UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, *et al.*, Plaintiffs,	)	
vs.	)	C.A. No. 04-312-L
JEFFREY DERDERIAN, *et al.*, Defendants.	)	

ANSWER OF THE DEFENDANT HOWARD JULIAN
TO THE FIRST AMENDED MASTER COMPLAINT

Introduction

This section of the master complaint contains commentary that requires no response.

PARTIES

Plaintiffs

Paragraphs 1 through 240. Defendant Howard Julian is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs.

Paragraphs 240 through 270. The Plaintiff has reserved paragraphs 240 through 270 and therefore no response is required.

Paragraph 271. Defendant Howard Julian is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

Jeffrey Derdarian

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Paragraph 272. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 273 through 279. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 280. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 281. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 282. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 283. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Michael Derdarian

Paragraphs 282 through 286. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 287. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 288. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 289. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 290. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

DERCO, LLC

Paragraphs 291 through 293. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 294. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 295. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 296. Defendant Howard Julian repeats and incorporates by reference herein

his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 297. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Howard Julian

Paragraph 298. Defendant Howard Julian denies the allegations contained in paragraph 298 of the First Amended Master Complaint.

Paragraph 299. Defendant Howard Julian denies the allegations contained in paragraph 299 of the First Amended Master Complaint.

Paragraph 300. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint. To the extent that a response is required, Defendant Howard Julian denies the allegations of this paragraph.

Paragraph 301. The allegations in this paragraph are characterizations, commentary and/or conclusions of law that require no response. To the extent that a response is required, Defendant Howard Julian denies the allegations of this paragraph.

Paragraph 302. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint. To the extent that a response is required, Defendant Howard Julian denies the allegations of this paragraph.

Paragraph 303. The allegations in this paragraph are characterizations, commentary and/or conclusions of law that require no response. To the extent that a response is

required, Defendant Howard Julian denies the allegations of this paragraph.

Triton Realty Limited Partnership

Paragraphs 304 through 307. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 308. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 309. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 310. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 311. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Triton Realty, Inc.

Paragraphs 312 through 315. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 316. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 317. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 318. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 319. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Raymond J. Villanova

Paragraphs 320 through 323. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 324. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 325. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 326. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 327. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Jack Russell

Paragraphs 328 through 331. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 332. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 333. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 334. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Jack Russell Touring, Inc.

Paragraphs 335 through 339. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 340. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 341. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 342. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 343. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paul Woolnough

Paragraphs 344 through 347. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 348. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 349. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 350. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 351. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Manic Music Management, Inc.

Paragraphs 352 through 355. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 356. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 357. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 358. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 359. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Knight Records, Inc.

Paragraphs 360 through 365. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 366. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 367. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 368. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 369 through 370. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Daniel Biechele

Paragraphs 368 through 371. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these

paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 372. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 373. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 374. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 375. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Anheuser-Busch, Incorporated
and Anheuser-Busch Companies, Incorporated

Paragraphs 376 through 384. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 385. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 386. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i)

directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

McLaughlin & Moran

Paragraphs 387 through 392. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 393. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 394. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

WHJY, Inc.
and Capstar Radio Operating Company

Paragraphs 395 through 402. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 403. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 404. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no

response is required.

Clear Channel Broadcasting, Inc.

Paragraphs 405 through 408. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 409. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 410. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Denis P. Laroque, Anthony Bettencourt and Malcom Moore, in his capacity as Finance Director of the Town of West Warwick

Paragraphs 411 through 414. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 415. Defendant Howard Julian admits that he relied on the inspections performed by Denis Laroque, in addition to other employees and/or agents of the Town of West Warwick, to:

1. Ensure that the premises at 211 Cowesett Avenue were in compliance with fire and building codes;
2. To identify safety hazards;

3. To identify fire and building code violations;
4. To set forth necessary changes in the physical make up of the premises at 211 Cowesett Avenue;
5. To identify necessary safety and/or fire equipment that needed to be installed;
6. To set forth necessary changes in the manner of the operation of the business that may have been necessary for the safety of employees or patrons of the business.

Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the remaining allegations of this paragraph.

Paragraphs 416 through 425. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 426. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 427. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 428. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 429. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 430. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 431. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 432. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 433. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

State of Rhode Island
and Irving J. Owens, Fire Marshall

Paragraphs 434 through 436. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 437. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 438. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 439. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 440. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Brian Butler

Paragraphs 441 through 444. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 445. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 446. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

TVL Broadcasting

Paragraphs 447 through 450. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 451. Defendant Howard Julian repeats and incorporates by reference herein

his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 452. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

STC Broadcasting, Inc.

Paragraphs 453 through 456. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 457. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 458. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Barry H. Warner

Paragraphs 459 through 464. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 465. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 466. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 467. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 468. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Luna Tech, Inc.

Paragraphs 469 through 477. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 478. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 479. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 480. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no

response is required.

High Tech Special Effects, Inc.

