations contained in Paragraph 178 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 178 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 178 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 179. The allegations contained in Paragraph 179 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 179 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 179 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 180. The allegations contained in Paragraph 180 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 180 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 180 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 181. The allegations contained in Paragraph 181 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 181 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 181 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 182. The allegations contained in Paragraph 182 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 182 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 182 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 183. The allegations contained in Paragraph 183 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 183 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 183 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 184. The allegations contained in Paragraph 184 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 184 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 184 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 185. The allegations contained in Paragraph 185 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 185 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 185 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 186. The allegations contained in Paragraph 186 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 186 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 186 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 187. The allegations contained in Paragraph 187 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 187 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 187 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 188. The allegations contained in Paragraph 188 consist of Plaintiff’s argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 188 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 188 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 189. The allegations contained in Paragraph 189 consist of Plaintiff’s argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 189 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 189 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 190. The allegations contained in Paragraph 190 consist of Plaintiff’s argument, conclusions
14 of law and explanations of its terminology, to which no response is required. To the extent the
15 allegations contained in Paragraph 190 refer to or are directed toward other defendants or entities,
16 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and
17 on this basis denies each and every such allegation. To the extent that the allegations contained in
18 Paragraph 190 are deemed to require a response and are directed toward PENAC, they are denied.

