

D.N.: CV-14-6026552-S

NUCAP INDUSTRIES, INC. <u>et al.</u> ,	)	SUPERIOR COURT
	)	
Plaintiffs,	)	JUDICIAL DISTRICT
	)	OF WATERBURY
V.	)	AT WATERBURY
	)	
PREFERRED TOOL AND DIE, INC., et al.,	)	
	)	
Defendants.	)	APRIL 6, 2015

**PREFERRED’S ANSWER AND SPECIAL DEFENSES**

Defendants Preferred Tool and Die, Inc. (“Preferred Tool”) and Preferred Automotive Components (collectively “Preferred” or “Defendants”) hereby submit their answer and special defenses to Plaintiffs Nucap Industries Inc. (“NUCAP”) and Nucap US Inc., as successor to Anstro Manufacturing, Inc.’s (collectively “Plaintiffs”) July 21, 2014 Complaint (the “Complaint”).

**ANSWER**

**FIRST COUNT**<sup>1</sup>

1. Defendants are without the knowledge required to admit or deny the purpose for Plaintiffs’ initiation of this action and leave Plaintiffs to their proof. The remaining allegations are denied.

2. Defendants admit that NUCAP manufactures, markets and sells brake components. Defendants are without the knowledge required to admit the remaining allegations and leave Plaintiffs to their proof.

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<sup>1</sup> Although Plaintiffs have failed to observe the requirements of P.B. 1998 §§ 10-1 and 10-26 in the Complaint, Defendants will respond to the allegations as if well-pled in an effort to avoid motion practice.

3. Defendants deny the allegations in the second sentence. Defendants are without the knowledge required to admit the remaining allegations and leave Plaintiffs to their proof.

4. Defendants admit that they are in the market for shims, caliper hardware and similar brake component parts. The remaining allegations are denied.

5. Denied.

6. Denied.

7. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

8. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

9. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

10. Admitted.

11. Defendants state that Preferred Tool does business as Preferred Automotive Components. The remaining allegations are denied.

12. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

13. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

14. Admitted.

15. Defendants admit that venue is proper in the Judicial District of Waterbury at Waterbury.

16. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

17. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

18. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

19. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

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21. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

22. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

23. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

24. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

25. Admitted.

26. Admitted.

27. Denied.

28. Denied.

29. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

30. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

31. Defendants deny the allegations in the first sentence. Defendants are without the knowledge required to admit the remaining allegations and leave Plaintiffs to their proof.

32. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

33. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

34. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

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49. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

50. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Defendants admit receiving letters from NUCAP in or around July 2012, which speak for themselves. To the extent that the allegations differ from the text of those letters, they are denied. The remaining allegations are denied.

57. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

58. Denied.

59. The allegations in the second sentence are denied. Defendants are without the knowledge required to admit the remaining allegations and leave Plaintiffs to their proof.

60. Defendants admit that they displayed products. The remaining allegations are denied.

61. Denied.

62. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

63. Denied.

64. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

65. Defendants admit that they transmitted Exhibit B, which speaks for itself. To the extent that the allegations differ from the text of that document, they are denied.

66. Defendants admit that they transmitted Exhibit B, which speaks for itself.

To the extent that the allegations differ from the text of that document, they are denied.

67. Defendants admit that they transmitted Exhibit B, which speaks for itself.

To the extent that the allegations differ from the text of that document, they are denied.

68. Defendants admit that they transmitted Exhibit B, which speaks for itself.

To the extent that the allegations differ from the text of that document, they are denied.

69. Defendants admit that they transmitted Exhibit B, which speaks for itself.

To the extent that the allegations differ from the text of that document, they are denied.

70. Defendants admit that they transmitted Exhibit B, which speaks for itself.

To the extent that the allegations differ from the text of that document and any enclosures thereto, they are denied.

71. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

72. Denied.

73. Denied.

74. Denied.

75. Defendants incorporate their responses to the previous paragraphs as if fully set forth herein.

76. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

77. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

78. Defendants are without the knowledge required to admit the allegations and leave Plaintiffs to their proof.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

### SECOND COUNT

The allegations of this count are not addressed to Defendants and no response to them is required.

### **SPECIAL DEFENSES**

#### FIRST SPECIAL DEFENSE TO FIRST COUNT

Plaintiffs fail to state a cause of action upon which relief may be granted.

#### SECOND SPECIAL DEFENSE TO FIRST COUNT

Plaintiffs are barred from recovery because the subject products are the result of Defendants' independent development or reverse engineering.

#### THIRD SPECIAL DEFENSE TO FIRST COUNT

Plaintiffs are barred from recovery because the subject products were developed pursuant to general knowledge, skills, and principles available to the public and in the prior art without the use of any alleged trade secret information of Plaintiffs.

#### FOURTH SPECIAL DEFENSE TO FIRST COUNT

Plaintiffs waived any trade secret protection by failing to take reasonable measures to protect Plaintiffs' allegedly trade secret information or by disclosing such information to third parties.

WHEREFORE, Defendants demand that the Complaint be dismissed, a judgment be entered in favor of Defendants and against Plaintiffs, and Defendants be awarded attorney's fees pursuant to Conn. Gen. Stat. § 35-54 and any further relief the Court deems just and proper.

THE DEFENDANTS  
PREFERRED TOOL AND DIE, INC. and  
PREFERRED AUTOMOTIVE  
COMPONENTS  
BY THEIR ATTORNEY

/s/Stephen J. Curley/102917  
Stephen J. Curley (of counsel)  
Brody Wilkinson PC  
2507 Post Road  
Southport, CT 06890  
(203) 319-7100  
Juris No. 102917

-and-

Gene Winter, Esq.  
Benjamin J. Lehberger, Esq.  
St. Onge Steward Johnston & Reens LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
(203) 324-6155  
Juris No. 53148

**CERTIFICATE OF SERVICE**

This will certify that a copy of the foregoing was sent via electronic delivery based upon express written consent, this 6th day of April, 2015, to all counsel and pro se parties of record, including:

Stephen W. Aronson, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

Laurence H. Pockers, Esq.  
Harry M. Byrne, Esq.  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

David A. DeBassio, Esq.  
Hinckley Allen & Snyder LLP  
20 Church Street  
Hartford, CT 06103

/s/ Stephen J. Curley  
Stephen J. Curley