

STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. 617-6-15 Cncv

JACOB R. KENT, ANNE B. VERA, THOMAS
R. MAHAR and DAWN M. MAHAR, DAVID
C. CARTER and BARBARA CARTER and all
others similarly situated,

Plaintiffs,

v.

R.L. VALLEE, INC., SB COLLINS, INC.,
WESCO, INC., CHAMPLAIN OIL
COMPANY, INC.,

Defendants.

DEFENDANT WESCO, INC.'S REPLY IN SUPPORT
OF ITS MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT

REPLY AND JOINDER

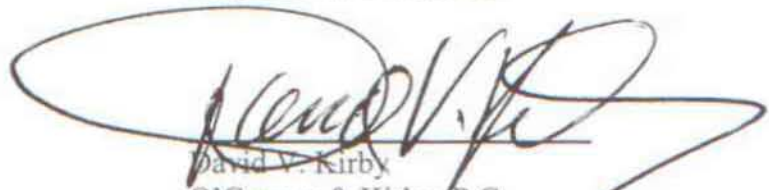
Defendant Wesco, Inc., by and through its attorneys, O'Connor & Kirby, PC, hereby submits this Reply in support of its Motion to Dismiss the First Amended Complaint under Rule 12(b)(6) because it fails to state a claim upon which relief can be granted and because it was filed past the running of the statute of limitations. This Reply is based on the arguments and authorities presented in the Reply Memoranda filed in support of the Motions to Dismiss filed by the co-defendants in this action, which we adopt herein. To the extent their arguments and factual assertions apply to Defendant Wesco, Inc., we give notice of joinder in those assertions, arguments and in the Motions to Dismiss.

CONCLUSION

For the reasons stated in this Reply and the Memoranda of the co-defendants in this action, Plaintiffs' First Amended Complaint should be dismissed in its entirety. To the extent that factual assertions and arguments contained in co-defendants' motions apply to Defendant Wesco, we give notice of joinder in those motions and adopt the arguments and assertions set forth therein.

Dated: December 11, 2015 at Burlington, Vermont

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "David V. Kirby". The signature is written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Defendant Wesco, Inc.'s **Defendant Wesco, Inc.'s Reply In Support Of Its Motion To Dismiss The First Amended Complaint** and **this Certificate of Service** were served via U.S. Mail and email on December 11, 2015, on the following attorneys of record:

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Dated: Burlington, Vermont
December 11, 2015



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