

2025CA46660

NOV 10, 2025 03:32 PM

Kim Windle James

Kim Windle James, Clerk
Chattooga County, Georgia

IN THE STATE COURT OF CHATTOOGA COUNTY
STATE OF GEORGIA

THE TOWN OF LYERLY, GEORGIA,

Plaintiff,

v.

3M COMPANY, et al.;

Defendants.

CASE NO.: 24CV4052

TRIAL BY JURY
REQUESTED

**DEFENDANT EIDP INC.'S ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant EIDP, Inc.'s¹ ("EIDP") hereby answers Plaintiff The Town of
Lyerly, Georgia's ("Plaintiff") First Amended Complaint as follows:

STATEMENT OF THE CASE

1. EIDP responds that Plaintiff's complaint speaks for itself as to
what it alleges.

2. EIDP admits that PFAS have been used by manufacturers in
numerous industries. EIDP is without sufficient information to either admit or
deny the remaining allegations of Paragraph 2 of the Complaint.

¹ Plaintiff filed this action asserting claims against both E.I. du Pont de Nemours and Company and EIDP, Inc. as separate defendants. E.I. du Pont de Nemours and Company is now known as "EIDP, Inc." This Motion is brought on behalf of both entities.

3. EIDP admits that certain PFAS may persist in the environment and resist degradation. EIDP is without sufficient information to either admit or deny the remaining allegations of Paragraph 3 of the Complaint.

4. EIDP admits that certain PFAS may persist in the environment and resist degradation. EIDP is without sufficient information to either admit or deny the remaining allegations of Paragraph 4 of the Complaint.

5. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 5 of the Complaint.

6. Paragraph 6 of the Complaint purports to refer to an EPA finding. Any such EPA finding speaks for itself, and EIDP denies any characterization of such findings or drinking water standards by Plaintiff. EIDP denies the remaining allegations contained in Paragraph 6, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

7. The allegations of Paragraph 7 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 7 as they pertain to the other defendants.

8. The allegations of Paragraph 8 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a

belief as to the truth of the remaining allegations contained in Paragraph 8 as they pertain to the other defendants.

9. The allegations of Paragraph 9 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 as they pertain to the other defendants.

10. The allegations of Paragraph 10 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 10 as they pertain to the other defendants.

11. The allegations of Paragraph 11 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 11 as they pertain to the other defendants.

12. The allegations of Paragraph 12 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 12 as they pertain to the other defendant.

13. The allegations of Paragraph 13 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form

a belief as to the truth of the remaining allegations contained in Paragraph 13 as they pertain to the other defendants.

JURISDICTION AND VENUE

14. Paragraph 14 of the Complaint states a legal conclusion to which no response is required. However, EIDP does not intend to challenge the jurisdiction of this Court.

15. The allegations of Paragraph 15 of the Complaint state legal conclusions as to which no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 15 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15 as they pertain to the other defendants.

16. Paragraph 16 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 16 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 16 as they pertain to the other defendants.

17. Paragraph 17 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 17 as they pertain to EIDP. EIDP lacks knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 17 as they pertain to the other defendants.

18. Paragraph 18 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 18 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 18.

19. Paragraph 19 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 19 of the Complaint.

20. Paragraph 20 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 20 of the Complaint.

21. Paragraph 21 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 21 of the Complaint.

NO CLASS ACTION PARTICIPATION

22. EIDP admits only that it entered into a nationwide class action settlement as part of the multi-district litigation pending in the United States District Court for the District of South Carolina. The terms of the settlement speaks for itself. EIDP denies any remaining allegations or characterizations of the settlement.

23. EIDP admits only that it entered into a nationwide class action settlement as part of the multi-district litigation pending in the United States District Court for the District of South Carolina. The terms of the settlement speak for itself. EIDP further admits that Plaintiff submitted a Request for Exclusion from the class settlement and that it has affirmatively given up its rights under the class settlement and has chosen to pursue this litigation instead. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 23.

