

3. Aramark admits that it owns the property located at 1200 Webster Street in Dayton, Ohio, and operates a commercial laundry thereon. Aramark denies the remaining allegations set forth in Paragraph 3 of the Third Amended Complaint. As to the remaining legal conclusions, no response is required.

4. Aramark denies the allegations set forth in Paragraph 4 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 4 as they relate to entities other than Aramark. As to the remaining legal conclusions, no response is required.

5. Aramark denies the allegations set forth in Paragraph 5 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph as they relate to entities other than Aramark.

6. Aramark denies the allegations set forth in Paragraph 6 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 6 as they relate to entities other than Aramark.

7. Aramark denies the allegations set forth in Paragraph 7 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 7 as they relate to entities other than Aramark.

8. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 8 of the Third Amended Complaint.

9. Aramark denies the allegations set forth in Paragraph 9 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 9 as they relate to entities other than Aramark.

10. Paragraph 10 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 10 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 10 as they relate to entities other than Aramark.

JURISDICTION AND VENUE

11. Paragraph 11 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark admits that the United States District Court for the Southern District of Ohio has subject matter jurisdiction. Aramark denies the remaining allegations set forth in Paragraph 11.

12. Paragraph 12 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies that the class involves 100 or more members.

13. Paragraph 13 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 13.

14. Aramark admits only that at least one putative class member is diverse from one Defendant. Aramark denies the remaining allegations set forth in Paragraph 14 of the Third Amended Complaint.

15. Aramark admits only that venue is proper in the Southern District of Ohio. Aramark denies the remaining allegations set forth in Paragraph 15 of the Third Amended Complaint.

THE PARTIES

Plaintiffs

16. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 16 of the Third Amended Complaint. As to the remaining legal conclusion regarding the “defined Classes,” no response is required.

17. Paragraph 17 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations in Paragraph 17 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 17 as they relate to entities other than Aramark.

18. Paragraph 18 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations in Paragraph 18 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 18 as they relate to entities other than Aramark.

19. Paragraph 19 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations in Paragraph 19 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 19 as they relate to entities other than Aramark.

20. Paragraph 20 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations in Paragraph 20 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 20 as they relate to entities other than Aramark.

Defendants

21. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 21 of the Third Amended Complaint.

22. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 22 of the Third Amended Complaint.

23. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 23 of the Third Amended Complaint.

24. Aramark admits the allegations set forth in Paragraph 24 of the Third Amended Complaint.

BACKGROUND FACTS

A. The Chrysler-Behr Plume

25. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 25 of the Third Amended Complaint.

26. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 26 of the Third Amended Complaint.

27. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 27 of the Third Amended Complaint.

28. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 28 of the Third Amended Complaint.

29. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 29 of the Third Amended Complaint.

30. Aramark denies the allegations set forth in Paragraph 30 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 30 as they relate to entities other than Aramark.

31. Paragraph 31 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 31.

32. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 32 of the Third Amended Complaint.

33. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 33 of the Third Amended Complaint.

34. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 34 of the Third Amended Complaint.

35. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 35 of the Third Amended Complaint. As to the remaining legal conclusions, no response is required.

36. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 36 of the Third Amended Complaint.

37. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 37 of the Third Amended Complaint.

38. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 38 of the Third Amended Complaint.

39. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 39 of the Third Amended Complaint.

40. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 40 of the Third Amended Complaint. As to the remaining legal conclusions, no response is required.

41. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 41 of the Third Amended Complaint. As to the remaining legal conclusions, no response is required.

B. Chrysler-Behr-Aramark Plume

42. Aramark admits only that it owns the property located at 1200 Webster Street in Dayton, Ohio, and operates a commercial laundry thereon. Aramark denies the remaining allegations set forth in Paragraph 42 of the Third Amended Complaint.

43. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 43 of the Third Amended Complaint.