19 191. The allegations contained in Paragraph 191 consist of Plaintiff’s argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 191 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 191 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 192. The allegations contained in Paragraph 192 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 192 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 192 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 193. The allegations contained in Paragraph 193 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 193 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 193 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 194. The allegations contained in Paragraph 194 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 194 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 194 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 195. The allegations contained in Paragraph 195 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 195 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 195 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 196. The allegations contained in Paragraph 196 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 196 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 196 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 197. The allegations contained in Paragraph 197 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 197 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 197 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 198. The allegations contained in Paragraph 198 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 198 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 198 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 199. The allegations contained in Paragraph 199 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 199 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 199 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 200. The allegations contained in Paragraph 200 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 200 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 200 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 201. The allegations contained in Paragraph 201 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 201 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 201 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 202. The allegations contained in Paragraph 202 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 202 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 202 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 203. The allegations contained in Paragraph 203 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 203 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 203 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 204. The allegations contained in Paragraph 204 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 204 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 204 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 205. The allegations contained in Paragraph 205 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 205 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 205 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 206. The allegations contained in Paragraph 206 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 206 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 206 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 207. The allegations contained in Paragraph 207 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 207 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 207 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 208. The allegations contained in Paragraph 208 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 208 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 208 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 209. The allegations contained in Paragraph 209 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 209 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 209 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 210. The allegations contained in Paragraph 210 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 210 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 210 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 211. The allegations contained in Paragraph 211 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 211 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 211 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 212. The allegations contained in Paragraph 212 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 212 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 212 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 213. The allegations contained in Paragraph 213 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 213 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 213 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 214. The allegations contained in Paragraph 214 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 214 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 214 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 215. The allegations contained in Paragraph 215 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 215 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 215 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 216. The allegations contained in Paragraph 216 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 216 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 216 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 217. The allegations contained in Paragraph 217 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 217 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 217 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 218. The allegations contained in Paragraph 218 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 218 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 218 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 219. The allegations contained in Paragraph 219 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 219 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 219 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 220. The allegations contained in Paragraph 220 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 220 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 220 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 221. The allegations contained in Paragraph 221 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 221 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 221 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 222. The allegations contained in Paragraph 222 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 222 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 222 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 223. The allegations contained in Paragraph 223 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 223 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 223 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 224. The allegations contained in Paragraph 224 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 224 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 224 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 225. The allegations contained in Paragraph 225 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 225 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 225 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 226. The allegations contained in Paragraph 226 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 226 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 226 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 227. The allegations contained in Paragraph 227 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 227 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 227 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 228. The allegations contained in Paragraph 228 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 228 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 228 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 229. The allegations contained in Paragraph 229 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 229 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 229 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 230. The allegations contained in Paragraph 230 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 230 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 230 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 231. The allegations contained in Paragraph 231 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 231 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 231 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 232. The allegations contained in Paragraph 232 consist of Plaintiff’s argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 232 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 232 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 233. The allegations contained in Paragraph 233 consist of Plaintiff’s argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 233 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 233 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 234. The allegations contained in Paragraph 234 consist of Plaintiff’s argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 234 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 234 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 235. The allegations contained in Paragraph 235 consist of Plaintiff’s argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 235 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 235 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 236. The allegations contained in Paragraph 236 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 236 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 236 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 237. The allegations contained in Paragraph 237 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 237 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 237 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 238. The allegations contained in Paragraph 238 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 238 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 238 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 239. The allegations contained in Paragraph 239 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 239 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 239 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 240. The allegations contained in Paragraph 240 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 240 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 240 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 241. The allegations contained in Paragraph 241 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 241 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 241 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 242. The allegations contained in Paragraph 242 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 242 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 242 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 243. The allegations contained in Paragraph 243 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 243 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 243 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 244. The allegations contained in Paragraph 244 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 244 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 244 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 245. The allegations contained in Paragraph 245 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 245 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 245 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 246. The allegations contained in Paragraph 246 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 246 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 246 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 247. The allegations contained in Paragraph 247 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 247 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 247 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 248. The allegations contained in Paragraph 248 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 248 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 248 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 249. The allegations contained in Paragraph 249 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 249 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 249 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 250. The allegations contained in Paragraph 250 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 250 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 250 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 251. The allegations contained in Paragraph 251 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 251 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 251 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 252. The allegations contained in Paragraph 252 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 252 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 252 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 253. The allegations contained in Paragraph 253 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 253 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 253 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 254. The allegations contained in Paragraph 254 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 254 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 254 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 255. The allegations contained in Paragraph 255 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 255 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 255 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 256. The allegations contained in Paragraph 256 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 256 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 256 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 257. The allegations contained in Paragraph 257 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 257 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 257 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 258. The allegations contained in Paragraph 258 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 258 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 258 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 259. The allegations contained in Paragraph 259 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 259 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 259 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 260. The allegations contained in Paragraph 260 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 260 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 260 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 261. The allegations contained in Paragraph 261 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 261 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 261 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 262. The allegations contained in Paragraph 262 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 262 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 262 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 263. The allegations contained in Paragraph 263 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 263 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 263 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 264. The allegations contained in Paragraph 264 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 264 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 264 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 265. The allegations contained in Paragraph 265 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 265 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 265 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 266. The allegations contained in Paragraph 266 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 266 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 266 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 267. The allegations contained in Paragraph 267 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 267 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 267 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 268. The allegations contained in Paragraph 268 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 268 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 268 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 269. The allegations contained in Paragraph 269 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 269 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 269 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 270. The allegations contained in Paragraph 270 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 270 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 270 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 271. The allegations contained in Paragraph 271 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 271 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 271 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 272. The allegations contained in Paragraph 272 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 272 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 272 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 273. The allegations contained in Paragraph 273 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 273 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 273 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 274. The allegations contained in Paragraph 274 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 274 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 274 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 275. The allegations contained in Paragraph 275 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 275 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 275 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 276. The allegations contained in Paragraph 276 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 276 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 276 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 277. The allegations contained in Paragraph 277 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 277 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 277 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 278. The allegations contained in Paragraph 278 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 278 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 278 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 279. The allegations contained in Paragraph 279 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 279 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 279 are deemed to
24 require a response and are directed toward PENAC, they are denied.

25 280. The allegations contained in Paragraph 280 consist of Plaintiff's characterizations of its
26 claims, to which no response is required.

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1 281. The allegations contained in Paragraph 281 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 281 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 281 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 282. The allegations contained in Paragraph 282 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 282 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 282 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 283. The allegations contained in Paragraph 283 consist of Plaintiff's argument and
14 conclusions of law, to which no response is required. To the extent the allegations contained in
15 Paragraph 283 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
17 every such allegation. To the extent that the allegations contained in Paragraph 283 are deemed to
18 require a response and are directed toward PENAC, they are denied.

19 284. The allegations contained in Paragraph 284 consist of Plaintiff's argument and
20 conclusions of law, to which no response is required. To the extent the allegations contained in
21 Paragraph 284 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
22 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
23 every such allegation. To the extent that the allegations contained in Paragraph 284 are deemed to
24 require a response and are directed toward PENAC, they are denied.

