

FILED
04-04-2022
Clerk of Court
Marinette County
2022CX000001

STATE OF WISCONSIN

CIRCUIT COURT

MARINETTE COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 22-CX-1

Case Code No: 30107

v.

TYCO FIRE PRODUCTS, LIMITED PARTNERSHIP
AND JOHNSON CONTROLS, INC.,

Defendant.

**ANSWER AND DEFENSES OF DEFENDANT TYCO FIRE PRODUCTS, LIMITED
PARTNERSHIP**

The defendant, Tyco Fire Products, Limited Partnership by its attorneys, One Law Group, S.C. and Williams & Connolly LLP, answers the complaint as follows:

1. Based upon information and belief, the answering defendant admits the allegations contained in paragraph 1 of the plaintiff's complaint.
2. Answering paragraph 2 of the plaintiff's complaint, paragraph 2 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.
3. Answering paragraph 3 of the plaintiff's complaint, the answering defendant admits that its registered agent in Wisconsin is CT Corporation System. All remaining allegations in this paragraph are otherwise denied.
4. Answering paragraph 4 of the plaintiff's complaint, the answering defendant

states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

5. Answering paragraph 5 of the plaintiff's complaint, the answering defendant admits only that it merged with The Ansul Company's successor, Ansul, LLC. The answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the remaining the allegations contained therein and, therefore, denies the remaining allegations contained therein and puts the plaintiff to its strict proof.

6. Answering paragraph 6 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

7. Answering paragraph 7 of the plaintiff's complaint, the answering defendant admits only that Jagara Merger Sub LLC, an indirect wholly owned subsidiary of Tyco International plc, merged with and into Johnson Controls on September 2, 2016, and that Tyco Fire Products LP was an indirect wholly owned subsidiary of Tyco International plc. The answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained therein and, therefore, denies the remaining allegations contained therein and puts the plaintiff to its strict proof.

8. The answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained therein and, therefore, denies all of the remaining allegations contained therein and puts the plaintiff to its strict proof.

9. Answering paragraph 9 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

10. Answering paragraph 10 of the plaintiff's complaint, the answering defendant admits only that it is the deeded owner of property located at 2700 Industrial Parkway South, Marinette, Marinette County, Wisconsin. All remaining allegations in this paragraph are otherwise denied.

11. Answering paragraph 11 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

12. Based upon information and belief, the answering defendant admits the allegations contained in paragraph 12 of the plaintiff's complaint.

13. Based upon information and belief, the answering defendant admits the allegations contained in paragraph 13 of the plaintiff's complaint.

14. Based upon information and belief, the answering defendant admits the allegations contained in paragraph 14 of the plaintiff's complaint.

15. Answering paragraph 15 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

16. Answering paragraph 16 of the plaintiff's complaint, the answering defendant

states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

17. Answering paragraph 17 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

18. Answering paragraph 18 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

19. Answering paragraph 19 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

20. Answering paragraph 20 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

21. Answering paragraph 21 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

22. Answering paragraph 22 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

23. Answering paragraph 23 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

24. Answering paragraph 24 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

25. Answering paragraph 25 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

26. Answering paragraph 26 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

27. Answering paragraph 27 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

28. Answering paragraph 28 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

PFAS BACKGROUND

29. Answering paragraph 29 of the plaintiff's complaint, the answering defendant admits only that "PFAS" stands for "per- and polyfluoroalkyl substances." All remaining allegations in this paragraph are otherwise denied.

30. Answering paragraph 30 of the plaintiff's complaint, the answering defendant admits only that PFAS are a component of certain firefighting foams and that PFAS are found in a wide variety of consumer, commercial, and industrial products. All remaining allegations in this paragraph are otherwise denied.

31. Answering paragraph 31 of the plaintiff's complaint, the answering defendant admits only that PFAS may include, but are not limited to, PFOA and PFOS. All remaining allegations in this paragraph are otherwise denied.

