

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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YONKERS CONTRACTING COMPANY, INC.,

Index No.: 61442/2014

Plaintiff,

-against-

KJC WATERPROOFING, INC. AND
SUPERIOR GUNITE, ZURICH AMERICAN
INSURANCE COMPANY, NICHOLSON
CONSTRUCTION CO., NATIONAL WELDING AND
FABRICATION, and STRUCTURE TECH NEW
YORK INC., CITI STRUCTURE LLC,

Defendants

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SUPERIOR GUNITE

Third-Party Plaintiff,

-against-

J&E INDUSTRIES, LLC,

Third-Party Defendant.

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Defendant and Third-Party Plaintiff, Superior Gunite ("Gunite"), by its attorneys, Duane Morris LLP, hereby responds to the Demand for Expert Witness Information (the "Discovery Requests") of Third-Party Defendant J&E Industries, LLC ("J&E"), as follows:

GENERAL OBJECTIONS AND RESERVATIONS

1. Gunite objects generally to the Discovery Requests to the extent that they seek the disclosure of information protected by the attorney-client privilege, attorney work product privilege, and/or other applicable privilege, protection or immunity.

2. Gunito objects generally to the Discovery Requests to the extent that they seek discovery of matters that are not relevant to the subject matter of the pending action and are not reasonably calculated to lead to the discovery of admissible evidence.

3. Gunito objects generally to the Discovery Requests to the extent that they are vague, ambiguous, overly broad, unduly burdensome and not limited in time or scope.

4. Gunito objects generally to the Discovery Requests to the extent that they seek the disclosure of information not within Gunito's possession, custody or control, or which have been previously supplied to J&E, or which are in the possession of J&E.

5. Gunito objects generally to the Discovery Requests to the extent that they seek the disclosure of information which are duplicative or cumulative, or obtainable from some other source which is more convenient, less burdensome and less expensive.

6. Gunito objects generally to the Discovery Requests to the extent that they impose obligations beyond those permitted under the CPLR.

7. The within responses are made without waiver of, and with preservation of the right to object to all requests as to competency, relevance, materiality, confidentiality, privilege and admissibility of the response and the subject matter thereof as evidence for any purpose in any further proceedings in this action.

8. In the event that any response falls within the attorney-client privilege, attorney work product privilege and/or other privilege, Gunito shall not be deemed to have waived its privilege as to the response or the right to assert the attorney-client and/or work product privilege as to any other matter which arises during the course of this litigation or any subsequent proceeding.

9. Gunite reserves its right, at any time to revise, correct, add to, supplement, amend or clarify any of the responses contained herein.

10. Each and every response to the Discovery Requests by Gunite is subject to the foregoing general objections which are hereby incorporated by reference in each response.

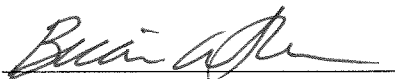
SPECIFIC RESPONSES AND OBJECTIONS

Response to Discovery Requests 1 through 10:

In addition to the General Objections which are incorporated herein by reference, Gunite objects to the Discovery Requests to the extent that they seek to impose disclosure obligations beyond those permitted under CPLR 3101(d). Notwithstanding and without waiving any objections, Gunite responds that it has not identified any expert witnesses it intends to call at the time of trial. Gunite, however, reserves its right to supplement, alter or otherwise amend this response up to and through the time of trial, and further is not bound to call, nor hereby prohibited from calling any person as an expert witness in the proceeding.

Dated: New York, New York
February 2, 2016

DUANE MORRIS LLP
Attorneys For Superior Gunite

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