

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFFS

VS.

CIVIL ACTION NO.

DEFENDANT

ANSWER AND DEFENSES

COMES NOW the Defendant, , in the above styled and numbered cause, by and through his/her attorneys of record herein, and files this his/her Answer and Defenses to the Complaint filed against him/her herein, and in support thereof would show unto the Court the following:

FIRST DEFENSE

Defendant answers the allegations of the Complaint, paragraph by paragraph, as follows:

PARTIES

1.

Defendant admits, upon information and belief, the allegations of Paragraph 1 of the Complaint.

2.

Defendant admits the allegations of Paragraph 2 of the Complaint as to service of process against Defendant. The remaining allegations of Paragraph 2 are denied.

FACTS

3.

Except as hereinafter admitted, the allegations set forth in Paragraph 3 of the Complaint are denied. Defendant admits, upon information and belief, that on or about , Plaintiff was operating his/her vehicle with his/her husband/wife as a passenger on in the City of , County, Mississippi, and that an automobile collision occurred at or about and in , County, Mississippi on or about , between a vehicle owned by Defendant and being operated by and the vehicle being operated and/or occupied by the Plaintiffs. Defendant further admits that was operating Defendant's vehicle in the course and scope of his/her employment with Defendant at the time of the aforesaid accident. The remaining allegations of Paragraph 3 are denied, and Defendant specifically denies that Defendant's employee was guilty of any negligence whatsoever.

DAMAGES

4.

Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Complaint and subparts (a) through (g) thereto as to Plaintiffs' alleged injuries and damages and, therefore, the same are denied and strict proof thereof is demanded at trial. The remaining allegations of Paragraph 4 of the Complaint are denied, and Defendant specifically denies that Defendant's employee was guilty of any negligence whatsoever.

RELIEF DEMANDED

5.

The allegations of the next unnumbered paragraph of the Complaint beginning with "WHEREFORE, PREMISES CONSIDERED," are denied, and Defendant specifically denies that Plaintiffs are entitled to any judgment against him/her in any amount whatsoever.

SECOND DEFENSE

The facts not having been fully developed, Defendant further affirmatively pleads the following affirmative defenses as may be applicable in this action: accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge and bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res ludicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense.

AND NOW, HAVING FULLY AND FINALLY answered the allegations of the Complaint, Defendant requests that the Complaint be dismissed with all costs assessed to Plaintiffs.

Respectfully submitted this the day of , 2 .

By:_____

Attorney for

SUBMITTED BY:

Telephone:
MSB #
ATTORNEYS FOR

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed, via United States mail, a true and correct copy of the foregoing Answer and Defenses to _____, Counsel of Record for Plaintiffs.

THIS, the _____ day of _____, _____.