32. Answering paragraph 32 of the plaintiff's complaint, the answering defendant admits only that the EPA issued a non-enforceable, non-regulatory provisional health advisory in 2009. All remaining allegations in this paragraph are otherwise denied.

33. Answering paragraph 33 of the plaintiff's complaint, the answering defendant states that the allegations in this paragraph purport to quote a document that speaks for itself. To the extent that a further response is required, the answering defendant denies the allegations in

this paragraph.

34. Answering paragraph 34 of the plaintiff's complaint, the answering defendant admits only that the non-enforceable, non-regulatory 2009 provisional health advisory set a limit of 0.4 micrograms per liter of PFOA in drinking water. All remaining allegations in this paragraph are otherwise denied.

35. Answering paragraph 35 of the plaintiff's complaint, the answering defendant admits only that the non-enforceable, non-regulatory 2009 provisional health advisory set a limit of 0.2 micrograms per liter of PFOS in drinking water. All remaining allegations in this paragraph are otherwise denied.

36. Answering paragraph 36 of the plaintiff's complaint, the answering defendant admits only that in May 2016, EPA issued a lifetime health advisory for PFOA and PFOS in drinking water, which are non-enforceable and non-regulatory and provide technical information to states agencies and other public health officials, with a wide margin of protection from a lifetime of exposure to PFOS and PFOA from drinking water for even the most sensitive populations. All remaining allegations in this paragraph are otherwise denied.

37. Answering paragraph 37 of the plaintiff's complaint, the answering defendant the allegations in this paragraph purport to quote a document that speaks for itself. To the extent that a further response is required, the answering defendant denies the allegations in this paragraph.

38. Answering paragraph 38 of the plaintiff's complaint, the answering defendant admits only that the non-enforceable, non-regulatory 2016 EPA LHA set a limit of 0.07 micrograms per liter of PFOA in drinking water. All remaining allegations in this paragraph are otherwise denied.

39. Answering paragraph 39 of the plaintiff's complaint, the answering defendant

admits only that the non-enforceable, non-regulatory 2016 EPA LHA set a limit of 0.07 micrograms per liter of PFOS in drinking water. All remaining allegations in this paragraph are otherwise denied.

40. Answering paragraph 40 of the plaintiff's complaint, the answering defendant admits only that the non-enforceable, non-regulatory 2016 EPA LHA set a limit of 0.07 micrograms per liter of PFOA and PFOS in drinking water. All remaining allegations in this paragraph are otherwise denied.

41. Answering paragraph 41 of the plaintiff's complaint, the answering defendant states that paragraph 41 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

42. Answering paragraph 42 of the plaintiff's complaint, the answering defendant states that paragraph 42 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

43. Answering paragraph 43 of the plaintiff's complaint, the answering defendant admits only that in a letter dated March 2, 2018, the DNR requesting WDHS "recommend state health-based groundwater quality standards" for 16 substances, including PFOS and PFOA, "provided adequate toxicologic information is available." In February 2022, the Wisconsin Natural Resource Board rejected DNR's proposed groundwater standard for PFOS and PFOA; there therefore is no extant Wisconsin "proposed groundwater enforcement standards" for PFOS or PFOA. All remaining allegations in this paragraph are otherwise denied.

44. Answering paragraph 44 of the plaintiff's complaint, the answering defendant admits only that DHS recommended a groundwater enforcement standard to DNR. In February 2022, the Wisconsin Natural Resource Board rejected DNR's proposed groundwater standard for

PFOS and PFOA; there therefore is no extant Wisconsin “proposed groundwater enforcement standards” for PFOS or PFOA. All remaining allegations in this paragraph are otherwise denied.

45. Answering paragraph 45 of the plaintiff’s complaint, the answering defendant admits only that in a letter dated April 10, 2019, the DNR requested that WDHS “recommend state health-based groundwater quality standards” for 40 substances, including certain types of PFAS substances, “provided adequate toxicologic information is available.” All remaining allegations in this paragraph are otherwise denied.