24. EIDP admits that the 3M and DuPont class settlements received final approval from the Court in the AFFF litigation and EIDP did not object to Plaintiff's Request for Exclusion. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 24.

PARTIES

I. Plaintiff

25. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 25 of the Complaint.

26. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 26 of the Complaint.

27. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 27 of the Complaint.

28. The allegations contained in in Paragraph 28 of the Complaint state legal conclusions as to which no response is required. To the extent a response is required, EIDP denies the allegations contained in Paragraph 28 to the extent they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 28.

29. The allegations contained in in Paragraph 29 of the Complaint state legal conclusions as to which no response is required. To the extent a response is required, EIDP denies the allegations contained in Paragraph 29 to the extent they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 29. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 29 of the Complaint.

30. The allegations contained in in Paragraph 30 of the Complaint state legal conclusions as to which no response is required. To the extent a response is required, EIDP denies the allegations contained in Paragraph 30 to the extent they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 30.

II. Defendants

A. PFAS Manufacturers

31. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 31 of the Complaint.

32. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 32 of the Complaint.

33. Admitted that E.I. du Pont de Nemours and Company is a corporation with its principal place of business in Wilmington, Delaware and that it is registered to do business in the State of Georgia. EIDP denies the remaining allegations in Paragraph 33 as they pertain to EIDP.

34. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 34.

35. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 35.

36. Admitted that EIDP, Inc. is a corporation with its principal place of business in Wilmington, Delaware and that it is registered to do business in the State of Georgia.

37. The allegations contained in Paragraph 37 state legal conclusions as to which no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 37 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 37 as they pertain to other defendants.

38. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 38.

39. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 39.

40. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 40.

41. EIDP admits that it has, at times, sold certain PFAS-containing products to certain customers. EIDP denies Plaintiff's characterization of its business and the remaining allegations contained in Paragraph 41 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 41 of the Complaint as to the other defendants.

42. EIDP admits that it has, at times, sold certain PFAS-containing products to certain customers. EIDP denies Plaintiff's characterization of its business and the remaining allegations contained in Paragraph 42 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 42 of the Complaint as to the other defendants.

43. EIDP admits that it has known that certain PFAS may resist degradation. EIDP denies Plaintiff's characterization of its business and the remaining allegations contained in Paragraph 43 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 43 of the Complaint as to the other defendants.

44. The allegations of Paragraph 44 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 44 as they pertain to the other defendants.

B. PFAS Users

45. The allegations of Paragraph 45 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 45 of the Complaint.

46. The allegations of Paragraph 46 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 46 of the Complaint.

47. The allegations of Paragraph 47 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 47 of the Complaint.

48. The allegations of Paragraph 48 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 48 of the Complaint.

49. The allegations of Paragraph 49 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 49 of the Complaint.

50. The allegations of Paragraph 50 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 50 of the Complaint.

51. The allegations of Paragraph 51 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 51 of the Complaint.

52. The allegations of Paragraph 52 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 52 of the Complaint.

53. The allegations of Paragraph 53 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 53 of the Complaint.

54. The allegations of Paragraph 54 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 54 of the Complaint.

FACTUAL ALLEGATIONS

I. Defendants Have Known for Decades That “Long-Chain” PFAS are a Threat to Human Health and the Environment.

55. To the extent allegations in Paragraph 55 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or

substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits that certain PFAS-containing products have been used for treating carpets, rugs, or other textiles for stain, soil, water and/or oil resistance. EIDP denies the remaining allegations in Paragraph 55 of the Complaint as incomplete and/or incorrect statements of complex scientific and technical matters, which are properly the subject of expert testimony.

56. To the extent allegations in Paragraph 56 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits that certain PFAS may persist in the environment. EIDP denies the remaining allegations in Paragraph 56 of the Complaint as incomplete and/or incorrect statements of complex scientific and technical matters, which are properly the subject of expert testimony.

57. To the extent allegations in Paragraph 57 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits that certain PFAS may persist in the environment. EIDP denies the remaining allegations in Paragraph 57 of the Complaint as incomplete and/or incorrect statements of complex scientific and technical matters, which are properly the subject of expert testimony.

