

LEE, HONG, DEGERMAN, KANG & WAIMEY
3501 Jamboree Road, Suite 6000
Newport Beach, California 92660

11/13/2015

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14 Attorneys for Defendant
15 **PORSCHE CARS NORTH AMERICA, INC.**

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

19 MEADOW RAIN WALKER, individually,
20 and as sole heir on behalf of the Estate of Paul
21 William Walker, IV, by and through her
guardian ad litem BRANDON BIRTELL,

22 Plaintiff,

23 v.

24 DR. ING, HCF PORSCHE AG, a German
25 corporation; PORSCHE CARS NORTH
26 AMERICA, INC., a Delaware corporation;
CRANBROOK PARTNER, INC., dba
27 BEVERLY HILLS PORSCHE, a California
corporation, and DOES 1-50,

28 Defendants.

FILED
Superior Court of California
County of Los Angeles

NOV 12 2015

Sherri R. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

BY FAX

CASE NO. BC 596011

[Complaint Filed: September 28, 2015]

PORSCHE CARS NORTH AMERICA, INC.'S ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL

RECEIPT #: CCHS24880160
DATE PAID: 11/12/15 04:24 PM
PAYMENT: \$435.00
RECEIVED: 310
CHECK: \$435.00
CASH: \$0.00
DEPOSIT: \$0.00
TOTAL: \$0.00

CIT/CASE #: BC596011
LEA/DEF#:

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PORSCHE CARS NORTH AMERICA, INC. (✓"PCNA") answers Plaintiff's Complaint as follows:

1. Pursuant to California Code of Civil Procedure section 431.30, PCNA denies, generally and specifically, each and every allegation, and the purported causes of action in the Complaint.

2. PCNA further denies that Plaintiff has sustained, or will sustain, any loss or damages in the manner or amount alleged, or otherwise, by reason of any act or omission, or other conduct on the part of PCNA.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State Cause of Action)

3. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Comparative Fault)

4. Mr. Walker's death, and all other injuries or damages claimed, were the result of Mr. Walker's own comparative fault.

THIRD AFFIRMATIVE DEFENSE

(Assumption of Risk)

5. PCNA alleges that Mr. Walker knowingly and voluntarily assumed all risk, perils and danger in respect to the use of the subject 2005 Carrera GT, that the perils, risk and dangers were open and obvious and known to him, and that he chose to conduct himself in a manner so as to expose himself to such perils, dangers and risks, thus assuming all the risks involved in using the vehicle. Mr. Walker's voluntary assumption of the risk should bar the plaintiff's recovery or, in the alternative, should reduce the plaintiff's right to recovery from PCNA in an amount equivalent to Mr. Walker's fault.

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FOURTH AFFIRMATIVE DEFENSE

(Third Party Liability)

6. The damages plaintiff alleges were either wholly or partially caused or contributed to by Roger Rodas and by persons and entities other than these defendants. PCNA is entitled to an apportionment among all such parties according to their responsibilities for such injuries and damages, if any, sustained by plaintiff.

FIFTH AFFIRMATIVE DEFENSE

(Fair Responsibility Act)

7. PCNA's liability, if any, is limited pursuant to California Civil Code, Section 1431, *et seq.*, and any damages awarded to plaintiff against PCNA should be accordingly reduced.

SIXTH AFFIRMATIVE DEFENSE

(Intervening/Superseding Actions)

8. The injuries and damages allegedly sustained by plaintiff were the direct and proximate result of the intervening and superseding actions of third parties, whether named or unnamed, and not PCNA.

SEVENTH AFFIRMATIVE DEFENSE

(State-of-the-Art)

9. At the time the subject 2005 Carrera GT was originally manufactured, sold and delivered, it comported with the state of the art.

EIGHTH AFFIRMATIVE DEFENSE

(Abuse/Alteration)

10. The subject 2005 Carrera GT was abused and altered after being placed into the stream of commerce in a manner that was not reasonably foreseeable to PCNA. That abuse and alteration proximately caused or contributed to the incident and to Mr. Walker's death.

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PRAYER FOR RELIEF

WHEREFORE, PCNA prays for judgment as follows:

1. For entry of judgment in favor of PCNA and against Plaintiff;
2. For costs of suit incurred herein;
3. For such other and further relief as the Court deems just and proper.

Dated: November 12, 2015

LEE, HONG, DEGERMAN, KANG & WAIMEY

By: 
 Yvonne Dalton

and

SPENCER SHUFORD LLP
 Christopher C. Spencer (*Pro Hac Vice* forthcoming)
 Adam L. Lounsbury (*Pro Hac Vice* forthcoming)

and

Jeffrey W. Gates
 Attorneys for Defendant
 PORSCHE CARS NORTH AMERICA, INC.

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1 **DEMAND FOR JURY TRIAL**

2 Defendant PCNA hereby demands a trial by jury.

3
4 Dated: November 12, 2015

5 **LEE, HONG, DEGERMAN, KANG & WAIMEY**

6
7 By: 

8 Yvonne Dalton

9 and

10 **SPENCER SHUFORD LLP**

11 Christopher C. Spencer (*Pro Hac Vice* forthcoming)

12 Adam L. Lounsbury (*Pro Hac Vice* forthcoming)

13 and

14 Jeffrey W. Gates

15 Attorneys for Defendant

16 **PORSCHE CARS NORTH AMERICA, INC.**

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Lee, Hong, Degerman, Kang & Waimey, 3501 Jamboree Road, Suite 6000, Newport Beach, CA 92660. On November 12, 2015, I served the following document:

**PORSCHE CARS NORTH AMERICA, INC.'S ANSWER TO COMPLAINT;
DEMAND FOR JURY TRIAL**

by placing the document(s) listed above in sealed envelopes with postage thereon fully prepaid, in United States mail in the State of California at Newport Beach, addressed as set forth below.

Jeffrey L. Milam, SBN 71953
LAW OFFICE OF JEFFREY L. MILAM, APLC
225 South Lake Avenue, Suite 1400
Pasadena, CA 91101

Robert Garrett, SBN 65886
Ryan C. Squire, SBN 199473
Jennifer R. Slater, SBN 216207
Edward Racek, SBN 235184
GARRETT & TULLY, P.C.
225 South Lake Avenue, Suite 1400
Pasadena, CA 91101

Attorneys for Plaintiff

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed this 12th day of November, 2015, at Newport Beach, California.


MELISSA WELLS

LEE, HONG, DEGERMAN, KANG & WAIMEY
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Newport Beach, California 92660

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