

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MICHAEL P. HEALY :  
 :  
 Plaintiff :  
 :  
 v. : Case No.: 223610-V  
 :  
 WAL-MART STORES, INC., et al. :  
 :  
 Defendants :

ANSWER OF DEFENDANT CONNECTICUT VALLEY ARMS, INC  
TO PLAINTIFF'S COMPLAINT

COMES NOW the Defendant, DC 1980, Inc., f/k/a Connecticut Valley Arms, Inc., (hereinafter CVA), by and through its attorneys, Michael A. DeSantis and HARTEL, KANE, DESANTIS, MACDONALD, & HOWIE, LLP, and as its Answer to the Plaintiff's Complaint states as follows:

FIRST DEFENSE

Defendant generally denies liability and the allegations as to all Counts of Plaintiff's Complaint pursuant to Rule 2-323(d) and states that it did not commit the wrongs alleged.

SECOND DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

The Complaint fails to join all necessary parties under Rule 2-211.

01 OCT 17 PM 12:06  
FILED  
MOLLY O. RUHL  
CLERK'S OFFICE  
MONTGOMERY CO. MD

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205

FOURTH DEFENSE

If Plaintiff sustained injuries or damages as alleged, the Plaintiff assumed the risk thereof.

FIFTH DEFENSE

If the Plaintiff sustained damages or injuries as alleged, they were caused by the negligence of the Plaintiff.

SIXTH DEFENSE

The alleged cause of action is barred by the applicable statutes of limitations.

SEVENTH DEFENSE

At all times applicable hereto the Defendant complied with the standard of care of a reasonably competent corporation under the same or similar circumstances.

EIGHTH DEFENSE

The Plaintiff's injuries, if any, are the result of the acts, commissions or omissions of others for which this Defendant cannot be held responsible.

NINTH DEFENSE

The Defendant denies that it warranted as alleged.

TENTH DEFENSE

The Defendant did not commit the wrongs alleged.

ELEVENTH DEFENSE

The Defendant never promised as alleged.

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205

**TWELFTH DEFENSE**

Defendant intends to rely on all legal and factual defenses not heretofore mentioned, including but not limited to: absence of legal duty; absence of primary negligence; lack of proximate cause; intervening or superseding cause; laches; non-joinder; misjoinder; improper venue; and forum non conveniens.

**THIRTEENTH DEFENSE**

Defendant CVA adopts and incorporates as if fully included herein, the defenses raised or to be raised by any other Defendant to these proceedings, to the extent said defenses are not incompatible with this Answer.

**FOURTEENTH DEFENSE**

If the Plaintiff sustained injuries and/or damages as alleged, said injuries and/or damages were caused by misuse of the products in question.

**FIFTEENTH DEFENSE**

Plaintiff's Complaint, to the extent that it seeks exemplary or punitive damages, violates Defendant's right to procedural due process under the Fourteenth Amendment of the United States Constitution and the Constitution or Charter of the State of Maryland, and therefore fails to state a cause of action upon which either punitive or exemplary damages may be awarded.

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205

**SIXTEENTH DEFENSE**

Plaintiff's Complaint, to the extent that it seeks punitive or exemplary damages, violates Defendant's right to protection from "excessive fines" as provided in the Eighth Amendment of the United States Constitution and the Declaration of Rights provision of the Constitution or Charter of the State of Maryland and violates Defendant's right to substantive due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution or Charter of the State of Maryland and therefore fails to state a cause of action upon which punitive or exemplary damages may be awarded.

**SEVENTEENTH DEFENSE**

If any products allegedly manufactured or used by this Defendant were unsafe, they were unavoidably so.

**EIGHTEENTH DEFENSE**

While denying any negligence or improper conduct with respect to the subject matter of the Complaint, the Defendant states that insofar as negligence or improper conduct is found against this Defendant, it was not a proximate cause of any injury allegedly sustained by the Plaintiff.

**NINETEENTH DEFENSE**

While denying all allegations of the Complaint regarding injury and damages allegedly sustained by the Plaintiff, the Defendant states that if Plaintiff proves said injuries and

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205

damages, they were caused by the superseding and intervening acts of negligence of other parties over whom this Defendant had no control, nor right of control, and for whose actions this Defendant is not liable.

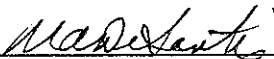
**TWENTIETH DEFENSE**

There is no warranty, expressed or implied, between the Plaintiff and this Defendant, and if there is such warranty, the Plaintiff has waived any such warranty.

WHEREFORE, having fully answered, this Defendant prays that the Complaint be dismissed with costs and attorney's fees assessed against the Plaintiff.

Respectfully submitted,

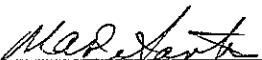
HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP

  
\_\_\_\_\_  
Michael A. DeSantis  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935  
Attorneys for Defendant  
Connecticut Valley Arms, Inc.

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

**REQUEST FOR JURY TRIAL**

The Defendant, through counsel, requests a trial by jury as to all issues herein.

  
\_\_\_\_\_  
Michael A. DeSantis

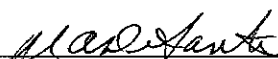
5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17 day of October,  
2001, I mailed, postage pre-paid, a copy of the foregoing  
Answer, to:

Paul W. Spence, Esquire  
SPENCE, KOHLER & CHRISTIE, P.A.  
401 Washington Avenue, Suite 701  
Towson, Maryland 21204

Christopher Dunn, Esquire  
DeCaro, Doran, Siciliano,  
Gallagher & DeBlasis, LLP  
4601 Forbes Blvd., Suite 200  
P.O. Box 40  
Lahnam, Maryland 20703-0040

  
\_\_\_\_\_  
Michael A. DeSantis

E:\MAD\Healy\Answer.wpd\drb\0896\0028

HARTEL, KANE, DESANTIS,  
MACDONALD & HOWIE, LLP  
Capital Office Park  
6301 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
Telephone: (301) 486-1200  
Facsimile: (301) 486-0935

5924 North 15<sup>th</sup> Street  
Arlington, Virginia 22205