58. To the extent allegations in Paragraph 58 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP denies the allegations in Paragraph 58 of the Complaint as incomplete and/or incorrect statements of complex scientific and technical matters, which are properly the subject of expert testimony.

59. To the extent allegations in Paragraph 59 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits that PFOA contains eight fluorinated carbon atoms. EIDP denies the remaining allegations in Paragraph 59 of the Complaint as incomplete and/or incorrect statements of complex scientific and technical matters, which are properly the subject of expert testimony.

60. The allegations of Paragraph 60 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 60 of the Complaint.

61. To the extent allegations in Paragraph 61 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the

extent a response is required, EIDP admits it manufactured PFOA at its site in Fayetteville, North Carolina beginning in 2002, which EIDP used in certain of its fluoropolymers manufacturing processes until it fully eliminated the use of PFOA in the manufacture of fluoropolymers as of 2013. EIDP denies the remaining allegations of Paragraph 61 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the remaining allegations of paragraph 61 of the Complaint as they pertain to other defendants.

62. EIDP admits that it has studied the toxicological properties of PFOA for at least 40 years. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 as they pertain to other defendants.

63. The allegations of Paragraph 63 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 63 as they pertain to the other defendants.

64. The allegations of Paragraph 64 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 64 of the Complaint.

65. EIDP admits that it knew by the 1980s that under certain conditions PFOA may persist in the environment. EIDP denies the remaining allegations contained in Paragraph 65 as they pertain to EIDP, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 65 as they pertain to the other defendants.

66. The allegations of Paragraph 66 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 66 of the Complaint.

67. The allegations of Paragraph 67 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 67 of the Complaint.

68. The allegations of Paragraph 68 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a

belief as to the truth or accuracy of the allegations of Paragraph 68 of the Complaint.

69. The allegations of Paragraph 69 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 69 of the Complaint.

70. The allegations of Paragraph 70 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 70 of the Complaint.

71. The allegations of Paragraph 71 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 71 of the Complaint.

72. The allegations of Paragraph 72 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a

belief as to the truth or accuracy of the allegations of Paragraph 72 of the Complaint.

73. The allegations of Paragraph 73 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 73 of the Complaint.

74. The allegations of Paragraph 74 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 74 of the Complaint.

75. EIDP admits that it continued purchasing PFOA from 3M after 2000 and that EIDP manufactured PFOA at its site in Fayetteville, North Carolina beginning in 2002, which EIDP used in certain of its fluoropolymers manufacturing processes until it fully eliminated the use of PFOA in the manufacture of fluoropolymers as of 2013. EIDP denies the remaining allegations of Paragraph 75 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the remaining allegations of paragraph 75 of the Complaint as they pertain to other defendants.

76. The allegations of Paragraph 76 of the Complaint are directed at a party other than EIDP and therefore require no response. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations of Paragraph 76 of the Complaint.

77. Paragraph 77 of the Complaint purports to refer to certain EPA documents. Any such documents speak for themselves, and EIDP denies any characterizations of such documents by Plaintiff. Admitted that the C8 Science Panel conducted certain studies as specified and limited by the terms of the *Leach* class action settlement agreement, including PFOA, and issued “C8 Probable Link Reports.” Denied to the extent that the allegations of this paragraph do not accurately state those Reports in full context and further denied to the extent the allegations of this paragraph are inconsistent with those Reports. Any remaining allegations in Paragraph 77 of the Complaint are denied as stated.

78. The allegations of Paragraph 78 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 78 as they pertain to the other defendants.

79. To the extent allegations in Paragraph 79 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or

substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits certain PFAS may persist in the environment. EIDP lacks knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 79 of the Complaint as it pertains to the other defendants.

80. The allegations of Paragraph 80 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 80 as they pertain to the other defendants.

81. The allegations of Paragraph 81 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 81 as they pertain to the other defendants.

82. The allegations of Paragraph 82 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 82 as they pertain to the other defendants.