44. Aramark admits the allegations set forth in Paragraph 44 of the Third Amended Complaint.

45. Aramark denies the allegations set forth in Paragraph 45 of the Third Amended Complaint.

46. Aramark denies the allegations set forth in Paragraph 46 of the Third Amended Complaint.

47. Aramark denies the allegations set forth in Paragraph 47 of the Third Amended Complaint.

48. Aramark admits only that it operated a remediation system on the property at 1200 Webster Street from 1996 to 2003. Aramark denies the remaining allegations set forth in Paragraph 48 of the Third Amended Complaint.

49. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 49 of the Third Amended Complaint.

50. Aramark denies the allegations set forth in Paragraph 50 of the Third Amended Complaint.

51. Aramark denies the allegations set forth in Paragraph 51 of the Third Amended Complaint.

52. Aramark denies the allegations set forth in Paragraph 52 of the Third Amended Complaint.

53. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 53 of the Third Amended Complaint.

54. Paragraph 54 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 54 of the Third Amended Complaint to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 54 as they relate to entities other than Aramark.

55. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 55 of the Third Amended Complaint.

56. Paragraph 56 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 56 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 56 as they relate to entities other than Aramark.

57. Aramark denies the allegations set forth in Paragraph 57 of the Third Amended Complaint.

58. Paragraph 58 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 58 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 58 as they relate to entities other than Aramark.

CLASS REPRESENTATION ALLEGATIONS

59. Paragraph 59 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies that the prerequisites for class certification under Fed. R. Civ. P. 23 have been satisfied or that this action is suitable as a class action.

60. Paragraph 60 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 60 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 60 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

61. Paragraph 61 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

62. Paragraph 62 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 62 to the extent that they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the remaining allegations set forth in Paragraph 62 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

63. Paragraph 63 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 63. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

64. Paragraph 64 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 64. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

65. Paragraph 65 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 65 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 65 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

66. Paragraph 66 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 66.

67. Paragraph 67 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 67 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 67 as they relate to entities other than Aramark.

68. Paragraph 68 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 68. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

69. Paragraph 69 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 69. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

70. Paragraph 70 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 70. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

71. Paragraph 71 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 71 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 71 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

72. Paragraph 72 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 72. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

73. Paragraph 73 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the allegations set forth in Paragraph 73 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 73 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

74. Paragraph 74 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 74. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

75. Aramark lacks information sufficient to admit or deny the allegations set forth in Paragraph 75 of the Third Amended Complaint.

76. Aramark denies the allegations set forth in Paragraph 76 of the Third Amended Complaint as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 76 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

77. Paragraph 77 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 77. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

78. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 78 of the Third Amended Complaint. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

79. Paragraph 79 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 79. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

80. Paragraph 80 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 80 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 80 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

81. Paragraph 81 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 81 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 81 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

82. Paragraph 82 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 82. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

83. Paragraph 83 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 83. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

84. Paragraph 84 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 84 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 84 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

85. Paragraph 85 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lack knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 85. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

86. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 86 of the Third Amended Complaint. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

87. Paragraph 87 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark denies the factual allegations set forth in Paragraph 87 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 87 as they relate to entities other than Aramark. Answering further, Aramark denies that any prerequisite for class certification under Fed. R. Civ. P. 23 has been satisfied or that this action is suitable as a class action.

COUNT I

Trespass

88. Aramark incorporates by reference its responses to Paragraphs 1 through 87 of the Third Amended Complaint.

89. Paragraph 89 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 89 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 89 as they relate to entities other than Aramark.

90. Paragraph 90 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 90 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 90 as they relate to entities other than Aramark.

91. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 91 of the Third Amended Complaint.

92. Paragraph 92 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 92 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 92 as they relate to entities other than Aramark.

93. Paragraph 93 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 93 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 93 as they relate to entities other than Aramark.

94. Paragraph 94 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 94 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 94 as they relate to entities other than Aramark.

95. Paragraph 95 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 95 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 95 as they relate to entities other than Aramark.

96. Paragraph 96 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 96 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 96 as they relate to entities other than Aramark.

97. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 97 of the Third Amended Complaint.