46. Answering paragraph 46 of the plaintiff’s complaint, the answering defendant admits only that WDHS recommended that groundwater enforcement standards for additional PFAS, to include PFOS and PFOA. In February 2022, the Wisconsin Natural Resource Board rejected DNR’s proposed groundwater standard for PFOS and PFOA; there therefore is no extant Wisconsin “groundwater enforcement standards” for PFOS or PFOA. All remaining allegations in this paragraph are otherwise denied.

47. Answering paragraph 47 of the plaintiff’s complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

48. Answering paragraph 48 of the plaintiff’s complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

49. Answering paragraph 49 of the plaintiff’s complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the

truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

50. Answering paragraph 50 of the plaintiff's complaint, the answering defendant admits only that drinking water and surface water standards for PFOS and PFOA have been submitted to the Legislature for review and that that review is not complete. As Plaintiff's allegation makes clear, the Legislature has not approved those standards and they are therefore not effective. All remaining allegations in this paragraph are otherwise denied.

51. Answering paragraph 51 of the plaintiff's complaint, the answering defendant states that paragraph 51 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

52. Answering paragraph 52 of the plaintiff's complaint, the answering defendant states that paragraph 52 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

53. Answering paragraph 53 of the plaintiff's complaint, the answering defendant admits only that its environmental consultant submitted a detailed report to DNR on this date containing a large amount of data, reports, calculations, and facts and that in February 2022, the Wisconsin Natural Resource Board rejected DNR's proposed groundwater standard for PFOS and PFOA; there therefore is no extant Wisconsin recommended "groundwater enforcement standard" for PFOS or PFOA. All remaining allegations in this paragraph are otherwise denied.

54. Answering paragraph 54 of the plaintiff's complaint, the answering defendant admits only that its environmental consultant's detailed report to DNR contained a large amount of data, reports, calculations, and facts, which speak for themselves. All remaining allegations in this paragraph are otherwise denied.

55. Answering paragraph 55 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

56. Answering paragraph 56 of the plaintiff's complaint, the answering defendant admits only that that the parties to a class action to which the answering defendant was not a party entered into a private settlement agreement that created a panel to study PFOA. All remaining allegations in this paragraph are otherwise denied.

57. Answering paragraph 57 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

58. Answering paragraph 58 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

59. Answering paragraph 59 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

**GROUNDWATER AND SOIL SAMPLING FOR PFAS AT THE PROPERTY
BETWEEN 2013 AND 2016**

60. Answering paragraph 60 of the plaintiff's complaint, the answering defendant

admits only that as part of an ongoing remediation of VOCs at the Property, on or about October 23, 2013, its consultant sampled soil and groundwater at locations on the Property. All remaining allegations in this paragraph are otherwise denied.

61. Answering paragraph 61 of the plaintiff's complaint, the answering defendant admits only that as part of an ongoing remediation of VOCs at the Property, on or about October 23, 2013, its consultant sampled soil and groundwater at locations on the Property. All remaining allegations in this paragraph are otherwise denied.

62. Answering paragraph 62 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

63. Answering paragraph 63 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

64. Answering paragraph 64 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

65. Answering paragraph 65 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

66. Answering paragraph 66 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

67. Answering paragraph 67 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

68. Answering paragraph 68 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

69. Answering paragraph 69 of the plaintiff's complaint, the answering defendant admits only that as part of an ongoing remediation of VOCs at the Property, in 2014, its consultant sampled soil and groundwater at locations on the Property. All remaining allegations in this paragraph are otherwise denied.

70. Answering paragraph 70 of the plaintiff's complaint, the answering defendant Tyco admits only that as part of an ongoing remediation of VOCs at the Property, in 2014, its consultant sampled soil and groundwater at locations on the Property. All remaining allegations in this paragraph are otherwise denied.

