

## **ANSWER TO COMPLAINT**

Defendant, \*\*\*, by its attorneys, \*\*\*, hereby answers Plaintiff's Complaint as follows:

### **General Allegations**

1. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

2. \*\*\* admits that it is a Delaware corporation, that the address of its registered office in Michigan is \*\*\*, and that it conducts business in \*\*\* County, Michigan. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

3. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

4. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

5. Upon information and belief, admitted.

### **COUNT I - BREACH OF EXPRESS AND IMPLIED WARRANTIES**

6. \*\*\* reasserts the answers contained in paragraphs 1-5.

7. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

8. Upon information and belief, \*\*\* admits that on or about \*\*\*, Plaintiff \*\*\* purchased a \*\*\*, from \*\*\*. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

9. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

10. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

11. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

12. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

a. - d. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

13. \*\*\* denies all allegations of “defective parts and workmanship” and further denies that the subject \*\*\* did not perform as “warranted and represented” because the allegations are not true. \*\*\* further denies all allegations of “repeatedly malfunctioned and stalled due to defective parts and workmanship” because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

14. \*\*\* denies all allegations of defect contained in this paragraph because the allegations are not true. \*\*\* further denies the remainder of the allegations contained in this paragraph because the allegations are not true.

15. \*\*\* denies all allegations of defect contained in this paragraph because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

16. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

17. Defendant \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT II – BREACH OF EXPRESS AND IMPLIED WARRANTIES

18. \*\*\* reasserts the answers contained in paragraphs 1-17.

19. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

20. Upon information and belief, \*\*\* admits that on or about \*\*\*, Plaintiff \*\*\* purchased a \*\*\*, from \*\*\*. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

21. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

22. As phrased, \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

23. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

a. - d. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

24. \*\*\* denies all allegations of “defective parts and workmanship” and further denies that the subject \*\*\* did not perform as “warranted and represented” because the allegations are not true. \*\*\* further denies all allegations of “repeatedly malfunctioned and stalled due to defective parts and workmanship” because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

25. \*\*\* denies all allegations of defect contained in this paragraph because the allegations are not true. \*\*\* further denies the remainder of the allegations contained in this paragraph because the allegations are not true.

26. \*\*\* denies all allegations of defect contained in this paragraph because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

27. Defendant \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

28. Defendant \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

### COUNT III – REVOCATION OF ACCEPTANCE

29. \*\*\* reasserts the answers contained in paragraphs 1-28.

30. \*\*\* denies all allegations of defects and nonconformities with respect to the subject \*\*\* because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

31. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

32. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

33. \*\*\* denies all allegations of defects and nonconformities with respect to the subject \*\*\* because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

34. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

35. No answer is required because the statement made in this paragraph is not a factual allegation. If an answer is required, \*\*\* denies that Plaintiff is entitled to tender the subject \*\*\* in exchange for the purchase price and any incidental and consequential damages

permitted by law because the statement is not true and is inconsistent with and not a complete recitation of Michigan law. The remainder of the allegations contained in this paragraph are denied because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT IV – REVOCATION OF ACCEPTANCE

36. \*\*\* reasserts the answers contained in paragraphs 1-35.

37. \*\*\* denies all allegations of defects and nonconformities with respect to the subject \*\*\* because the allegations are not true. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

38. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

39. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

40. \*\*\* denies that Plaintiff is entitled to demand a return of the purchase price for the subject \*\*\* from Defendant \*\*\* because it is inconsistent with and contrary to Michigan law. In further answer, Plaintiff is not entitled to seek revocation of acceptance against Defendant \*\*\* because the subject \*\*\* was not purchased by Plaintiff from Defendant \*\*\*. Therefore, the allegations contained in this paragraph are denied because they are not true.

41. \*\*\* denies that Plaintiff is entitled to demand a return of the purchase price for the subject \*\*\* from Defendant \*\*\* because it is inconsistent with and contrary to Michigan law. In further answer, Plaintiff is not entitled to seek revocation of acceptance against Defendant \*\*\*

because the subject \*\*\* was not purchased by Plaintiff from Defendant \*\*\*. Therefore, the allegations contained in this paragraph are denied because they are not true.

42. No answer is required because the statement made in this paragraph is not a factual allegation. If an answer is required, \*\*\* denies that Plaintiff is entitled to tender the subject \*\*\* in exchange for the purchase price and any incidental and consequential damages permitted by law because the statement is not true and is inconsistent with and not a complete recitation of Michigan law. The remainder of the allegations contained in this paragraph are denied because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT V - LIABILITY UNDER THE MAGNUSON-MOSS WARRANTY ACT

43. \*\*\* reasserts the answers contained in paragraphs 1-42.

44. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

45. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

46. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that

\*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

47. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

48. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

49. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

50. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

51. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

52. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT VI - LIABILITY UNDER THE MAGNUSON-MOSS WARRANTY ACT

53. \*\*\* reasserts the answers contained in paragraphs 1-52.

54. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

55. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

56. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

57. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

58. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that

\*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

59. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

60. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

61. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

62. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT VII - VIOLATIONS OF THE MICHIGAN CONSUMER PROTECTION ACT

63. \*\*\* reasserts the answers contained in paragraphs 1-62.

64. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

65. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

66. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

i. - iii. \*\*\* denies the allegations contained in these sub-paragraphs because the allegations are not true.

67. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT VIII - VIOLATIONS OF THE MICHIGAN CONSUMER PROTECTION ACT

68. \*\*\* reasserts the answers contained in paragraphs 1-67.

69. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

70. No answer is required because the statement is not a factual allegation but instead calls for a legal conclusion. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

71. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

i. - iii. \*\*\* denies the allegations contained in these sub-paragraphs because the allegations are not true.

72. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT IX- INNOCENT MISREPRESENTATION

73. \*\*\* reasserts the answers contained in paragraphs 1-72.

74. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

75. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

76. Neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

77. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

78. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

79. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

80. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

81. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

82. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

83. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

84. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT X- INNOCENT MISREPRESENTATION

85. \*\*\* reasserts the answers contained in paragraphs 1-84.

86. As phrased, \*\*\* denies the allegations contained in this paragraph because the allegations are not true because \*\*\* did not enter into a contract with Plaintiff. As for the remainder of the allegations contained in this paragraph, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

87. As phrased, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

88. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

89. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

90. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

91. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

92. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

93. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

94. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

95. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT XI- SILENT MISREPRESENTATION

96. \*\*\* reasserts the answers contained in paragraphs 1-95.

97. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

98. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

99. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason

that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

100. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

101. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

102. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

103. No answer is required because the allegations contained in this paragraph are not directed against Defendant \*\*\*. If an answer is required, neither admit nor deny for the reason that \*\*\* presently lacks sufficient knowledge or information to form a belief and therefore leaves Plaintiff to his proofs.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

#### COUNT XII- SILENT MISREPRESENTATION

104. \*\*\* reasserts the answers contained in paragraphs 1-103.

105. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

106. As phrased, \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

107. As phrased, \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

108. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

109. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

110. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

111. \*\*\* denies the allegations contained in this paragraph because the allegations are not true.

Wherefore, Defendant, \*\*\*, respectfully requests that this court dismiss Plaintiff's Complaint with prejudice and award \*\*\* its costs, expenses and attorneys fees.

Respectfully submitted,

By: \_\_\_\_\_