83. The allegations contained in Paragraph 83 state legal conclusions to which no response is required. To the extent a response is required, EIDP denies the allegations contained in Paragraph 83 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth

of the remaining allegations contained in Paragraph 83 as they pertain to the other defendants.

84. The allegations of Paragraph 84 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 84 as they pertain to the other defendants.

II. “Short-Chain” PFAS

85. To the extent allegations in Paragraph 85 of the Complaint relate to individuals, entities, or companies other than EIDP, and/or chemicals or substances not manufactured or used by EIDP, no response is required. To the extent a response is required, EIDP admits that it developed PFOA replacement technology. Any remaining allegations in Paragraph 85 of the Complaint are denied as stated.

86. EIDP admits that, in or around 2015, E.I. DuPont de Nemours and Company spun-off its Performance Chemicals segment into a separate public entity, Chemours. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 86 as they pertain to the other defendants.

87. EIDP admits that it has at times sold certain products containing certain short-chain PFAS compounds, understood to mean PFAS having six or fewer carbon-fluorine bonds. EIDP denies the remaining allegations contained

in Paragraph 87 as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 87 as they pertain to other defendants.

88. The allegations contained in Paragraph 88 state legal conclusions to which no response is required. To the extent a response is required, EIDP denies the allegations contained in Paragraph 88 as to EIDP, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 88 as they pertain to the other defendants

89. The allegations of Paragraph 89 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 as they pertain to the other defendants.

III. PFAS Regulations

90. Paragraph 90 of the Complaint purports to refer to provisional drinking water health advisories for PFOA and PFOS. Any such provisional drinking water health advisories speak for themselves, and EIDP denies any characterization of such provisional drinking water health advisories by Plaintiff.

91. Paragraph 91 of the Complaint purports to refer to drinking water health advisories for PFOA and PFOS published by the EPA. Any such drinking water health advisories speak for themselves, and EIDP denies any characterization of such drinking water health advisories by Plaintiff. EIDP denies any remaining allegations contained in Paragraph 91, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

92. Paragraph 92 of the Complaint purports to refer to drinking water health advisories published by the EPA. Any such drinking water health advisories speak for themselves, and EIDP denies any characterization of such drinking water health advisories by Plaintiff.

93. Paragraph 93 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and EIDP denies any characterization of such NPDWR by Plaintiff.

94. Paragraph 94 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and EIDP denies any characterization of such NPDWR by Plaintiff.

95. Paragraph 95 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and EIDP denies any characterization of such NPDWR by Plaintiff.

96. Paragraph 96 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and EIDP denies any characterization of such NPDWR by Plaintiff.

97. Paragraph 97 of the Complaint purports to refer to certain statements attributed to the EPA and a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such statements and NPDWR speaks themselves, and EIDP denies any characterization of such statements and NPDWR by Plaintiff.

98. Paragraph 98 of the Complaint purports to refer to a statement attributed to the EPA. Any such statement speaks for itself, and EIDP denies any characterization of such statement by Plaintiff.

99. Paragraph 99 of the Complaint purports to refer to designations and statements attributed to the EPA. Any such designations and statements speak for themselves, and EIDP denies any characterization of such designations and statements by Plaintiff.

IV. PFAS POLLUTION IN AND AROUND PLAINTIFF'S WATER SUPPLY

100. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 100 of the Complaint.

101. The allegations of Paragraph 101 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 as they pertain to the other defendants.

102. The allegations of Paragraph 102 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 as they pertain to the other defendants.

103. The allegations of Paragraph 103 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 as they pertain to the other defendants.

104. The allegations of Paragraph 104 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 as they pertain to the other defendants.

105. The allegations of Paragraph 105 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 as they pertain to the other defendants.

106. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 106 of the Complaint.

107. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 107 of the Complaint.

108. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 108 of the Complaint.

109. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 109 of the Complaint.

110. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 110 of the Complaint.

111. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 111 of the Complaint.

112. The allegations of Paragraph 112 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 as they pertain to the other defendants.

113. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 113 of the Complaint.

