

IN THE CIRCUIT COURT FOR BALTIMORE CITY

and

PLAINTIFFS

vs.

Case No:

and

DEFENDANTS

ANSWER OF DEFENDANTS AND

Come now the defendants, \_\_\_\_\_ and \_\_\_\_\_, by and through their counsel, \_\_\_\_\_ and \_\_\_\_\_, in answer to the plaintiffs' Complaint state as follows:

Facts

These defendants do not possess the necessary knowledge, information or belief to either admit or deny the allegations of Paragraphs One through Sixteen of the Complaint and, therefore, deny same and demand strict proof thereof.

These defendants admit to the factual assertions of Paragraphs Seventeen and Eighteen of the Complaint.

COUNT I - WRONGFUL DEATH/VICARIOUS LIABILITY

( \_\_\_\_\_ as surviving spouse of the late \_\_\_\_\_, vs. \_\_\_\_\_ )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count I of the Complaint and demand strict proof thereof.

**COUNT II - WRONGFUL DEATH**

( as surviving spouse of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count II of the Complaint and demand strict proof thereof.

**COUNT III - WRONGFUL DEATH / VICARIOUS LIABILITY**

( as surviving daughter of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count III of the Complaint and demand strict proof thereof.

**COUNT IV - WRONGFUL DEATH**

( as surviving daughter of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count IV of the Complaint and demand strict proof thereof.

**COUNT V - WRONGFUL DEATH/VICARIOUS LIABILITY**

( as surviving daughter of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count V of the Complaint and demand strict proof thereof.

**COUNT VI - WRONGFUL DEATH**

( as surviving daughter of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count VI of the Complaint and demand strict proof thereof.

**COUNT VII - WRONGFUL DEATH/VICARIOUS LIABILITY**

( as surviving son of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count VII of the Complaint and demand strict proof thereof.

**COUNT VIII - WRONGFUL DEATH**

( as surviving son of the late vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count VIII of the Complaint and demand strict proof thereof.

**COUNT IX - WRONGFUL DEATH/VICARIOUS LIABILITY**

( , as surviving son of the late , vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count IX of the Complaint and demand strict proof thereof.

**COUNT X - WRONGFUL DEATH**

( , as surviving son of the late , vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count X of the Complaint and demand strict proof thereof.

**COUNT XI - WRONGFUL DEATH/VICARIOUS LIABILITY**

( , as surviving son of the late , vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count XI of the Complaint and demand strict proof thereof.

**COUNT XII - WRONGFUL DEATH**

( , as surviving son of the late , vs. )

Pursuant to Maryland Rule 2-323(d), these defendants generally deny all allegations of negligence advanced in Count XII of the Complaint and demand strict proof thereof.

**FIRST AFFIRMATIVE DEFENSE:**

The Complaint, and each and every allegation thereof, fails to state a claim against these defendants either in law or in fact upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE:**

These defendants aver that the injuries, damages, if any, as alleged in the Complaint, were caused by the sole and/or contributory negligence of the decedent, and, therefore, the requested relief should be denied.

**THIRD AFFIRMATIVE DEFENSE:**

These defendants aver that the injuries, damages, if any, as alleged in the Complaint, were the result of an unavoidable accident and therefore the requested relief should be denied.

**FOURTH AFFIRMATIVE DEFENSE:**

These defendants aver that if any injuries, damages, as alleged in the Complaint, were sustained, then the risk of sustaining said consequences was assumed by the decedent and therefore the requested relief should be denied.

**FIFTH AFFIRMATIVE DEFENSE:**

These defendants aver that the injuries and damages, as alleged in the Complaint, were due to the sole, joint, and/or concurrent neglect of a person or persons other than these defendants.

**SIXTH AFFIRMATIVE DEFENSE:**

These defendants aver that if the plaintiffs sustained injuries and damages as alleged, same were not proximately caused or contributed to by these defendants.

**SEVENTH AFFIRMATIVE DEFENSE:**

These defendants aver that if the plaintiffs sustained injuries and damages as alleged, then said injuries and damages resulted directly from the unforeseeable misuse of the machinery being operated by the decedent.

**EIGHTH AFFIRMATIVE DEFENSE:**

These defendants aver that if the decedent sustained injuries and damages as alleged, then same were proximately caused by superceding and/or intervening conduct or acts of others which exculpate these defendants from any liability.

**NINTH AFFIRMATIVE DEFENSE:**

These defendants aver that if the plaintiffs sustained injuries and damages as alleged, then plaintiff's recovery is limited in amount by the provisions of the Annotated Code of Maryland, Courts & Judicial Proceedings Article, Section 11-108.

**TENTH AFFIRMATIVE DEFENSE:**

These defendants aver that the claims of the plaintiffs are barred by the applicable statute of limitations or otherwise time barred by conditions precedent.

**ELEVENTH AFFIRMATIVE DEFENSE:**

These defendants aver that the claims of the plaintiffs are barred by the principle of estoppel and waiver.

**TWELFTH AFFIRMATIVE DEFENSE:**

These defendants aver that the claims of the plaintiffs are barred by payment and/or release.

**THIRTEENTH AFFIRMATIVE DEFENSE:**

These defendants aver that the plaintiff has failed to join an indispensable party and therefore the requested relief should be denied.

**FOURTEENTH AFFIRMATIVE DEFENSE:**

These defendants aver that the claims of the plaintiffs, including all allegations of defectiveness, failure to properly design or manufacture a motor vehicle are preempted under the Federal Motor Vehicle Safety Act and Regulations and Rulings promulgated thereunder.

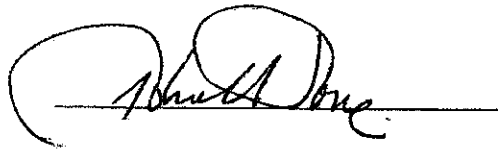
**FIFTEENTH AFFIRMATIVE DEFENSE:**

These defendants aver that all allegations of the Complaint which have not been expressly admitted are deemed denied and strict proof thereof is demanded.

**SIXTEENTH AFFIRMATIVE DEFENSE:**

The foregoing Answer was prepared based upon the defendants' general experience and knowledge and without specific investigation of the facts and circumstances surrounding the incident complained of. Therefore, these defendants reserve the right to amend this answer based upon investigation of the facts and circumstances surrounding the incident complained of by the plaintiff.

**WHEREFORE**, the responding defendants, \_\_\_\_\_ and \_\_\_\_\_, pray that the Plaintiffs' Complaint be dismissed with prejudice as to them, or that judgment be entered in their favor on said Complaint for costs and reasonable attorney's fees and for the entry of any other relief that this court deems proper.

A handwritten signature in black ink, appearing to read "Robert H. [unclear]", is written over a horizontal line.

**Attorney for Defendants,  
and**