98. Paragraph 98 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 98 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 98 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT II

Private Nuisance

99. Aramark incorporates by reference its responses to Paragraphs 1 through 98 of the Third Amended Complaint.

100. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 100 of the Third Amended Complaint.

101. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 101 of the Third Amended Complaint.

102. Paragraph 102 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark lacks knowledge and information sufficient to admit or deny allegations set forth in Paragraph 102.

103. Paragraph 103 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 103 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 103 as they relate to entities other than Aramark.

104. Paragraph 104 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 104 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 104 as they relate to entities other than Aramark.

105. Paragraph 105 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 105 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 105 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT III

Unjust Enrichment

106. Aramark incorporates by reference its responses to Paragraphs 1 through 105 of the Third Amended Complaint.

107. Paragraph 107 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 107.

108. Paragraph 108 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 108 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 108 as they relate to entities other than Aramark.

109. Paragraph 109 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 109 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 109 as they relate to entities other than Aramark.

110. Paragraph 110 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 110 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 110 as they relate to entities other than Aramark.

111. Paragraph 111 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 111 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 111 as they relate to entities other than Aramark.

112. Paragraph 112 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 112 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 112 as they relate to entities other than Aramark.

113. Paragraph 113 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 113 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 113 as they relate to entities other than Aramark.

114. Paragraph 114 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 114 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 114 as they relate to entities other than Aramark.

115. Paragraph 115 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 115 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 115 as they relate to entities other than Aramark.

116. Paragraph 116 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 116 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 116 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT IV

Strict Liability

117. Aramark incorporates by reference its responses to Paragraphs 1 through 116 of the Third Amended Complaint.

118. Paragraph 118 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark admits only that it owns the property at 1200 Webster Road in Dayton, Ohio, and operates a laundry facility thereon. Aramark denies the remaining allegations set forth in Paragraph 118 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 118 as they relate to entities other than Aramark.

119. Paragraph 119 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 119 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 119 as they relate to entities other than Aramark.

120. Paragraph 120 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 120.

121. Paragraph 121 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 121 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 121 as they relate to entities other than Aramark.

122. Paragraph 122 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 122 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 122 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT V

Negligence

123. Aramark incorporates by reference its responses to Paragraphs 1 through 122 of the Third Amended Complaint.

124. Paragraph 124 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 124 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 124 as they relate to entities other than Aramark.

125. Paragraph 125 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 125 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 125 as they relate to entities other than Aramark.

126. Paragraph 126 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 126 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 126 as they relate to entities other than Aramark.

127. Paragraph 127 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 127 as they relate to entities other than Aramark.

128. Paragraph 128 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 128 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 128 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT VI

Negligence Per Se

129. Aramark incorporates by reference its responses to Paragraphs 1 through 128 of the Third Amended Complaint.

130. Paragraph 130 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 130 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 130 as they relate to entities other than Aramark.

131. Paragraph 131 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 131 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 131 as they relate to entities other than Aramark.

132. Paragraph 132 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 132 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 132 as they relate to entities other than Aramark.

133. Paragraph 133 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent a response is required, Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 133.

134. Paragraph 134 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 134 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 134 as they relate to entities other than Aramark.

135. Paragraph 135 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 135 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 135 as they relate to entities other than Aramark.

136. Paragraph 136 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 136 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 136 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT VII

Battery

137. Aramark incorporates by reference its responses to Paragraphs 1 through 136 of the Third Amended Complaint.

138. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 138 of the Third Amended Complaint.

139. Paragraph 139 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 139 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 139 as they relate to entities other than Aramark.

140. Paragraph 140 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 140 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 140 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT VIII

Intentional Fraudulent Concealment

141. Aramark incorporates by reference its responses to Paragraphs 1 through 140 of the Third Amended Complaint.

142. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 142 of the Third Amended Complaint.

143. Paragraph 143 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 143 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 143 as they relate to entities other than Aramark.

144. Paragraph 144 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 144 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 144 as they relate to entities other than Aramark.

145. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 145 of the Third Amended Complaint.

146. Paragraph 146 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 146 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 146 as they relate to entities other than Aramark.

147. Paragraph 147 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 147 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 147 as they relate to entities other than Aramark.

148. Paragraph 148 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 148 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 148 as they relate to entities other than Aramark.

149. Paragraph 149 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 149 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 149 as they relate to entities other than Aramark.

150. Paragraph 150 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 150 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 150 as they relate to entities other than Aramark.

151. Paragraph 151 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 151 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 151 as they relate to entities other than Aramark.

152. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 152 of the Third Amended Complaint.

153. Paragraph 153 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 153 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 153 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT IX

Constructive Fraud (Negligent Fraudulent Concealment)

154. Aramark incorporates by reference its responses to Paragraphs 1 through 153 of the Third Amended Complaint.

155. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 155 of the Third Amended Complaint.

156. Paragraph 156 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 156 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 156 as they relate to entities other than Aramark.

157. Paragraph 157 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 157 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 157 as they relate to entities other than Aramark.

158. Paragraph 158 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 158 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 158 as they relate to entities other than Aramark.

159. Paragraph 159 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 159 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 159 as they relate to entities other than Aramark.

160. Paragraph 160 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 160 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 160 as they relate to entities other than Aramark.

161. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 161 of the Third Amended Complaint.

162. Paragraph 162 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 162 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 162 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT X

Negligent Misrepresentation

163. Aramark incorporates by reference its responses to Paragraphs 1 through 162 of the Third Amended Complaint.

164. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 164 of the Third Amended Complaint.

165. Paragraph 165 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 165 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 165 as they relate to entities other than Aramark.

166. Paragraph 166 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 166 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 166 as they relate to entities other than Aramark.

167. Paragraph 167 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 167 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 167 as they relate to entities other than Aramark.

168. Paragraph 168 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 168 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 168 as they relate to entities other than Aramark.

169. Paragraph 169 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 169 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 169 as they relate to entities other than Aramark.

170. Paragraph 170 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 170 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 170 as they relate to entities other than Aramark.

171. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 171 of the Third Amended Complaint.

172. Paragraph 172 of the Third Amended Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Aramark denies the allegations set forth in Paragraph 172 as they relate to Aramark. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 172 as they relate to entities other than Aramark.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

COUNT XI

Civil Conspiracy

(Chrysler and Behr Only)

173. Aramark incorporates by reference its responses to Paragraphs 1 through 172 of the Third Amended Complaint.

174. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 174 of the Third Amended Complaint.

175. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 175 of the Third Amended Complaint.

176. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 176 of the Third Amended Complaint.

177. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 177 of the Third Amended Complaint.

178. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 178 of the Third Amended Complaint.

179. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 179 of the Third Amended Complaint.

180. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 180 of the Third Amended Complaint.

181. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 181 of the Third Amended Complaint.

182. Aramark lacks knowledge and information sufficient to admit or deny the allegations set forth in Paragraph 182 of the Third Amended Complaint.

The unnumbered “Wherefore” prayer for relief paragraph does not contain allegations of fact and, therefore, no response is required. To the extent a response is required, Aramark denies each and every allegation and assertion listed in this paragraph and denies that Plaintiffs are entitled to any of the relief requested.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the applicable statute of limitations or statute of repose.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the equitable doctrines of laches, estoppel, and waiver.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of merger, bar, collateral estoppel, res judicata, release, consent, discharge, and accord and satisfaction.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' losses, if any, are the result of conduct by parties over which Aramark had no control, or intervening or superseding causes over which Aramark had no control.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred to the extent that Plaintiffs failed to mitigate their damages, if any.

SEVENTH AFFIRMATIVE DEFENSE

Aramark did not breach any duty owed to Plaintiffs or any other party to this litigation.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because they knowingly and voluntarily assumed any and all risks associated with the matters alleged in the Third Amended Complaint.

NINTH AFFIRMATIVE DEFENSE

Any injury incurred by Plaintiffs was not proximately caused by Aramark.