71. Answering paragraph 71 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

72. Answering paragraph 72 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

73. Answering paragraph 73 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

74. Answering paragraph 74 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

75. Answering paragraph 75 of the plaintiff's complaint, the answering defendant admits only that in coordination with DNR, investigation activities occurred from May through September 2016 as summarized in its 2016 Investigation Report prepared by Arcadis U.S., Inc., which speaks for itself. All remaining allegations in this paragraph are denied.

76. Answering paragraph 76 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

77. Answering paragraph 77 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

78. Answering paragraph 78 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

79. Answering paragraph 79 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

80. Answering paragraph 80 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that

those results speak for themselves. All remaining allegations in this paragraph are denied.

81. Answering paragraph 81 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

82. Answering paragraph 82 of the plaintiff's complaint, the answering defendant admits only that by no later than November 22, 2016, it submitted detailed PFAS testing results for its testing in 2013, 2014, and 2016 in a report to DNR that is publicly available on DNR's Bureau for Remediation and Redevelopment Tracking System on the Web internet site and that those results speak for themselves. All remaining allegations in this paragraph are denied.

83. Answering paragraph 83 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

84. Answering paragraph 84 of the plaintiff's complaint, the answering defendant state that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

**VIOLATION ONE: FAILURE TO NOTIFY DNR OF A HAZARDOUS SUBSTANCE
DISCHARGE**

85. Answering paragraph 85 of the plaintiff's complaint, the answering defendant states that paragraph 85 states a legal conclusion to which no response is required. All remaining

allegations are denied.

86. Answering paragraph 86 of the plaintiff's complaint, the answering defendant states that paragraph 86 states a legal conclusion to which no response is required. All remaining allegations are denied.

87. Answering paragraph 87 of the plaintiff's complaint, the answering defendant states that paragraph 87 states a legal conclusion to which no response is required. All remaining allegations are denied.

88. Answering paragraph 88 of the plaintiff's complaint, the answering defendant states that paragraph 88 states a legal conclusion to which no response is required. All remaining allegations are denied.

89. Answering paragraph 89 of the plaintiff's complaint, the answering defendant states that paragraph 89 states a legal conclusion to which no response is required. All remaining allegations are denied.

90. Answering paragraph 90 of the plaintiff's complaint, the answering defendant states that paragraph 90 states a legal conclusion to which no response is required. All remaining allegations are denied.

91. Answering paragraph 91 of the plaintiff's complaint, the answering defendant states that paragraph 91 states a legal conclusion to which no response is required. All remaining allegations are denied.

92. Answering paragraph 92 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

93. Answering paragraph 93 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

94. Answering paragraph 94 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

95. Answering paragraph 95 of the plaintiff's complaint, the answering defendant admits only that as part of its ongoing and regular discussions with DNR throughout 2016, 2017, and 2018, the answering defendant submitted DNR Form 4400-225 (R 08/17) to DNR. The answering defendant further notes that this submission comes after numerous entries by DNR on its public Bureau for Remediation and Redevelopment Tracking System on the Web internet site (under both Activity Nos. 02-38-580694 and 03-38-001345) referring to and discussing PFAS testing. All remaining allegations are denied.

96. Answering paragraph 96 of the plaintiff's complaint, the answering defendant admits only that DNR issued a letter on this date "[b]ased on the information that has been submitted to the DNR" regarding the Property alleging that the answering defendant and a company not party to this lawsuit "are responsible for investigating and restoring the environment at the above-described site." All remaining allegations are denied.

97. Answering paragraph 97 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained

therein and puts the plaintiff to its strict proof.

