

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

SHELL EQUIPMENT COMPANY, INC.,

Plaintiff,

v.

/// Civil Action No. 15-C-208-2
The Honorable Thomas A. Bedell

J. F. ALLEN COMPANY,
a West Virginia corporation,

Defendant.

ANSWER OF DEFENDANT, J. F. ALLEN COMPANY, TO PLAINTIFF'S COMPLAINT

Now comes Defendant, J. F. Allen Company, a West Virginia corporation, by its counsel, James A. Harris, Benjamin G. Davisson and the law firm of Harris, Wilson, Turner & Davisson, PLLC, and for its Answer to Plaintiff's Complaint, states as follows:

FIRST DEFENSE

1. Defendant, J. F. Allen Company, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of Plaintiff's Complaint.
2. Defendant, J. F. Allen Company, admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. Defendant, J. F. Allen Company, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiff's Complaint.

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4. Defendant, J. F. Allen Company, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Defendant, J. F. Allen Company, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Defendant, J. F. Allen Company, admits the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Defendant, J. F. Allen Company, admits the allegations contained in paragraph 11 of Plaintiff's Complaint.

12. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 14 of Plaintiff's Complaint.

15. Defendant, J. F. Allen Company, denies the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Defendant, J. F. Allen Company, denies that Plaintiff is entitled to any of the relief requested in the "WHEREFORE" paragraph immediately subsequent to paragraph 15 of the Plaintiff's Complaint.

17. Defendant, J. F. Allen Company, denies each and every allegation not specifically admitted herein.

18. Defendant, J. F. Allen Company, denies that it owes the Plaintiff any monies whatsoever.

SECOND DEFENSE

The Complaint fails to state a cause of action upon which relief can be granted.

THIRD DEFENSE

Without being fully advised of all the facts relevant to this civil action, Defendant, J. F. Allen Company, reserves the defenses of statute of limitations, laches, payment, release, res judicata, estoppel, waiver, failure to join an indispensable party, lack of jurisdiction, insufficiency of process or insufficiency of service of process.

FOURTH DEFENSE

Defendant, J. F. Allen Company, reserves the right to raise additional defenses at a later date.

WHEREFORE, Defendant, J. F. Allen Company, demands that this action be dismissed as to it and that the Plaintiff be required to pay reasonable attorney fees and costs in defense of this action.

DEFENDANT, J. F. ALLEN COMPANY, DEMANDS A TRIAL BY JURY.

Submitted this 26th day of June, 2015.



James A. Harris (WV State Bar ID #4559)
Benjamin G. Davisson (WV State Bar ID #11320)

Counsel for Defendant,
J. F. Allen Company, a West Virginia corporation

HARRIS, WILSON, TURNER & DAVISSON, PLLC
(formerly WATERS, WARNER & HARRIS, PLLC)
701 Goff Building
P. O. Box 1716
Clarksburg, West Virginia 26302-1716
Telephone: (304) 624-5571

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