UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.	:	
Plaintiffs,	:	C.A. No. 04-312 L
v.	:	
JEFFREY DERDERIAN, et al.	:	
Defendants.	:	

DEFENDANT DERCO, LLC's
ANSWER TO PLAINTIFFS' FIRST AMENDED MASTER COMPLAINT

PRELIMINARY STATEMENT

Michael Derderian and Jeffrey Derderian are the only members of DERCO LLC. Insofar as Michael Derderian and Jeffrey Derderian presently charged in indictment K1 03-655A and K1 03-654A respectively with two hundred counts of involuntary manslaughter as a result of the fire that occurred on February 20, 2003 at the Station Nightclub they are faced with the real and substantial risk of self-incrimination if they are required to answer on behalf of DERCO LLC. Therefore, DERCO LLC has appointed Robert E. Flaherty, Esquire as its agent to gather information to respond on behalf of DERCO LLC. United States v. Kordel, 397 U.S. 1 (1970). The agent has reviewed documents and records of DERCO LLC and responds on its behalf as follows:

FIRST DEFENSE

DERCO LLC is without sufficient information or knowledge to admit or deny the allegations of paragraphs 1-240 of the Plaintiffs' First Amended Master Complaint and leave the Plaintiffs to the proof thereof, except DERCO LLC admits that upon information and belief the Plaintiffs #50 (King), #72 (DeMaio), #100 (Arpin), #102 (Beese), and #163 (Choquette) were on

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the premises of the Station in the course of their employment for DERCO LLC on February 20, 2003.

SECOND DEFENSE

Paragraphs 241 through 270 are reserved.

THIRD DEFENSE

DERCO LLC is without sufficient information or knowledge to admit or deny the allegations in paragraph 271 of the Plaintiffs' First Amended Master Complaint and leave the Plaintiffs to their proof thereof.

FOURTH DEFENSE

With respect to paragraph 273, DERCO LLC admits that Jeffrey Derderian is a resident of Cranston, Rhode Island, and a member of DERCO LLC. DERCO LLC is without sufficient information to admit or deny the remaining allegations of paragraph 273.

FIFTH DEFENSE

To respond to paragraphs 274-279 would require Robert E. Flaherty as agent of DERCO LLC to obtain testimonial information from Jeffrey Derderian and/or Michael Derderian which may constitute a waiver of their right of self-incrimination. Therefore, DERCO LLC, is without sufficient information or knowledge to admit or deny the allegations of these paragraphs.

SIXTH DEFENSE

The defendant, DERCO LLC, neither admits nor denies the allegations of Counts I and II of the first amended master complaint as they are directed to a co-defendant. To the extent any such allegations are directed to the defendant, DERCO LLC, said allegations are denied.

SEVENTH DEFENSE

With respect to paragraph 284, the defendant, DERCO LLC, admits that Michael Derderian resides in Narragansett, Rhode Island, and is a member of DERCO LLC to respond to the remaining allegations of paragraphs 284 would require Robert E. Flaherty as agent of DERCO LLC to obtain testimonial information from Jeffrey Derderian and/or Michael Derderian which may constitute a waiver of their right against self-incrimination. Therefore, DERCO LLC is without sufficient information to admit or deny these allegations.

EIGHTH DEFENSE

To respond to the allegations of paragraphs 285 and 286 would require Robert E. Flaherty as agent of DERCO LLC to obtain testimonial information from Jeffrey Derderian and/or Michael Derderian which may constitute a waiver of their right against self-incrimination. Therefore, DERCO LLC is without sufficient information to admit or deny these allegations.

NINTH DEFENSE

Defendant, DERCO LLC, neither admits nor denies the allegations of Counts III and IV of the first amended master complaint as they are directed to a co-defendant. To the extent any such allegations are directed to the defendant, DERCO LLC, said allegations are denied.

TENTH DEFENSE

Jeffrey Derderian and Michael Derderian are the only members of DERCO LLC. Insofar as Jeffrey Derderian and Michael Derderian are presently charged in indictments K1 03-655A and K1 03-654A respectively with two hundred counts of involuntary manslaughter as a result of the fire that occurred on February 20, 2003 at the Station Nightclub, and they have invoked their

right against self-incrimination, DERCO LLC has appointed Robert E. Flaherty, Esquire as an agent to answer on DERCO's behalf. United States v. Kordel 397 U.S. 1 (1970).

It is admitted that DERCO LLC is a Rhode Island Limited Liability Company established pursuant to R.I.G.L. 7-16-1 et seq that operated a place of business in West Warwick, and the members of which Limited Liability Company are Jeffrey Derderian and Michael Derderian.

To respond to the remaining averments of paragraphs of 291 – 293, and Counts V and VI of Plaintiffs' First Amended Master Complaint would require as a Robert E. Flaherty, Esquire as agent of DERCO LLC to obtain testimonial information from Jeffrey Derderian and/or Michael Derderian which may constitute a waiver of their right against self incrimination. Therefore, DERCO LLC, is without sufficient information or knowledge to admit or deny these paragraphs.