COUNT I - NEGLIGENCE

114. EIDP re-alleges and incorporates by reference Paragraphs 1-113 of its Answer as though fully set forth herein.

115. The allegations contained in Paragraph 115 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 115 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 as they pertain to the other defendants.

116. Paragraph 116 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 116 of the Complaint.

117. The allegations contained in Paragraph 117 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 117 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 117 as they pertain to the other defendants.

118. The allegations contained in Paragraph 118 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 118 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 as they pertain to the other defendants.

119. The allegations contained in Paragraph 119 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 119 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 as they pertain to the other defendants.

120. The allegations contained in Paragraph 120 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 120 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 as they pertain to the other defendants.

121. The allegations contained in Paragraph 121 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 121 of the Complaint are denied as they pertain to EIDP. EIDP

lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 as they pertain to the other defendants.

122. The allegations contained in Paragraph 122 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 122 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 122 as they pertain to the other defendants.

COUNT II - PUBLIC NUISANCE

123. EIDP re-alleges and incorporates by reference Paragraphs 1-122 of its Answer as though fully set forth herein.

124. The allegations contained in Paragraph 124 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 124 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 124 as they pertain to the other defendants.

125. The allegations contained in Paragraph 125 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 125 of the Complaint are denied as they pertain to EIDP. EIDP

lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 125 as they pertain to the other defendants.

126. The allegations contained in Paragraph 126 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 126 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 as they pertain to the other defendants.

127. The allegations contained in Paragraph 127 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 127 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 as they pertain to the other defendants.

128. The allegations contained in Paragraph 128 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 128 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 128 as they pertain to the other defendants.

COUNT III - PRIVATE NUISANCE

129. EIDP re-alleges and incorporates by reference Paragraphs 1-128 of its Answer as though fully set forth herein.

130. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 130 of the Complaint.

131. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 131 of the Complaint.

132. The allegations contained in Paragraph 132 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 132 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 as they pertain to the other defendants.

133. The allegations contained in Paragraph 133 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 133 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 as they pertain to the other defendants.

134. The allegations contained in Paragraph 134 of the Complaint state legal conclusions to which no response is required. The allegations of

Paragraph 134 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 as they pertain to the other defendants.

135. The allegations contained in Paragraph 135 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 135 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 as they pertain to the other defendants.

136. The allegations contained in Paragraph 136 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 136 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 as they pertain to the other defendants.

137. 137. The allegations contained in Paragraph 137 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 137 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the

truth of the allegations contained in Paragraph 137 as they pertain to the other defendants.

COUNT IV - TRESPASS

138. EIDP re-alleges and incorporates by reference Paragraphs 1-137 of its Answer as though fully set forth herein.

139. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 139 of the Complaint.

140. EIDP is without sufficient information to either admit or deny the allegations of Paragraph 140 of the Complaint.

141. The allegations contained in Paragraph 141 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 141 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 141 as they pertain to the other defendants.

142. The allegations contained in Paragraph 142 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 142 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 as they pertain to the other defendants.

143. The allegations contained in Paragraph 143 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 143 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 as they pertain to the other defendants.

144. The allegations contained in Paragraph 144 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 144 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144.

145. The allegations contained in Paragraph 145 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 145 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 as they pertain to the other defendants.

146. The allegations contained in Paragraph 146 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 146 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the

allegations contained in Paragraph 146 as they pertain to the other defendants.

147. The allegations contained in Paragraph 147 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 147 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 as they pertain to the other defendants.

COUNT V - WANTONNESS AND PUNITIVE DAMAGES

148. EIDP re-alleges and incorporates by reference Paragraphs 1-147 of its Answer as though fully set forth herein.

149. The allegations contained in Paragraph 149 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 149 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 149 as they pertain to the other defendants.

150. The allegations contained in Paragraph 150 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 150 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the

allegations contained in Paragraph 150 as they pertain to the other defendants.

151. The allegations contained in Paragraph 151 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 151 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 151 as they pertain to the other defendants.

152. The allegations contained in Paragraph 152 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 152 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 152 as they pertain to the other defendants.

