

IN THE SUPERIOR COURT OF THE STATE OF MAJOR
IN AND FOR THE COUNTY OF JAMNER

GRETCHEN and HANS SUMMERS)	
Individually and as Administrators,)	No.: 20XX 01234 9
Personal Representatives of the)	ANSWER BY DAVOLA,
Estate of BRUNO SUMMERS, deceased,)	DONALDSON, and APPLE*
And as guardians for)	
AMANDA and RONNIE SUMMERS;)	
RONNIE SUMMERS, individually and)	
DEBORAH SUMMERS, individually,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
EDWARD TAYLOR HARD; M.C. DAVOLA)	
And JANE DOE DAVOLA, his wife;)	
TOM DONALDSON; MARY APPLE; and)	
JOHN DOE and MARY DOE, his wife,)	
And the DOE CORPORATION, d/b/a)	
THE GARAGE)	
)	
Defendant)	

COMES NOW the defendants DAVOLA, DONALDSON, and APPLE, by way of answer to plaintiffs’ complaint, by and through their attorney answer as follows:

- With regard to paragraphs 1 through 5, 14, 15, 17, 18, and 20 defendants are without knowledge or information to form a belief as to the truth of the allegations as to admit or deny them, and therefore deny the same.
- With regard to paragraphs 6 through 10, defendants admit the allegations contained therein.
- With regard to paragraphs 11 through 13, 16, and 21 of the complaint, defendants specifically deny each and every allegation contained therein, as though fully set forth in full.

* Review for critique purposes only. This document is not intended as model answer.

1 BY WAY OF FURTHER ANSWER, defendants state as though fully set forth in full:

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3 4. The plaintiffs have failed to state a claim upon which relief can be granted under
4 Rule 12(b)(6) as stated in paragraphs 2, 11, 13, 15, 16, and 21 and defendants move that those
5 claims be dismissed.

6 BY WAY OF FURTHER ANSWER AND AS A FIRST AFFIRMATIVE DEFENSE,
7 defendants allege:

8 5. At the time and place alleged in plaintiff's complaint, the deceased, Bruno
9 Summers, acted carelessly and negligently. That he by his own negligence, contributed
10 proximately and negligently to his own alleged injuries.

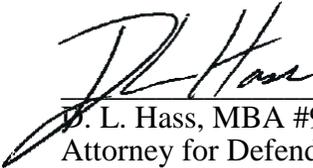
11 6. Plaintiffs were intoxicated when they arrived at The Garage, September 3rd,
12 20XX. By remaining on the premises with knowledge aforethought of Ed Hard's presence both
13 Deborah and Bruno Summers voluntarily assumed the risk of later events and harm.

14 THIRDS AFFIRMATIVE DEFENSE AND BY WAY OF A CROSS-CLAIM AGAINST
15 EDWARD HARD

16 7. Defendant Ed Hard's shooting and killing of Bruno Summers constituted an
17 independent superseding event not reasonably foreseeable by defendants.

18 WHEREFORE, DEFENDANTS DAVOLA, DONALDSON AND APPLE, PRAY THAT

19 Plaintiff's complaint as set forth in paragraph 4 of the answer be dismissed, and that
20 plaintiffs take nothing by his action and that defendants be awarded costs and all other relief that
21 the court finds is equitable and just.

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25 D. L. Hass, MBA #9143
26 Attorney for Defendants
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