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1 285. The allegations contained in Paragraph 285 consist of Plaintiff's argument and
2 conclusions of law, to which no response is required. To the extent the allegations contained in
3 Paragraph 285 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
4 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
5 every such allegation. To the extent that the allegations contained in Paragraph 285 are deemed to
6 require a response and are directed toward PENAC, they are denied.

7 286. The allegations contained in Paragraph 286 consist of Plaintiff's argument and
8 conclusions of law, to which no response is required. To the extent the allegations contained in
9 Paragraph 286 refer to or are directed toward other defendants or entities, PENAC lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on this basis denies each and
11 every such allegation. To the extent that the allegations contained in Paragraph 286 are deemed to
12 require a response and are directed toward PENAC, they are denied.

13 287. The allegations contained in Paragraph 287 consist of Plaintiff's characterizations of its
14 claims, to which no response is required.

15 288. The allegations contained in Paragraph 288 relate to claims that have been dismissed by
16 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
17 allegations contained in Paragraph 288 are deemed to require a response and are directed toward
18 PENAC, they are denied.

19 289. The allegations contained in Paragraph 289 relate to claims that have been dismissed by
20 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
21 allegations contained in Paragraph 289 are deemed to require a response and are directed toward
22 PENAC, they are denied.

23 290. The allegations contained in Paragraph 290 relate to claims that have been dismissed by
24 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
25 allegations contained in Paragraph 290 are deemed to require a response and are directed toward
26 PENAC, they are denied.

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1 291. The allegations contained in Paragraph 291 relate to claims that have been dismissed by
2 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
3 allegations contained in Paragraph 291 are deemed to require a response and are directed toward
4 PENAC, they are denied.

5 292. The allegations contained in Paragraph 292 relate to claims that have been dismissed by
6 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
7 allegations contained in Paragraph 292 are deemed to require a response and are directed toward
8 PENAC, they are denied.

9 293. The allegations contained in Paragraph 293 relate to claims that have been dismissed by
10 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
11 allegations contained in Paragraph 293 are deemed to require a response and are directed toward
12 PENAC, they are denied.

13 294. The allegations contained in Paragraph 294 relate to claims that have been dismissed by
14 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
15 allegations contained in Paragraph 294 are deemed to require a response and are directed toward
16 PENAC, they are denied.

17 295. The allegations contained in Paragraph 295 relate to claims that have been dismissed by
18 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
19 allegations contained in Paragraph 295 are deemed to require a response and are directed toward
20 PENAC, they are denied.

21 296. The allegations contained in Paragraph 296 relate to claims that have been dismissed by
22 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
23 allegations contained in Paragraph 296 are deemed to require a response and are directed toward
24 PENAC, they are denied.

25 297. The allegations contained in Paragraph 297 relate to claims that have been dismissed by
26 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
27 allegations contained in Paragraph 297 are deemed to require a response and are directed toward
28 PENAC, they are denied.

1 298. The allegations contained in Paragraph 298 relate to claims that have been dismissed by
2 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
3 allegations contained in Paragraph 298 are deemed to require a response and are directed toward
4 PENAC, they are denied.

5 299. The allegations contained in Paragraph 299 relate to claims that have been dismissed by
6 the Court's *T-Mobile Dismissal Order*, and, therefore, no response is required. To the extent that the
7 allegations contained in Paragraph 299 are deemed to require a response and are directed toward
8 PENAC, they are denied.

9 300. PENAC denies each and every allegation contained in the Prayer for Relief and *ad*
10 *damnum clause* of the Complaint to the extent that a response has not been provided herein.

11 **AFFIRMATIVE DEFENSES**

12 301. As affirmative defenses to the Complaint, PENAC states, without assuming any burden
13 of pleading or proof that would otherwise rest with the Plaintiff, as follows:

14 **FIRST AFFIRMATIVE DEFENSE**

15 (Failure to State a Claim)

16 302. The Complaint fails to state a claim upon which relief can be granted.

17 **SECOND AFFIRMATIVE DEFENSE**

18 (Lack of Subject Matter Jurisdiction)

19 303. The conduct alleged to provide a basis for the Plaintiff's claims did not have a direct,
20 substantial, and reasonably foreseeable effect on trade or commerce with the United States. The Court
21 therefore lacks subject matter jurisdiction over the Plaintiff's claims.