ELEVENTH DEFENSE

With respect to paragraph 304, the defendant, DERCO LLC, admits that DERCO LLC leased the premises at 211 Cowesett Avenue, West Warwick, Rhode Island, from Triton Realty Limited Partnership beginning on March 1, 2000. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 304.

TWELFTH DEFENSE

With respect to paragraph 328, the defendant, DERCO LLC, admits that upon information and belief, Jack Russell was on February 20, 2003, the lead singer of the band Great White. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 328.

THIRTEENTH DEFENSE

With respect to paragraph 368, the defendant, DERCO LLC, admits that upon information and belief, the defendant, Daniel Biechele, was the tour manager of the band Great

White. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 368.

FOURTEENTH DEFENSE

With respect to paragraph 411, the defendant, DERCO LLC, admits that upon information and belief, Dennis Larocque, was the fire inspector for the Town of West Warwick. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 411.

FIFTEENTH DEFENSE

With respect to paragraph 413, the defendant, DERCO LLC, admits that upon information and belief, Malcolm Moore is the Finance Director of the Town of West Warwick.

SIXTEENTH DEFENSE

With respect to paragraph 415, the defendant, DERCO LLC, admits that upon information and belief, Dennis Larocque, inspected the premises at 211 Cowesett Avenue, West Warwick, Rhode Island, prior to February 20, 2003. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 415.

SEVENTEENTH DEFENSE

With respect to paragraph 653, the defendant, DERCO LLC, admits that Essex Insurance Company issued a Commercial Liability Insurance Policy #3 CH 0430 with a named insured listed as The Station c/o Michael Derderian with a policy period from March 24, 2002 to March 24, 2003.. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 653.

EIGHTEENTH DEFENSE

With respect to paragraph 656, the defendant, DERCO LLC, admits that upon information and belief, inspections of the premises at 211 Cowesett Avenue were made in connection with the policy of insurance issued by Essex Insurance Company. The defendant, DERCO LLC, is without sufficient information to admit or deny the remaining allegations of paragraph 656.

NINETEENTH DEFENSE

To respond to the allegations of paragraph 658, would require Robert E. Flaherty, Esquire, as agent of DERCO LLC to obtain testimonial information from Michael Derderian which may constitute a waiver of his right against self-incrimination. Therefore, DERCO LLC is without sufficient information or knowledge to admit or deny the allegations of paragraph 658.

TWENTIETH DEFENSE

With respect to paragraph 667, the defendant, DERCO LLC, admits the a Commercial Lines policy of insurance was issued by Underwriters at Lloyds, London, No. 05409, effective from March 24, 2000 to March 24, 2001 that listed Michael Derderian as the assured, and that the policy provided coverage to the business at 211 Cowesett Avenue, West Warwick, Rhode Island. DERCO LLC is without sufficient information or knowledge to admit or deny the remaining allegations of paragraph 667.

TWENTY-FIRST DEFENSE

With respect to paragraph 668, the defendant, DERCO LLC, admits that a Commercial Lines policy of insurance was issued by Underwriters at Lloyds, London, No. 08209, effective from March 24, 2001 to March 24, 2002 that listed Michael Derderian as the assured, and that the policy provided coverage to the business at 211 Cowesett Avenue, West Warwick, Rhode

Island. DERCO LLC is without sufficient information or knowledge to admit or deny the remaining allegations of paragraph 668.

TWENTY-SECOND DEFENSE

To respond to the allegations of paragraph 674 of plaintiff's first amended master complaint would require Robert E. Flaherty, Esquire as agent for DERCO LLC to obtain testimonial information from Jeffrey Derderian and/or Michael Derderian which may constitute a waiver of their right against self-incrimination. Therefore, DERCO LLC is without sufficient information or knowledge to admit or deny the allegations of paragraph 674.

TWENTY-THIRD DEFENSE

The defendant, DERCO LLC, neither admits nor denies the allegations of paragraphs 298, 299, 305, 306, 307, 312, 313, 314, 315, 320 – 323, 329, 330, 331, 335 – 339, 344 – 347, 352 – 355, 360 – 363, 369, 370, 371, 376 – 384, 387 – 392, 395 – 402, 405 – 408, 412, 414, 416 – 425, 434 – 436, 441 – 444, 447 – 450, 453 – 456, 459 – 464, 652, 654, 655, 657, 659, 666, 669 – 673, 675, 680 – 683, 688 – 691, and COUNTS VII – LXXXI as they are directed to co-defendants. To the extent any such allegations are directed to the defendant, DERCO LLC, said allegations are denied.

TWENTY-FOURTH DEFENSE

The defendant, DERCO LLC, denies any remaining allegations of the plaintiff's first amended master complaint.

DEFENDANT, DERCO LLC, HEREBY DEMANDS A TRIAL BY JURY.

DERCO LLC
By its attorneys,

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CERTIFICATION

I hereby certify that on the 14th day of January, 2005, I mailed a copy of the within to the following attorneys of record:

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