

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff,  
Vs. NO. \_\_\_\_\_  
\_\_\_\_\_  
Respondent/Defendant

ANSWER AND AFFIRMATIVE DEFENSES

Comes now the Defendant, \_\_\_\_\_, a \_\_\_\_\_ corporation, by and through counsel, and files this its Answer and Affirmative Defenses to the Complaint filed herein against it as follows:

1. The Defendant has insufficient information to admit or deny that the Plaintiff is an adult resident citizen of \_\_\_\_\_ County, \_\_\_\_\_.
2. The Defendant denies that \_\_\_\_\_ is doing business as \_\_\_\_\_, but admits the remaining allegations of Paragraph 2 of the Complaint.
3. The Defendant admits the allegations of Paragraph 3 of the Complaint.
4. The Defendant denies the allegations of Paragraph 4 of the Complaint.
5. The Defendant denies the allegations of Paragraph 5 of the Complaint.
6. The Defendant denies the allegations of Paragraph 6 of the Complaint.

The Defendant denies the allegations contained in the final, unnumbered Paragraph, beginning with the word "Wherefore," and denies that Plaintiff is entitled to recover any sum whatsoever, of, from or against Defendant.

## AFFIRMATIVE DEFENSES

7. The Complaint fails to state a claim upon which relief may be granted and, therefore, should be dismissed.

8. The incident which is the subject of this lawsuit allegedly occurred at \_\_\_\_\_, a subsidiary of \_\_\_\_\_. Therefore, the named Defendant in this action should be " \_\_\_\_\_ " and not " \_\_\_\_\_ ".

9. The alleged injuries, if any, and damages, if any, of the Plaintiff and the derivative injury and damages, if any, of the Plaintiff were proximately caused by a pre-existing condition

or injury and/or by actions of others or events separate, distinct, unrelated and remote to any action or inaction of this Defendant, which said separate distinct unrelated actions of others or events or accidents were the sole proximate cause of plaintiff's alleged injuries and damages, if any, for which Defendant cannot be liable, or were such separate intervening and superseding causes thereof as to absolve Defendant of any responsibility or liability therefore.

10. Plaintiff's negligence was the sole cause or a contributing cause of the injury.

11. The injuries of which Plaintiff complains were caused by Plaintiff's negligence in the following respects:

- a. In failing to take reasonable precaution for her own safety by looking for obstructions on the floor where she intended to walk; and
- b. In failing to keep a proper lookout for her own safety at the time and place.

12. Defendant denies each and every allegation of the Complaint by which Plaintiff seeks to impose liability upon it and denies that it has been guilty of any actionable conduct in the premises.

13. Defendant alleges that it observed and discharged each and every duty required of it by law and due care.

14. Defendant alleges that Plaintiff's injuries, however described, resulted solely and proximately from conditions and/or conduct for which Defendant is not liable or responsible, and Defendant has no liability in the premises.

AND NOW, having answered the Complaint filed against it herein, Defendant requests that it be dismissed with its costs.

Respectfully submitted,

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Attorney No.: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, do hereby certify that I have this day mailed, U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to \_\_\_\_\_, at the following address;

\_\_\_\_\_

THIS the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.