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ANSWER

CARLYNN CLAY VS. SOCIAL BETTERMENT DEVELOPMENT COMPANY, DBA NEW e

001C02187641

Instructions:

Please place this sheet on top of the document to be scanned.

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8 DEVELOPMENT COMPANY dba NEW LIFE
9 CENTER SAN FRANCISCO, RICHARD
10 PRESCOTT, JIM STEINER, and 221 7th ST., LLC

FILED
Superior Court of California
County of San Francisco
JUL 15 2008
BY: GORDON PARK-LI, Clerk
Deputy Clerk

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
13 UNLIMITED CIVIL JURISDICTION

14 CARRLYN CLAY,)
15)
16 Plaintiff,)
17 vs.)
18)
19 SOCIAL BETTERMENT)
20 DEVELOPMENT COMPANY dba NEW)
21 LIFE CENTER SAN FRANCISCO,)
22 JIM STEINER, RICHARD PRESCOTT,)
23 221 7TH ST., LLC, and DOES 1 to 25,)
24)
25 Defendants.)

26 CASE NO. CGC-07-469565
27 ANSWER TO UNVERIFIED FIRST
28 AMENDED COMPLAINT

22 Defendants SOCIAL BETTERMENT DEVELOPMENT COMPANY dba NEW LIFE
23 CENTER SAN FRANCISCO, RICHARD PRESCOTT, JIM STEINER, and 221 7th ST., LLC,
24 in answer to the allegations of the unverified First Amended Complaint of Plaintiff CARRLYN
25 CLAY on file herein, deny each and every allegation of said unverified First Amended Complaint,
26 and in this connection Defendants deny that Plaintiff has been injured or damaged in any of the
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1 sums mentioned in the First Amended Complaint or in any other amount by reason of any act or
2 omission of these Defendants.

3
4 FIRST AFFIRMATIVE DEFENSE

5 The injuries and damages allegedly suffered by Plaintiff, if any, were either wholly or in
6 part negligently caused by persons, firms, corporations, or other entities other than these
7 answering Defendants and such negligence comparatively reduces up to 100% the percentage of
8 negligence, if any, by these answering Defendants.

9
10 SECOND AFFIRMATIVE DEFENSE

11 If Plaintiff sustained damages by reason of the matters alleged in her First Amended
12 Complaint, which is denied, then said damages were caused in whole or in part by the negligence
13 or fault of third persons for whom these answering Defendants were in no way responsible.

14
15 THIRD AFFIRMATIVE DEFENSE

16 Plaintiff's decedent assumed the risk of any injuries and/or damages resulting from the
17 matters set forth in said First Amended Complaint, and said assumption of risk by Plaintiff's
18 decedent was a proximate cause of the injuries and/or damages alleged by Plaintiff, if any there
19 were.

20
21 FOURTH AFFIRMATIVE DEFENSE

22 Plaintiff's decedent was himself negligent and careless in and about the matters and events
23 set forth in the First Amended Complaint, and said negligence proximately contributed to
24 Plaintiff's alleged injuries and/or damages. The verdict of the jury in favor of Plaintiff, if any,
25 which may be rendered in this case must therefore be reduced by the percentage that Plaintiff's
26 decedent contributed to the accident and injuries complained of, if any there were.

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FIFTH AFFIRMATIVE DEFENSE

Defendants deny that Plaintiff has suffered any injury whatsoever as a legal cause of the acts of these answering defendants.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate her damages.

SEVENTH AFFIRMATIVE DEFENSE

The First Amended Complaint fails to state facts sufficient to constitute a cause of action against these answering Defendants.

EIGHTH AFFIRMATIVE DEFENSE

Should Plaintiff recover non-economic damages against any defendant, the liability for non-economic damages is limited to the degree of fault and several liability of said defendant pursuant to Civil Code Section 1431.2, and a separate, several judgment shall be rendered against said defendant based upon said defendant's degree of fault and several liability.

NINTH AFFIRMATIVE DEFENSE

Defendants assert that because the First Amended Complaint contains conclusory terms, Defendants cannot fully anticipate all affirmative defenses which may be applicable. Defendants reserve the right to assert any and all affirmative defenses subsequent to the filing of this pleading which may be applicable without waiver of said affirmative defenses.

WHEREFORE, Defendants pray that Plaintiff take nothing by way of the First Amended Complaint on file herein, and that Defendants have judgment for their costs and for such

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1 other and further relief as the court deems proper.

2 Dated: July 14, 2008

LAW OFFICES OF LORI B. FELDMAN

3
4 By: 
5 Lori B. Feldman
6 Attorneys for Defendants SOCIAL
7 BETTERMENT DEVELOPMENT
8 COMPANY, dba NEW LIFE CENTER
9 SAN FRANCISCO, RICHARD
10 PRESCOTT, JIM STEINER, and 221 7TH
11 ST., LLC

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PROOF OF SERVICE

I, the undersigned, declare as follows:

I am over the age of eighteen years and not a party to the within action.

My business address is 165 North Redwood Drive, Suite 110, San Rafael, CA 94903.

On July 14, 2008, I served a copy of the attached

ANSWER TO UNVERIFIED FIRST AMENDED COMPLAINT

I served a copy of the attached on the parties listed below by placing a true and correct copy thereof in a sealed envelope, with postage thereon fully prepaid, in the United States mail at San Rafael, California, addressed as follows:

Brian P. Evans, Esq.
Law Offices of Brian P. Evans
200 Pringle Ave., Suite 350
Walnut Creek, CA 94596

Attorneys for Plaintiff CARLYNN CLAY

I am readily familiar with my office's practice of collection and processing correspondence/documents for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

I declare under penalty of perjury, in accordance with the laws of the State of California, that the foregoing is true and correct.

Executed on July 14, 2008.


LORI B. FELDMAN