98. Answering paragraph 98 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

99. Answering paragraph 99 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

100. Answering paragraph 100 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

101. Answering paragraph 101 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

102. Answering paragraph 102 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

103. Answering paragraph 103 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the

truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

104. Answering paragraph 104 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

105. Answering paragraph 105 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

106. Answering paragraph 106 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

107. Answering paragraph 107 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

108. Answering paragraph 108 of the plaintiff's complaint, the answering defendant denies all of the allegations related to the answering defendant contained therein and puts the plaintiff to its strict proof, and states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein related to any other defendant and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

109. Answering paragraph 109 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

110. Answering paragraph 110 of the plaintiff's complaint, the answering defendant

states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

111. Answering paragraph 111 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

112. Answering paragraph 112 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

**VIOLATION TWO: FAILURE TO TAKE THE ACTIONS NECESSARY TO RESTORE
THE ENVIRONMENT**

113. Answering paragraph 113 of the plaintiff's complaint, the answering defendant states that paragraph 113 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

114. Answering paragraph 114 of the plaintiff's complaint, the answering defendant states that paragraph 114 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

115. Answering paragraph 115 of the plaintiff's complaint, the answering defendant states that paragraph 115 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

116. Answering paragraph 116 of the plaintiff's complaint, the answering defendant states that paragraph 116 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

117. Answering paragraph 117 of the plaintiff's complaint, the answering defendant states that paragraph 117 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

118. Answering paragraph 118 of the plaintiff's complaint, the answering defendant states that paragraph 118 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

119. Answering paragraph 119 of the plaintiff's complaint, the answering defendant states that paragraph 119 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

120. Answering paragraph 120 of the plaintiff's complaint, the answering defendant states that paragraph 120 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

121. Answering paragraph 121 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

122. Answering paragraph 122 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

123. Answering paragraph 123 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

124. Answering paragraph 124 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

125. Answering paragraph 125 of the plaintiff's complaint, the answering defendant

states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

126. Answering paragraph 126 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

127. Answering paragraph 127 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

128. Answering paragraph 128 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

129. Answering paragraph 129 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

130. Answering paragraph 130 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

131. Answering paragraph 131 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

132. Answering paragraph 132 of the plaintiff's complaint, the answering defendant admits only that DNR has sent several letters to the answering defendant regarding PFAS in the so-called Expanded Site Investigation Area ("ESIA"). In response to these requests, the answering defendant has conducted an extensive, data-driven investigation that has developed multiple lines of evidence demonstrating that PFAS in the ESIA is not connected with historic operations at the Property. This evidence includes the hydrogeology of this area, the nature of PFAS compounds found in the ESIA as compared to those found at the Property or in the PWSA, and the scattered, shallow, and low-level detections of PFAS in the ESIA. At no time has DNR provided evidence to the contrary. All remaining allegations are denied.

133. Answering paragraph 133 of the plaintiff's complaint, the answering defendant admits only that DNR voluntarily commenced a testing program of drinking water wells in the ESIA, the results of which further underscored the fact that PFAS found in scattered and isolated portions of the ESIA are not connected to the answering defendant historic operations at the Property. All remaining allegations are denied.

134. Answering paragraph 134 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

135. Answering paragraph 135 of the plaintiff's complaint, the answering defendant

states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

136. Answering paragraph 136 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

137. Answering paragraph 137 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

138. Answering paragraph 138 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

139. Answering paragraph 139 of the plaintiff's complaint, the answering defendant states it is are without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

140. Answering paragraph 140 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

141. Answering paragraph 141 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

142. Answering paragraph 142 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

143. Answering paragraph 143 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

144. Answering paragraph 144 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

145. Answering paragraph 145 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

146. Answering paragraph 146 of the plaintiff's complaint, the answering defendant denies all of the allegations contained therein and puts the plaintiff to its strict proof.

147. Answering paragraph 147 of the plaintiff's complaint, the answering defendant

state that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

148. Answering paragraph 148 of the plaintiff's complaint, the answering defendant state that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

149. Answering paragraph 149 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

150. Answering paragraph 150 of the plaintiff's complaint, the answering defendant state that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

151. Answering paragraph 151 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

152. Answering paragraph 152 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

153. Answering paragraph 153 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

154. Answering paragraph 154 of the plaintiff's complaint, the answering defendant states that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

155. Answering paragraph 155 of the plaintiff's complaint, the answering defendant state that it is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and, therefore, denies all of the allegations contained therein and puts the plaintiff to its strict proof.

