

BROWN COUNTY COMMON PLEAS COURT
GEORGETOWN, OHIO

ORIGINAL

TINA MARCK, et al.	:	CASE NO. 20200399
	:	
Plaintiffs,	:	JUDGE GUSWEILER
	:	
v.	:	
	:	
THOMAS PARTIN, et al.	:	<u>ANSWER OF DEFENDANTS</u>
	:	<u>TO SECOND AMENDED</u>
	:	<u>COMPLAINT; JURY DEMAND</u>
Defendants.	:	<u>ENDORSED HEREON</u>

Now come all Defendants, by and through counsel, and for their Answer to the Amended Complaint state as follows:

1. Defendants admit paragraphs 6, 7, 23 and 82 of the Complaint.
2. As to paragraphs 35, 36, 38-45, 47-48, 50-51, 55-56, 61 and 63-64 of the Complaint, Defendants are without facts or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny same.
3. As to paragraphs 8-14 and 34 of the Complaint, Defendants admit those allegations which are consistent with the plain language of the referenced documents and deny all remaining allegations.
4. Defendants deny paragraphs 1-5, 15-22, 24-33, 37, 46, 49, 52-54, 57-60, 62, 65-71, 73-75, 77-79, 81, 83-84, 86, 88-89, 91-92, 94-104, 106-107 and 109-112 and all further allegations of the Complaint.
5. With regard to paragraphs 72, 76, 80, 85, 87, 90, 93, 105 and 108 of the Complaint, Defendants restate their foregoing responses to the incorporated allegations as if fully restated herein.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state claims against these Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

All or some claims are barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

All or some claims are barred by the intervening, superseding acts of persons over whom Defendants had no control.

FOURTH AFFIRMATIVE DEFENSE

All or some claims are barred by Plaintiffs' own negligence, assumption of the risk, and/or unclean hands.

FIFTH AFFIRMATIVE DEFENSE

All or some claims are barred by accord and satisfaction.

SIXTH AFFIRMATIVE DEFENSE

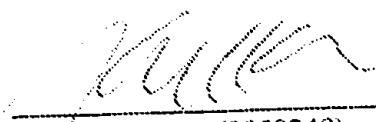
All or some claims are barred by the doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

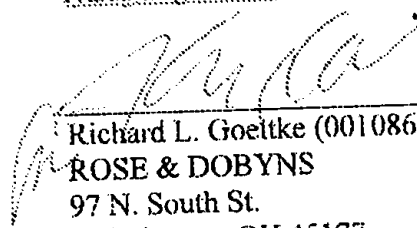
All or some claims are barred by the statute of frauds.

WHEREFORE, Defendants respectfully request that the Complaint be dismissed in its entirety with prejudice and that Defendants be awarded their costs and all other relief to which they may be lawfully entitled.

Respectfully submitted,



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JURY DEMAND

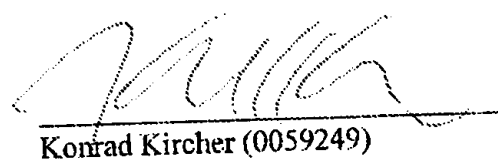
Defendants hereby demand a jury of their peers on all issues so triable.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was served upon the following on this 21st day of June, 2022 by electronic mail as indicated:

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