Paragraphs 481 through 484. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 485. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 486 through 492. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

American Foam Corporation

Paragraphs 493 through 498. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 499. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 500 through 503. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 504. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 505 through 506. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Leggett & Platt Incorporated

Paragraphs 507 through 511. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 512. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 513 through 532. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 533. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 534 through 535. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

L&P Financial Services

Paragraph 536. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 537 through 539. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 540. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 541 through 560. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 561. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 562 through 563. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

General Foam Corporation

Paragraph 564. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 565 through 567. Defendant Howard Julian is without knowledge or

sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 568. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 569 through 588. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 589. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 590 through 591. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

GFC Foam, LLC

Paragraph 592. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 593 through 596. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 597. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 598 through 617. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 618. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 619 through 620. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Foamex LP
Successor Liability for General Foam Corporation

Paragraph 621. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 622. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 623. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 624 through 625. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii)

conclusions of law to which no response is required.

FMXI, Inc.

Paragraph 626. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 627 through 628. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

PMC, Inc.

Paragraph 629. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 630 through 631. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

PMC Global, Inc.

Paragraph 632. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 633 through 634. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

JBL Incorporated
f/k/a James B. Lansing Sound, Incorporated
d/b/a JBL Professional

Paragraphs 635 through 643. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 644. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 645 through 648. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 649. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 650 through 651. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Essex Insurance Company,
Multi-State Inspections, Inc
and High Caliber Inspections, Inc

Paragraph 652. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 653 through 655. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii)

conclusions of law to which no response is required.

Paragraph 656. Defendant Howard Julian admits that at various times during his ownership of La Villa Strangiato, Inc., Essex, through its agents and servants, conducted inspections of the premises at 211 Cowesett Avenue. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the remaining allegations of this paragraph.

Paragraph 657. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 658. Defendant Howard Julian admits that he relied on the results and recommendations of the Essex inspections. Essex, through its agents and servants, explicitly stated to Howard Julian that the inspections were intended to promote the safety of employees and patrons who might come upon the premises at 211 Cowesett Avenue.

Paragraph 659. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 660. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 661. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 662. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 663. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 664. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 665. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Underwriters at Lloyd's, London and Gresham & Associates of R.I. Inc.

Paragraph 666 through 668. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 669. Admit.

Paragraph 670. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 671. Admit.

Paragraph 672 through 673. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 674. Admit.

Paragraph 675. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 676. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 677. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 678. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 679. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

ABC Bus, Inc.
d/b/a ABC Bus Leasing, Inc.

Paragraphs 680 through 683. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these

paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 684. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 685. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 686. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 687. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Superstar Services LLC

Paragraphs 688 through 691. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 692. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 693. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no

response is required.

Paragraph 694. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraph 695. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

"John Doe" Defendants

Paragraph 696. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 697 through 701. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

Paragraph 702. Defendant Howard Julian repeats and incorporates by reference herein his responses to all prior paragraphs of the First Amended Master Complaint.

Paragraphs 703 through 706. Defendant Howard Julian is without knowledge or sufficient information to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Howard Julian, or (ii) conclusions of law to which no response is required.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense that the Complaint fails to state any claim against this defendant upon which any relief, whether compensatory, exemplary, punitive or otherwise can be granted.

SECOND AFFIRMATIVE DEFENSE

If the Plaintiffs should prove that injuries or damages were sustained as alleged, such injuries and damages resulted from the acts and omissions of third parties over whom this Defendant had no control or right of control.

THIRD AFFIRMATIVE DEFENSE

While the allegations of the Plaintiffs are deemed denied with respect to negligence, statutory liability, strict liability, injury and damages, to the extent that the Plaintiffs may be able to prove the same, they were the result of intervening and/or interceding acts or superceding negligence on the part of third parties over which this Defendant has neither control nor right of control.

FOURTH AFFIRMATIVE DEFENSE

This Defendant states that, if the Plaintiffs suffered injuries or damages, as alleged, such injuries or damages were caused by some person(s) or entity(ies) for whose conduct this Defendant was not and is not legally responsible.

FIFTH AFFIRMATIVE DEFENSE

This Defendant did not act individually or engage in concert of action with any one or more of the other defendants herein for the purpose of accomplishing an unlawful purpose or to accomplish some purpose, not in and of itself unlawful, by unlawful means. Nor did this Defendant join in or participate in any joint venture with any one or more of the other defendants herein. Accordingly, the Plaintiffs cannot recover against this Defendant under the theories of civil conspiracy or joint venture

liability.

SIXTH AFFIRMATIVE DEFENSE

The damages, if any, recovered by the Plaintiffs from the decedents' alleged wrongful death are prescribed and limited by the provisions of R.I. Gen. Laws §§ 10-7-1 through 10-7-4.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are time-barred by the applicable Statute(s) of Limitations.

JURY DEMAND

This Defendant demands a trial by jury on all issues so triable.

WHEREFORE, the Defendant, Howard Julian, respectfully requests that:

a. the Plaintiff's Complaint be dismissed with prejudice to it;
b. Plaintiff's demands for relief against it be denied in every respect; and
c. the court grant such other and further relief as may be just, proper and equitable.

Howard J. Julian
570 Shermantown Road
Saunderstown, Rhode Island
02874

CERTIFICATION

I certify that on the 5th day of January, 2005, I served a true copy of the within document, Answer of the Defendant Howard Julian to the First Amended Master Complaint, via first class mail, postage pre-paid, or by electronic mail to the parties listed below.

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