153. The allegations contained in Paragraph 153 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 153 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 153 as they pertain to the other defendants.

154. The allegations contained in Paragraph 154 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 154 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 154 as they pertain to the other defendants.

155. The allegations contained in Paragraph 155 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 155 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 155 as they pertain to the other defendants.

COUNT VI - ATTORNEYS' FEES AND EXPENSES OF LITIGATION

156. EIDP re-alleges and incorporates by reference Paragraphs 1-155 of its Answer as though fully set forth herein.

157. The allegations contained in Paragraph 157 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 157 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 157 as they pertain to the other defendants.

COUNT VII - GEORGIA WATER QUALITY CONTROL ACT

158. EIDP re-alleges and incorporates by reference Paragraphs 1-157 of its Answer as though fully set forth herein.

159. The allegations contained in Paragraph 159 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 159 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 159 as they pertain to the other defendants.

160. The allegations contained in Paragraph 160 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 160 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 160 as they pertain to the other defendants.

161. The allegations contained in Paragraph 161 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 161 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 161 as they pertain to the other defendants.

162. The allegations contained in Paragraph 162 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 162.

163. The allegations contained in Paragraph 163 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 163 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 163 as they pertain to the other defendants.

164. The allegations of Paragraph 164 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, EIDP is without sufficient information to either admit or deny the allegations of Paragraph 164 of the Complaint.

165. The allegations contained in Paragraph 165 of the Complaint state legal conclusions to which no response is required. The allegations of Paragraph 165 of the Complaint are denied as they pertain to EIDP. EIDP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 165 of the Complaint.

JURY DEMAND

EIDP hereby demands a jury trial on all issues triable to a jury in this matter.

WHEREFORE, having answered fully, EIDP prays that this Court:

1. Dismiss Plaintiff's Complaint as to EIDP with prejudice;
2. Award EIDP all costs in this action, including attorneys' fees and litigation costs; and
3. Grant EIDP any and all such other relief as this Court deems proper.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint must be dismissed for failure to state claims upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's Complaint may be barred, in whole or in part, by the doctrines of laches, waiver, estoppel, ratification, and unclean hands.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's Complaint may be barred by release and/or payment.

FOURTH AFFIRMATIVE DEFENSE

No act or omission on the part of EIDP caused or contributed in any way to the alleged injuries or damages complained of in Plaintiff's Complaint.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate the damages alleged.

SIXTH AFFIRMATIVE DEFENSE

Negligence and/or intentional conduct by other parties and/or non-parties intervened between any alleged negligence on the part of EIDP (said negligence being specifically denied) and the alleged injuries suffered by Plaintiff, effectively severing any causal connection with the alleged acts or omissions of EIDP.

SEVENTH AFFIRMATIVE DEFENSE

Negligence by Plaintiff equaled or exceeded any negligence on the part of EIDP (said negligence being specifically denied), and therefore Plaintiff is not entitled to recover from EIDP.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff voluntarily and knowingly assumed the risk of incurring any alleged injuries.

NINTH AFFIRMATIVE DEFENSE

The injuries and damages complained of by Plaintiff were the results of acts or omissions by a third party or third parties for whom EIDP is not responsible, and therefore Plaintiff is not entitled to recover from EIDP.

TENTH AFFIRMATIVE DEFENSE

Pursuant to O.C.G.A. § 51-12-33, EIDP may seek to attribute fault to other parties and non-parties, and to have the jury allocate fault for purposes of apportioning damages, if any, among parties, former parties, and non-parties.

ELEVENTH AFFIRMATIVE DEFENSE

EIDP is entitled to a set-off or credit in the amount of any settlement or compromise heretofore or hereafter reached by Plaintiff with any other person or entity for any damages alleged in this case.

TWELFTH AFFIRMATIVE DEFENSE

EIDP pleads that, to the extent they are liable to Plaintiff (said liability being specifically denied), they are entitled to indemnification and/or contribution from other parties.