22 **THIRD AFFIRMATIVE DEFENSE**

23 (Failure to Plead Fraud with Particularity; Fed.R.Civ.P. 9(b))

24 304. Plaintiff has failed to plead fraudulent concealment with the particularity required by
25 Rule 9(b) of the Federal Rules of Civil Procedure.
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FOURTH AFFIRMATIVE DEFENSE

(Lack of Standing)

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3 305. Plaintiff’s claims are barred, in whole or in part, because Plaintiff lacks standing to bring
4 or maintain the claims set forth in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

(Lack of Standing – Indirect Purchasers)

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7 306. Plaintiff’s claims are barred, in whole or in part, to the extent that it did not purchase
8 LCD panels or LCD products directly from Defendants, because it is an indirect purchaser and barred
9 from maintaining an action under 15 U.S.C. § 1 for alleged injuries in that capacity.

SIXTH AFFIRMATIVE DEFENSE

(Lack of Antitrust Injury)

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12 307. Plaintiff’s claims are barred, in whole or in part, because Plaintiff has suffered no
13 antitrust injury.

SEVENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

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16 308. Plaintiff’s claims are barred, in whole or in part, by applicable statutes of limitations,
17 including, but not limited to Section 4B of the Clayton Act (15 U.S.C. § 15b) and the applicable statutes
18 of limitations under the laws of the State of Illinois.

EIGHTH AFFIRMATIVE DEFENSE

(Waiver)

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21 309. Plaintiff’s claims are barred, in whole or in part, by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

(Estoppel)

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24 310. Plaintiff’s claims are barred, in whole or in part, by the doctrine of estoppel.

TENTH AFFIRMATIVE DEFENSE

(Laches)

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27 311. Plaintiff’s claims are barred, in whole or in part, by the doctrine of laches.

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ELEVENTH AFFIRMATIVE DEFENSE

(No Act by PENAC)

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312. Plaintiff's claims are barred, in whole or in part, because Plaintiff has not been injured in its business or property by reason of any action by PENAC or any of its officers or employees.

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TWELFTH AFFIRMATIVE DEFENSE

(Intervening Conduct)

313. Plaintiff's claims are barred, in whole or in part, because any alleged injuries and damages were not legally or proximately caused by any acts or omissions of PENAC and/or were caused, if at all, solely and proximately by the conduct of third parties including, without limitation, the prior, intervening or superseding conduct of such third parties.

THIRTEENTH AFFIRMATIVE DEFENSE

(*Ultra Vires*)

314. To the extent that any actionable conduct occurred, Plaintiff's claims against PENAC are barred because all such conduct would have been committed by individuals acting *ultra vires*.

FOURTEENTH AFFIRMATIVE DEFENSE

(Speculative Damages)

315. Plaintiff's claims are barred, in whole or in part, because the alleged damages, if any, are speculative and because of the impossibility of the ascertainment and allocation of such alleged damages.

FIFTEENTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

316. Plaintiff's claims are barred from recovery of any damages because of and to the extent of its failure to mitigate damages.

SIXTEENTH AFFIRMATIVE DEFENSE

(Unilateral Action)

317. Plaintiff's claims are barred, in whole or in part, because any actions or practices by PENAC that are the subject of the Complaint were undertaken unilaterally for legitimate business reasons and in pursuit of PENAC's independent interests and those of its customers, and were not the product of any contract, combination or conspiracy between PENAC and any other person or entity.

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SEVENTEENTH AFFIRMATIVE DEFENSE

(Rule of Reason)

318. Plaintiff's claims are barred, in whole or in part, because any acts or practices by PENAC that are the subject of the Complaint were adopted in furtherance of legitimate business interests of PENAC and of its customers and do not unreasonably restrain competition.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Competition)

319. Plaintiff's claims are barred, in whole or in part, because any acts or practices by PENAC that are the subject of the Complaint were cost justified or otherwise economically justified and resulted from a good faith effort to meet competition or market conditions.

