

IN THE CIRCUIT COURT OF                      COUNTY, MISSISSIPPI

, A MINOR, BY AND THROUGH PARENTS,  
and                      , PLAINTIFF

VS.

NO.

, DEFENDANT

ANSWER OF                      TO COMPLAINT  
(JURY TRIAL REQUESTED)

COMES NOW the Defendant                      (hereinafter "the Defendant"), and for answer to the Complaint filed against him/her in the above-referenced cause of action, would show unto the Court the following, to-wit:

FIRST DEFENSE

The Complaint fails to state a claim against the Defendant upon which relief can be granted and must be dismissed.

SECOND DEFENSE

And now, answering the allegations of the Complaint paragraph by paragraph, the Defendant states as follows:

1.        On information and belief, the Defendant admits the allegations contained in paragraph I of the Complaint.
2.        The Defendant admits the allegations contained in paragraph II of the Complaint.
3.        The Defendant admits that on                      ,                      , Plaintiff was in the mobile home of the Defendant attempting to clean the patio glass door of the mobile home. Plaintiff climbed up on a revolving bar stool, and the bar stool tipped over and the Plaintiff fell. The Defendant denies the remaining allegations of paragraph III of the Complaint.
4.        The allegations of paragraph IV of the Complaint are denied.
5.        The allegations of paragraph V of the Complaint are denied.
6.        The allegations of paragraph VI of the Complaint are denied.

The allegations of the last two (2) unnumbered paragraphs of the Complaint are denied, and the Defendant specifically denies that Plaintiff is entitled to any relief whatsoever of or from the Defendant.

### THIRD DEFENSE

The Defendant was not guilty of any negligence, which caused or contributed to the accident in question.

### FOURTH DEFENSE

Alternatively, the Defendant would show that the Plaintiff freely and voluntarily assumed certain risks without the expressed and/or implied consent of the Defendant herein, or the sole proximate cause, or a contributing cause, of Plaintiff's injuries was the negligence of the Plaintiff by failing to use due care in the premises.

### FIFTH DEFENSE

Alternatively, the Defendant would show that if Plaintiff suffered injuries and/or damages as alleged, which is denied, the same resulted solely from acts or omissions or persons other than the Defendant, for which acts or omissions the Defendant is in no way liable, and such acts or omissions on the part of others constitute an independent, intervening and sole proximate cause of such injuries and/or damages.

### SIXTH DEFENSE

The Defendant would further show if Plaintiff suffered injuries and/or damages as alleged, which are denied, any claim therefore against the Defendant is speculative and does not warrant recovery.

### SEVENTH DEFENSE

There should be no recovery against the Defendant, because any injuries and/or damages to Plaintiff which may have occurred, were attributable to an unavoidable accident, as that term is known in the law, or, in the alternative was caused by the act and/or omissions of others, or by the instrumentalities which are in no way connected with the Defendant and for which the Defendant should not be held legally responsible.

### EIGHTH DEFENSE

The sole proximate cause of any injuries sustained by the Plaintiff was the failure of the Plaintiff to exercise reasonable care for his/her own health and safety, and such failure constituted negligence which partially caused or contributed to his/her injuries.

### NINTH DEFENSE

The Defendant reserves the right to amend this Answer predicated on information, which may be developed through discovery of this case. Moreover, the Defendant reserves the right to raise such affirmative defenses as may also be developed through discovery in this action.

WHEREFORE, \_\_\_\_\_ demands that the Complaint be dismissed against him/her and all costs assessed against and to the Plaintiff.

Respectfully submitted,

BY: \_\_\_\_\_

His/Her Attorney

# CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that I have this day mailed, by United States mail, postage prepaid, a true and correct copy of the above and foregoing Answer of \_\_\_\_\_ to Complaint to:

This the                      day of                      ,                      .

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