THIRTEENTH AFFIRMATIVE DEFENSE

At all times relevant to the allegations in the Complaint, EIDP abided by applicable state and federal law and industry standards regarding the safety of its products.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff has alleged an injury that, as a matter of law, does not support a recovery in tort.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to name all necessary and indispensable parties in this action.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, under Georgia law, because EIDP did not owe a legal duty to Plaintiff or, if they owed such a duty, did not breach and/or fully discharged that duty.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because, at all relevant times, EIDP exercised due care with respect to their activities and took reasonable precautions against foreseeable acts or omissions of others.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff cannot establish that their alleged injuries were caused by exposure to any product(s) attributable to EIDP.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that Plaintiff cannot establish that PFOA or GenX has been reliably established, through scientific means, to be capable of causing their alleged injuries.

TWENTIETH AFFIRMATIVE DEFENSE

Any damages Plaintiff may have suffered were not reasonably foreseeable by EIDP at the time of the conduct alleged.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because the harms they allege were not foreseeable risks.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, under the doctrine of Federal Preemption, including express preemption, implied conflict preemption, and field preemption, pursuant to any applicable statutes, regulations, guidance documents, notices, military specification, and policy statements, enacted and/or promulgated and/or issued by Congress, federal agencies or the executive branch, including, without limitation, to the extent Plaintiff's claims constitute an impermissible challenge to a response or remediation under CERCLA, 42 U.S.C. § 9613(h).

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiff has failed to adequately plead and/or allege that EIDP acted with the requisite state of mind to warrant an award of punitive damages.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by operation of the sophisticated purchaser, sophisticated/learned intermediary, and or sophisticated user doctrine.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims for punitive or exemplary damages are barred or reduced by applicable law or statute, or are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution and the Constitution of the State of Georgia, including without limitation the Fifth, Eighth, and Fourteenth Amendments to and the Excessive Fines Clause and Full Faith and Credit Clause of the United States Constitution.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

EIDP is not responsible or liable for any acts or omissions undertaken by or at the direction of any governmental authority or agency.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because of Plaintiff's failure to join necessary and/or indispensable parties without which this action should not proceed and should be dismissed.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because of changes made to the condition of the product at issue. The relief sought is, in whole or in part, within the

particular expertise of and is being addressed by federal and state governments, and their relevant agencies, and thus this Court should decline to exercise jurisdiction over these matters pursuant to the doctrine of primary jurisdiction, abstention, and or the doctrine of separation of powers.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because they failed to exhaust administrative remedies.

THIRTIETH AFFIRMATIVE DEFENSE

Plaintiff's claim for nuisance is barred, in whole or in part, because Plaintiff failed to appropriately request that EIDP abate the nuisance prior to filing this action.

THIRTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims may be barred, in whole or in part, because Plaintiff lacks standing to bring such claims.

THIRTY-SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims may be barred, in whole or in part, by the applicable statutes of limitations.

THIRTY-THIRD AFFIRMATIVE DEFENSE

Some or all of this case may be subject to arbitration.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

EIDP hereby adopts and incorporates by reference all defenses asserted by other parties to this action as if fully set forth herein. EIDP further reserves the right to assert such other defenses as may become apparent during the course of discovery.

Dated: September 6, 2024

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

/s/ Caroline M. Gieser

Caroline M. Gieser

Georgia Bar No. 167916

cgieser@shb.com

1230 Peachtree Street, Suite 1200

Atlanta, GA 30309

Telephone: 470-867-6000

Facsimile: 470-867-6001

Andrew Carpenter

(*pro hac vice* forthcoming)

acarpenter@shb.com

Brent Dwerlkotte

(*pro hac vice* forthcoming)

dbdwerlkotte@shb.com

2555 Grand Blvd.

Kansas City, MO 64108

Telephone: 816-474-6550

Facsimile: 816-421-5547

Attorneys for Defendants EIDP, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2024, I electronically filed the foregoing with the Clerk of Court using the Court's electronic filing system, which will automatically send e-mail notification of such filing to all attorneys of record.

/s/ Caroline M. Gieser

Caroline M. Gieser