156. Answering paragraph 156 of the plaintiff's complaint, the answering defendant states that paragraph 156 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

157. Answering paragraph 157 of the plaintiff's complaint, the answering defendant states that paragraph 157 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

158. Answering paragraph 158 of the plaintiff's complaint, the answering defendant states that paragraph 158 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

159. Answering paragraph 159 of the plaintiff's complaint, the answering defendant states that paragraph 159 states a legal conclusion to which no response is required. To the

extent that a response is required, the allegations are denied.

160. Answering paragraph 160 of the plaintiff's complaint, the answering defendant states that paragraph 160 states a legal conclusion to which no response is required. To the extent that a response is required, the allegations are denied.

PLAINTIFF'S PRAYER FOR RELIEF

The answering defendant denies the allegations in the final paragraphs of the Complaint wherein Plaintiff makes its prayer for relief (including all sub-paragraphs) and further denies that Plaintiff is entitled to any damages or remedies against the answering defendant.

GENERAL DENIAL

161. The answering defendant denies all allegations in the Complaint that are not expressly admitted herein. In addition, to the extent that any headings or subheadings in the Complaint are intended as allegations, those allegations are denied.

162. This Answer is based the answering defendant's investigation to date, and the answering defendant reserves the right to supplement or amend this Answer during the course of the litigation as new information is learned.

163. The answering defendant denies that the plaintiff sustained damages in the amounts or of the types of damages alleged and further denies that the plaintiff is entitled to any relief from the answering defendant.

164. Any allegations of fact not otherwise addressed previously in this answer are hereby denied.

DEFENSES

The answering defendant asserts the following defenses without assuming the burden of

proof or production as to any issue or element that otherwise rests with Plaintiffs. By listing these matters as defenses, the answering defendant does not admit or acknowledge that it bears the burden of proof and/or production with respect to any of them. This statement of defenses is based on the answering defendant's investigation to date, and the answering defendant reserves all rights to (i) supplement or amend these defenses during the course of litigation as new information is learned; (ii) to assert any and all other defenses now available or that may become available during the course of discovery or trial; (iii) to rely on any and all defenses and presumptions set forth in or arising from any rule of law or statute of any state whose substantive law might control the relevant action; and/or (iv) to rely upon any other defenses set forth in any Answer or disclosure of affirmative defenses of any Defendant in this action. All of the following defenses are pled in the alternative, and none constitutes an admission that the answering defendant are liable to Plaintiff, that Plaintiff has been or will be injured or damaged in any way, or that Plaintiff is entitled to any relief whatsoever.

1. The Complaint, and each cause of action or count alleged therein, fails to state facts sufficient to constitute a claim upon which relief may be granted against the answering defendant.

2. The Complaint, and each alleged claim contained therein, is barred, in whole or in part, by the applicable statutes of limitations.

3. The Complaint, and each alleged claim contained therein, is barred, in whole or in part, by the doctrine of laches.

4. The Complaint, and each alleged claim contained therein, is barred, in whole or in part, because Defendant are entitled to immunity from suit under the government contractor defense. See Boyle v. United Technologies Corp., 487 U.S. 500 (1988).

5. Plaintiff's claims are or may be not ripe and/or have been mooted.

6. Plaintiff is or may be barred by the doctrine of unclean hands from all forms of relief sought in the Complaint.

7. Plaintiff is or may be barred by the doctrines of estoppel and/or waiver from all forms of relief sought in the Complaint.

8. Any injuries and/or damages sustained by Plaintiff are barred by the doctrines of intervening cause and/or superseding cause.

9. Plaintiff's claims are barred, in whole or in part, because Plaintiff's alleged injuries and damages were not in fact caused by the conduct or actions of the answering defendant.

10. Plaintiff's claims are barred, in whole or in part, because Plaintiffs' alleged injuries and damages were proximately caused by the negligence, fault, or other culpable conduct of persons or parties over which the answering defendant had no control.

11. Plaintiff's claims are or may be barred, in whole or in part, to the extent that the benefits of Tyco's products outweigh any known risks.

