



9. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 9, and therefore denies them.

10. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraphs 5-6, and therefore denies them.

**JURISDICTION AND VENUE**

11. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 11, and therefore denies them.

**GENERAL ALLEGATIONS**

12. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 12, and therefore denies them.

13. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 13, and therefore denies them.

14. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 14, and therefore denies them.

15. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 15, and therefore denies them.

16. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 16, and therefore denies them.

17. Brookshier admits the allegations in Paragraph 17.

18. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 18, and therefore denies them.

19. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 19, and therefore denies them.

20. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 20, and therefore denies them.

21. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 21, and therefore denies them.

22. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 22, and therefore denies them.

23. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 23, and therefore denies them.

24. Brookshier denies the allegations in Paragraph 24.

25. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 25, and therefore denies them.

26. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 26, and therefore denies them.

27. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 27, and therefore denies them.

**ALL APPLICABLE STATUTES OF LIMITATIONS  
HAVE BEEN TOLLED**

28. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 28, and therefore denies them.

29. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 29, and therefore denies them.

**COUNT I  
(Wrongful Death)**

30. Brookshier incorporates the responses above.

31. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 31, and therefore denies them.

32. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 32, and therefore denies them.

33. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 33, and therefore denies them.

34. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 34, and therefore denies them.

35. Brookshier denies the allegations in Paragraph 35.

36. Brookshier denies the allegations in Paragraph 36.

37. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 37, and therefore denies them.

38. Brookshier denies the allegations in Paragraph 38.

**COUNT II**  
**(Strict Liability)**

39. Brookshier incorporates the responses above.

40. Brookshier denies the allegations in Paragraph 40.

41. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 41, and therefore denies them.

42. Brookshier denies the allegations in Paragraph 42.

43. Brookshier denies the allegations in Paragraph 43.

**COUNT II**  
**(Negligence)**

44. Brookshier incorporates the responses above.

45. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 45, and therefore denies them.

46. Brookshier denies the allegations in Paragraph 46.

47. Brookshier denies the allegation in Paragraph 47.

48. Brookshier denies the allegations in Paragraph 48.

49. Brookshier denies the allegations in Paragraph 49.

50. Brookshier denies the allegations in Paragraph 50.

**COUNT III**  
**(Private Nuisance)**

51. Brookshier incorporates the responses above.

52. Brookshier denies the allegations in Paragraph 52.

53. Brookshier denies the allegations in Paragraph 53.

54. Brookshier denies the allegations in Paragraph 54.

**COUNT IV**  
**(Trespass)**

55. Brookshier incorporates the responses above.

56. Brookshier denies the allegations in Paragraph 56.

57. Brookshier denies the allegations in Paragraph 57.

58. Brookshier denies the allegations in Paragraph 58.

**COUNT V**  
**(Negligence per se)**

59. Brookshier incorporates the responses above.

60. Brookshier denies the allegations in Paragraph 60.

61. Brookshier denies the allegations in Paragraph 61.

62. Brookshier denies the allegations in Paragraph 62.

63. Brookshier denies the allegations in Paragraph 63.

64. Brookshier denies the allegations in Paragraph 64.

**COUNT VI**  
**(Declaratory Relief and Medical Monitoring)**

65. Brookshier incorporates the responses above.

66. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 66, and therefore denies them.

67. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 67, and therefore denies them.

68. Brookshier is without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 68, and therefore denies them.

**AFFIRMATIVE DEFENSES**

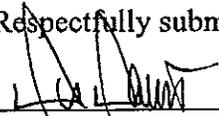
1. Plaintiff's claims are barred, in whole or part, by the doctrine of laches, in that Plaintiff unreasonably delayed bringing suit for his alleged damages.

2. Plaintiff's claims fail to state a claim upon which relief can be granted.

3. Plaintiff's claims are barred by the applicable statute of limitations.

WHEREFORE, having fully answered, Brookshier prays that the Petition be dismissed; that he be awarded his attorney's fees and costs incurred; and for such other relief as the Court deems just and proper.

Respectfully submitted,

  
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**Certificate of Service**

I certify that a copy of the foregoing was served via First Class Mail on October 2, 2008  
to:

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Drew F. Davis