

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN W. KIDDER, Individually and as  
Proposed Executor for the Estate of  
TRESA J. KIDDER,

Case No. CV-02-1590

Plaintiff(s),

-against-

**ANSWER AND  
ACKNOWLEDGMENT  
OF SERVICE**

A.C.&S., INC., et. al.,

Judge Gershon

Defendants.

-----X

Defendant, Peerless Industries Inc., by its attorneys L'ABBATE, BALKAN, COLAVITA & CONTINI, L.L.P., as and for its Answer to the Verified Complaint of the Law Offices of Weitz & Luxenberg, P.C., alleges as follows:

1. Defendant, Peerless Industries Inc., denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the verified complaint which pertain to other defendants.

AS TO THE TENTH CAUSE OF ACTION

2. Repeats, reiterates and realleges each and every response applicable to the allegations contained in paragraphs "1" through "32" of the Verified Complaint as though fully set forth at length herein.

3. Denies each and every allegation contained in paragraphs "33" through "43", except denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Verified Complaint which pertain to the other defendants.

Peerless Industries Inc. hereby answers the verified complaint in this action by reference to its standard answer filed pursuant to NYAL Case Management Order and raises each of the affirmative defenses contained in its standard answer.

Dated: Garden City, New York  
July 20, 2004

Yours, etc.

L'ABBATE, BALKAN, COLAVITA  
& CONTINI, L.L.P.

BY: \_\_\_\_\_  
Matthew R. Straus – Federal ID# 2580  
Attorneys for Defendant  
Peerless Industries Inc.  
Office and P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 294-8844

TO: LAW OFFICES OF WEITZ & LUXENBERG, P.C., Attorneys for Plaintiffs  
SEE ANNEXED SERVICE LIST

AFFIDAVIT OF SERVICE

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF NASSAU    )

MICHELLE GORDON, being duly sworn, deposes and says that deponent is not a party to the within action, is over 18 years of age and resides in Bayside, New York.

That on the 12<sup>th</sup> day of August, 2004, deponent served the within ANSWER AND ACKNOWLEDGMENT OF SERVICE upon:

SEE ANNEXED SERVICE LIST

the attorney(s) for the respective parties in this action, at the above address(es) designated by said attorney(s) for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

\_\_\_\_\_  
MICHELLE GORDON

Sworn to before me this  
12<sup>th</sup> day of August, 2004.

\_\_\_\_\_  
Notary Public

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN W. KIDDER, Individually and as  
Proposed Executor for the Estate of  
TRESA J. KIDDER,

Case No. CV-02-1590

Plaintiffs,

**DISCLOSURE  
STATEMENT ON BEHALF  
OF DEFENDANT  
Peerless Industries Inc.**

-against-

A.C.&S., INC., et. al.,

Defendants.

-----X  
Defendant, Peerless Industries Inc., by its attorneys L'Abbate, Balkan,  
Colavita & Contini, L.L.P., in compliance with Federal Civil Rule 7.1 for the United  
States District Courts for the Southern and Eastern Districts of New York states that  
the following entities are parents, subsidiaries and/or affiliates of Peerless Industries  
Inc.

1. None.

Dated: Garden City, New York  
July 20, 2004

L'ABBATE, BALKAN, COLAVITA  
& CONTINI, L.L.P.

By: \_\_\_\_\_  
Matthew R. Straus - Federal ID# 2580  
Attorneys for Defendant  
Peerless Industries Inc.  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 294-8844

TO: WEITZ & LUXENBERG, P.C., Attorneys for Plaintiffs  
SEE ANNEXED SERVICE LIST

AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NASSAU    )

MICHELLE GORDON, being duly sworn, deposes and says that deponent is not a party to the within action, is over 18 years of age and resides in Bayside, New York.

That on the 12<sup>th</sup> day of August, 2004, deponent served the within DISCLOSURE STATEMENT upon:

SEE ANNEXED SERVICE LIST

the attorney(s) for the respective parties in this action, at the above address(es) designated by said attorney(s) for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

\_\_\_\_\_

MICHELLE GORDON

Sworn to before me this  
12<sup>th</sup> day of August, 2004.

\_\_\_\_\_  
Notary Public