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8 BRUCE ROBERT BROGDEN and
9 NU FOREST PRODUCTS, INC.

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

05/07/2019
Clerk of the Court
BY: ANNA TORRES
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12 LAURA OWENS,
13 Plaintiff,

14 v.

15 Zaid Essam Saleh Alkurdi, an
16 individual; UBER TECHNOLOGIES, INC.,
17 a Delaware corporation; RASIER-CA, LLC,
18 a Delaware limited liability corporation;
19 BRUCE ROBERT BROGDEN, an
20 individual; NU FOREST PRODUCTS, INC.,
21 a California Corporation; and DOES 1 to 20,
22 Defendants.

Case No. CGC-19-575032

**DEFENDANTS' ANSWER TO
COMPLAINT**

Action filed: November 5, 2018

23 Pursuant to Sections 431.10, *et seq.*, of the California Code of Civil Procedure, Defendants
24 BRUCE ROBERT BROGDEN; NU FOREST PRODUCTS, INC. ("Defendants") hereby answer
25 the Complaint of Plaintiff LAURA OWENS ("Plaintiff"). Defendants deny, both generally and
26 specifically, each and every allegation of the complaint and deny that Plaintiff is entitled to any
27 relief whatsoever.

AFFIRMATIVE DEFENSES

28 Defendants plead the following separate defenses. Defendants reserve the right to assert

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1 additional affirmative defenses that discovery indicates are proper.

2 **FIRST AFFIRMATIVE DEFENSE**

3 1. Defendants allege that the Complaint fails to state facts sufficient to constitute a
4 cause of action.

5 **SECOND AFFIRMATIVE DEFENSE**

6 2. At the time and place of the occurrence alleged in the Complaint, Plaintiff failed to
7 exercise ordinary care on her own behalf for her own safety. That negligence caused the injury
8 and damage, if any, that he sustained. Consequently, Plaintiff's right to recover should be
9 diminished by her proportional share of fault.

10 **THIRD AFFIRMATIVE DEFENSE**

11 3. Defendants' liability for non-economic damages, if any, is limited to that
12 percentage of those damages which are in direct proportion of Defendants' percentage of fault in
13 accordance with Civil Code section 1431.2(a).

14 **FOURTH AFFIRMATIVE DEFENSE**

15 4. Plaintiff's cause of action is barred by the doctrine of unclean hands.

16 **FIFTH AFFIRMATIVE DEFENSE**

17 5. Plaintiff's cause of action for negligence is barred or her recovery should be
18 diminished because the alleged damage was caused by Plaintiff's failure to exercise ordinary care
19 on her own behalf for her own safety.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 6. At the time and place referred to in the Complaint, and before such event, Plaintiff
22 knew, appreciated and understood each and every risk involved in placing herself in the position
23 which he then assumed, and willingly, knowingly and voluntarily assumed each of such risks,
24 including, but not limited to, the risk of suffering personal bodily injury.

25 **SEVENTH AFFIRMATIVE DEFENSE**

26 7. Plaintiff has failed to mitigate the damages, if any, which Plaintiff has sustained,
27 and to exercise reasonable care to avoid the consequences of harms, if any, in that, among other
28 things, Plaintiff has failed to use reasonable diligence in caring for any injuries, failed to use

1 reasonable means to prevent aggravation of any injuries and failed to take reasonable precautions
2 to reduce any injuries and damages.

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 8. Plaintiff has failed to exercise reasonable care and diligence to avoid loss and to
5 minimize the damages, if any, which plaintiff suffered. Plaintiff has failed to exercise reasonable
6 efforts on her part or to reasonably have made expenditures which could have prevented the losses
7 which Plaintiff allegedly suffered.

8 **NINTH AFFIRMATIVE DEFENSE**

9 9. Plaintiff's cause of action for negligence is barred or Plaintiff's recovery should be
10 reduced because any injuries or damages were proximately caused by the negligence and other
11 legal fault of persons or entities other than Defendants.

12 **TENTH AFFIRMATIVE DEFENSE**

13 10. The damages sustained by Plaintiff, if any, were proximately caused by the acts,
14 omissions, negligence, fraud and/or breach of obligations by persons other than Defendants and
15 beyond Defendants' supervision and control.

16 **ELEVENTH AFFIRMATIVE DEFENSE**

17 11. The causes of action alleged in the Complaint are barred by the applicable statutes
18 of limitations, including, but not limited to the provisions of Code of Civil Procedure sections
19 335.1, 337, 337.1, 337.15, 338(a), 338(b), 338(d), 339, 340(3) and/or 343.

20 **TWELFTH AFFIRMATIVE DEFENSE**

21 Defendants are informed, believe, and thereon allege that it may have other separate and/or
22 additional defenses of which it is not aware, and hereby reserves the right to assert them by
23 amendment to this Answer as discovery continues.

24 **TWELFTH AFFIRMATIVE DEFENSE**

25 Defendants are informed and believe, and thereon allege, that at all times relevant, Plaintiff
26 was uninsured, and/or did not carry the minimum required liability limits required by law and, as
27 such, is not entitled to general damages pursuant to California Civil Code Section 3333.3.

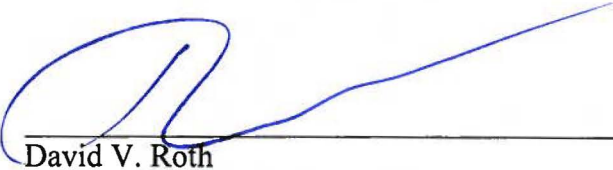
28 WHEREFORE, Defendants pray for judgment as follows:

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1. Plaintiff take nothing by reason of the Complaint on file herein;
2. For costs of suit incurred herein; and
3. For such other and further relief as this Court may deem just and proper.

DATED: May 6, 2019

**MANNING & KASS
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By: 

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