NINETEENTH AFFIRMATIVE DEFENSE

(Pass Through)

320. Plaintiff's claims are barred, in whole or in part, because it fails to meet its burden of proving that it was damaged in fact by the conduct of which complaint is here made, including the burden of proving that any so-called overcharge was not absorbed in whole or in part by direct purchasers or by other third parties, and was passed through to the Plaintiff.

TWENTIETH AFFIRMATIVE DEFENSE

(Pass On)

321. Plaintiff's claims are barred, in whole or in part, because it fails to meet Plaintiff's burden of proving that it was damaged in fact by the conduct of which complaint is here made, including the burden of proving that any so-called overcharge was not passed on by Plaintiff to a third party.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Due Process)

322. Plaintiff's claims are barred, in whole or in part, to the extent it seeks an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Due Process clauses of the Fifth and Fourteenth Amendments of the United States Constitution.

1 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

2 (Equal Protection)

3 323. Plaintiff's claims are barred, in whole or in part, to the extent it seeks an improper
4 multiple punitive award for a single wrong because such an award would violate PENAC's rights
5 guaranteed by the Equal Protection clause of the Fourteenth Amendment of the United States
6 Constitution.

7 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

8 (Excessive Fines)

9 324. Plaintiff's claims are barred, in whole or in part, to the extent it seeks an improper
10 multiple punitive award for a single wrong because such an award would violate PENAC's rights
11 guaranteed by the Excessive Fines provision of the Eighth Amendment of the United States Constitution.

12 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

13 (Unconstitutional Multiplicity)

14 325. To the extent any recovery by the Plaintiff would be duplicative of recovery by other
15 plaintiffs and other lawsuits, subjecting PENAC to the possibility of multiple liability, such recovery is
16 barred by the Fifth and Eighth Amendments to the United States Constitution.

17 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

18 (Bar on Duplicative Recovery)

19 326. To the extent any recovery by the Plaintiff would be duplicative of recovery by other
20 plaintiffs that are predecessors or successors to plaintiffs in the chain of distribution, subjecting PENAC
21 to the possibility of multiple liability, such recovery is barred.

22 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

23 (Release)

24 327. Plaintiff's claims are barred, in whole or in part, to the extent of any release or
25 compromise of such claims between the parties.
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TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Mistake of Fact)

328. Plaintiff's claims are barred, in whole or in part, by reason of the doctrine of mistake of fact.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Setoff)

329. To the extent that Plaintiff has outstanding obligations to PENAC, its claims are barred or reduced.

TWENTY-NINTH AFFIRMATIVE DEFENSE

(Incorporation of Defenses of Others)

330. PENAC adopts and incorporates by reference any applicable defense pleaded by any other defendant not otherwise expressly set forth herein.

THIRTIETH AFFIRMATIVE DEFENSE

(Defenses Incorporated by Reference)

331. PENAC adopts and incorporates by reference any and all other additional or affirmative defenses asserted or to be asserted by any other defendant in this proceeding to the extent that PENAC may share in such affirmative defenses.

THIRTY-FIRST AFFIRMATIVE DEFENSE

(Limitation by Court Order)

332. PENAC adopts and incorporates by reference any applicable limitations to Plaintiff's claims set forth in any order of the Court, whether so ordered prior or subsequent to the filing of this Answer, including, but not limited to, the Court's *T-Mobile Dismissal Order*,

THIRTY-SECOND AFFIRMATIVE DEFENSE

(Reservation of Other Defenses)

333. PENAC reserves the right to assert other defenses as this action proceeds up to and including the time of trial.

1 Dated: March 5, 2012

Respectfully submitted,

2 /s/ Brendan P. Cullen

3 Brendan P. Cullen (SBN 194057)
4 Shawn Joe Lichaa (SBN 250902)
5 SULLIVAN & CROMWELL LLP
6 1870 Embarcadero Road
7 Palo Alto, California 94303
8 Telephone: (650) 461-5600
9 Facsimile: (650) 461-5700

10 Garrard R. Beeney (NY Reg. No. 1656172)
11 SULLIVAN & CROMWELL LLP
12 125 Broad Street
13 New York, New York 10004-2498
14 Telephone: (212) 558-4000
15 Facsimile: (212) 558-3588

16 *Attorneys for Defendant Philips Electronics*
17 *North America Corporation*