12. Plaintiff's claims are or may be barred, in whole or in part, because the answering defendant neither knew, nor should have known, that any of its AFFF products posed the risks alleged by Plaintiff by virtue of the prevailing state of the medical, scientific, technical, and/or industrial knowledge available to the answering defendant at all times relevant to the claims or causes of action asserted by Plaintiff.

13. Plaintiff's claims are or may be barred, in whole or in part, because any alleged levels of contamination did not exceed any applicable laws or binding regulatory standards at the relevant times.

14. Plaintiff's claims are or may be barred, in whole or in part, because they are based upon DNR acting beyond its statutory authority and attempting to enforce rules that were not lawfully adopted, that are void for vagueness, and that did not provide regulated parties with required notice, including but not limited to the extent to which Plaintiff asserts that a hazardous substance discharge must be reported in a certain manner not prescribed by statute; that "emerging contaminants" such as PFAS are hazardous substances under Wisconsin law; that historical discharges of a substance must be reported under Wisconsin law even when discharges occurred before the substance is classified as "hazardous" by rule; and that a person must undertake a site inspection and remediation of areas into which the person did not discharge any hazardous substance.

15. Plaintiff's claims are or may be barred, in whole or in part, because federal, state, and/or local authorities authorized, ratified, or were aware of and acquiesced in actions by the answering defendant that are the subject of Plaintiff's claims. The answering defendant are not responsible or liable for any acts or omissions undertaken by or at the direction of any governmental authority or agency.

16. Plaintiff's claims are or may be barred, in whole or in part, because of consent, public necessity, private necessity and/or privilege.

17. Plaintiff's damages, if any, were caused by the active, direct, and proximate negligence or actual conduct of entities or persons other than the answering defendant, and in the event that the answering defendant are found to be liable to Plaintiff, the answering defendant will be entitled to indemnification, contribution, and/or appointment.

18. Plaintiff's claims are or may be barred, in whole or in part, by the doctrines of acquiescence, accord and satisfaction, ratification, settlement, or release.

19. Plaintiff' claims against the answering defendant are or may be barred, in whole or in part, because a successor corporation is not liable for the former's corporation's debts and liabilities.

20. The answering defendant reserve the right to assert all applicable defenses under Wisconsin Rules of Civil Procedure, as investigation and discovery proceeds.

21. Upon information and belief, if the plaintiff sustained any injuries or damages at the time and place described in the complaint, they were proximately caused by the conduct, fault, carelessness, and want of ordinary care on the part of third persons and not due to the conduct or negligence on the part of the answering defendant.

22. This court lacks jurisdiction over the answering defendant because of the insufficiency and/or untimeliness of the service of the Summons or process.

23. The answering defendant herein incorporate by reference all defenses contained in Wisconsin Statutes, Section 802.06(2)(a) and 802.02(3).

WHEREFORE, the answering defendant demand judgment as follows:

- (1) dismissing the complaint of the plaintiff on the merits.
- (2) for contribution and/or indemnification from any other responsible parties according to law.
- (3) for the costs and disbursements incurred in this action.
- (4) for such other and further relief as the court deems just and equitable.

Dated this 4th day of April, 2022.

ONE LAW GROUP, S.C.
Attorneys for Defendant

By: Electronically signed by Timothy A. Hawley JD, CPCU
Timothy A. Hawley JD, CPCU
State Bar No. 1000550
Joseph P. Putzstuck
State Bar No. 1076049

MAILING ADDRESS:

2181 S. Oneida Street
Green Bay, WI 54304
Tel: (920) 336-5766

Dated this 4th day of April, 2022.

WILLIAMS & CONNOLLY, LLP
Attorneys for Defendant

By: Electronically signed by Liam J. Montgomery
Liam J. Montgomery (*pro hac vice pending*)
Megan D. Price (*pro hac vice pending*)

MAILING ADDRESS:

725 12th Street NW
Washington, DC 20005
Tel: (202) 434-5000