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4 IN THE SUPERIOR COURT OF THE STATE OF MAJOR
5 IN AND FOR THE COUNTY OF JAMNER
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7 WILLIAM S. BAILEY, as Personal
8 Representative of the Estate of
9 KELLY O'BRIEN,

10 Plaintiff,

11 v.

12 JAMNER COUNTY,

13 Defendant.
14

Cause No. 20XX-2-88345

ANSWER

15 COMES NOW the defendant, Jamner County, and in response to the
16 complaint filed by the plaintiff herein does not answer, allege and claim as
17 follows.

18 1. In answer to paragraph 1.1 of the plaintiff's complaint for
19 damages, the defendant is without information sufficient to form a belief as
20 to the truth of the matters asserted therein and therefore denies the same.

21 2. In answer to paragraph 1.2 of the plaintiff's complaint for
22 damages, the defendant admits that Kelly O'Brien died on June 16, 20XX-2
23 following a motor vehicle accident on Pioneer Road, Jamner County, Major.
24 The defendant is without information sufficient to form a belief as to the truth
25 of the remaining matters asserted in paragraph 1.2 and therefore denies the
26 same.
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1 3. In answer to paragraph 1.3 of the plaintiff's complaint for
2 damages, the defendant admits the same.

3 4. In answer to paragraphs 2.1 and 2.2 of the plaintiff's complaint
4 for damages, the defendant admits the same.

5 5. In answer to paragraph 3.1 of the plaintiff's complaint for
6 damages, the defendant admits that on June 16, 20XX-2, Kelly O'Brien was
7 driving a Suzuki motor vehicle southbound on Pioneer Road, Jamner
8 County, Major. Also, defendant admits that Kelly O'Brien died as a result of
9 the injuries received in this incident. Defendant is without information
10 sufficient to form a belief as to the truth of the remaining allegations of
11 paragraph 3.1 and therefore denies the same.

12 6. In answer to paragraph 4.2 of the plaintiff's complaint for
13 damages, the defendant admits that it controls and maintains Pioneer Road,
14 and that it is a county road classified as a major collector according to the
15 federal functional classifications system for rural roads. Except as specifically
16 admitted above, the allegations of paragraph 4.2 are denied.

17 7. In answer to paragraph 4.3 of the plaintiff's complaint for
18 damages, the defendant admits that it had not fully completed its
19 maintenance work on Pioneer Road at the location where the incident
20 complained of occurred. Except as specifically admitted above, the
21 allegations of paragraph 4.3 are denied.

22 8. In answer to paragraph 5.1 of the plaintiff's complaint for
23 damages, the defendant denies that Kelly O'Brien suffered severe injuries as
24 a direct and proximate result of the alleged negligence of the defendant. The
25 defendant is without information sufficient to form a belief as to the truth of
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1 the assertion that Kelly O'Brien survived the accident for any period of time
2 and therefore denies the same. Defendant admits that Kelly O'Brien died on
3 June 16, 20XX-2, but denies that this was caused by defendant's alleged
4 negligence. Except as specifically admitted above, the allegations of
5 paragraph 5.1 are denied.

6 9. In answer to paragraphs 6.1 and 6.2 of the plaintiff's complaint
7 for damages, the defendant denies the same.

8 BY WAY OF AFFIRMATIVE DEFENSES, the defendant asserts
9 contributory fault of Kelly O'Brien for the injuries and subsequent death, as
10 well as defendant's limited public duty. Also, the defendant alleges that the
11 design of the Suzuki motor vehicle played a significant role in the causation
12 of the accident and in the severity of the plaintiff's injuries. Finally, the
13 defendant asserts that the plaintiff fails to state a claim upon which relief may
14 be granted.

15 WHEREFORE having fully answered the plaintiff's complaint, the
16 defendant prays for relief as follows:
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- 18 1. That the plaintiff's case be dismissed, with prejudice;
- 19 2. That the defendant be awarded judgment against the plaintiff for
20 all of its costs and expenses herein, including an award of
attorneys fees, as allowed by law;
- 21 3. That the court grant such further and other relief as may be
22 deemed just and equitable.

23 DATED this __January__ day of __3_____, 20XX-1.

24 SCHERER & DIEDEN

25 **Andrew Scherer**

26 _____
27 ANDREW C. SCHERER

Attorneys for Defendant

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