TENTH AFFIRMATIVE DEFENSE

Aramark is free from any negligence.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred or reduced by the contributory or comparative negligence of Plaintiffs.

TWELFTH AFFIRMATIVE DEFENSE

Any injury or expenses incurred by Plaintiffs may have been caused, in whole or in part, by operation of nature or act of God.

THIRTEENTH AFFIRMATIVE DEFENSE

Aramark did not participate in, authorize, ratify, or benefit from the alleged misrepresentations or wrongful acts that are asserted in the Third Amended Complaint.

FOURTEENTH AFFIRMATIVE DEFENSE

Any injury incurred by Plaintiffs resulted, in whole or in part, from preexisting, subsequent, or unrelated medical, genetic, or environmental conditions, diseases, or illnesses, or from natural causes, or from an unforeseeable idiosyncratic reaction or susceptibility peculiar to that Plaintiff.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs lack standing to assert any claims against Aramark.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' damages, if any, were the product of conduct for which Aramark cannot be held liable because its actions were lawfully undertaken in the exercise of its rights as an owner of real property.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' damages, if any, were the product of conduct from which Aramark cannot be held liable because its actions were lawfully undertaken in compliance with permits issued by government authorities and/or in compliance with all applicable laws, regulations, rules, orders, directives, and other federal, state and local governmental requirements and authorities.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are preempted by federal law.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrines of abstention and primary jurisdiction.

TWENTIETH AFFIRMATIVE DEFENSE

The Third Amended Complaint's prayer for damages is barred because Plaintiffs' damages, if any, are speculative, uncertain, and incapable of being ascertained.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim for punitive damages for which relief may be granted, and fail to state a claim for punitive damages with the requisite degree of particularity.

TWENTY-SECOND AFFIRMATIVE DEFENSE

To the extent Plaintiffs' claims are based on a theory providing for liability without proof of causation, the claims violate Aramark's rights under the United States Constitution.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Should Aramark be held liable to Plaintiffs, Aramark is entitled to a credit or set-off for the total of all amounts paid to Plaintiffs from all other sources.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Aramark denies any misrepresentation, fraud, reliance by Plaintiffs, and/or detriment allegedly resulting therefrom.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiffs cannot bring a negligent misrepresentation claim against Aramark because they lack a contractual or quasi-contractual relationship with Aramark.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Some or all of the individually named Plaintiffs lack the requisite standing to represent the class they purport to represent, and none of the plaintiffs can otherwise satisfy the requirements of Fed. R. Civ. P. 23.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims on behalf of the putative class – the existence of which is expressly denied – are barred by Plaintiffs' failure to satisfy all four of the mandatory requirements of Fed. R. Civ. P. 23(a), or any of the requirements of Fed. R. Civ. P. 23(b).

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Aramark adopts all affirmative defenses asserted by any other Defendant in its Answer to the Third Amended Complaint.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Aramark reserves the right to supplement its Answer with additional defenses that become available or apparent during the course of investigation, preparation, or discovery, and to amend its Answer accordingly.

WHEREFORE, Defendant Aramark Uniform & Career Apparel, LLC demands judgment against Plaintiffs to include:

- A. Dismissal of the Third Amended Complaint with prejudice;
- B. Reasonable attorneys' fees and costs of suit; and
- C. Any other relief in Aramark's favor that this court deems just and equitable.

Dated: March 23, 2015

By: /s/ John M. Alten
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Attorneys for Defendant Aramark Uniform
& Career Apparel, LLC

JURY DEMAND

Defendant Aramark Uniform & Career Apparel, LLC demands a trial by jury on all issues so triable.

Dated: March 20, 2015

By: /s/ John M. Alten
Attorneys for Defendant Aramark
Uniform & Career Apparel, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March 2015, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the ECF system.

Electronic service is thereby made pursuant to the ECF system terms.

Dated: March 20, 2015

By: /s/ John M. Alten
Attorneys for Defendant Aramark
Uniform & Career Apparel, LLC