

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2013 MAR 19 PM 3:22

LYNDSEY HOWELL

Plaintiffs

v.

OHIO UNIVERSITY POLICE
DEPARTMENT

Defendants

CASE NO. 2013-00001

MAGISTRATE HOLLY T. SHAVER

DEFENDANT'S ANSWER

For its Answer to Plaintiffs' Complaint in this matter, Defendant states as follows:

1. Defendant admits the allegations of ¶ 1 of Plaintiff's Complaint.
2. Defendant admits the allegations of ¶ 2 of Plaintiff's Complaint.
3. Defendant admits the allegations of ¶ 3 of Plaintiff's Complaint.
4. Defendant admits the allegations of ¶ 4 of Plaintiff's Complaint.
5. Defendant admits the allegations of ¶ 5 of Plaintiff's Complaint.
6. Defendant denies the allegations of ¶ 6 of Plaintiff's Complaint.
7. Defendant admits the allegations of ¶ 7 of Plaintiff's Complaint.
8. Defendant admits the allegations of ¶ 8 of Plaintiff's Complaint.
9. Defendant admits the allegations of ¶ 9 of Plaintiff's Complaint.
10. Defendant admits the allegations of ¶ 10 of Plaintiff's Complaint.
11. Defendant denies the allegations of ¶ 11 of Plaintiff's Complaint.
12. Defendant denies the allegations of ¶ 12 of Plaintiff's Complaint.
13. Defendant denies the allegations of ¶ 13 of Plaintiff's Complaint.
14. Defendant denies the allegations of ¶ 14 of Plaintiff's Complaint.

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15. Defendant denies the allegations of ¶ 15 of Plaintiff's Complaint.
16. Defendant denies the allegations of ¶ 16 of Plaintiff's Complaint.
17. Defendant denies the allegations of ¶ 17 of Plaintiff's Complaint.
18. Defendant denies the allegations of ¶ 18 of Plaintiff's Complaint.
19. Defendant denies the allegations of ¶ 19 of Plaintiff's Complaint.
20. Defendant denies the allegations of ¶ 20 of Plaintiff's Complaint.
21. Defendant denies the allegations of ¶ 21 of Plaintiff's Complaint.
22. Defendant denies the allegations of ¶ 22 of Plaintiff's Complaint.

ADDITIONAL DEFENSES

1. The Complaint fails to state a claim for relief.
2. The Complaint is barred due to the expiration of the applicable statute of limitations as well as by the doctrine of laches.
3. Plaintiff's alleged damages are not a direct and proximate result of the incident alleged in Plaintiff's Complaint.
4. The damages alleged by the Plaintiff were the result, if at all, of intervening and superseding acts over which the Defendant had neither control nor any duty to control.
5. The damages alleged by the Plaintiff were the result of the sole negligence of the Plaintiff.
6. The damages alleged by the Plaintiff were the result, if at all, of Plaintiff's assumption of known risks.
7. The Plaintiff has failed to mitigate Plaintiff's alleged damages.
8. Defendant further reserves the right to later assert affirmative defenses that become apparent by further discovery.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

On March 19, 2013, a copy of this document was served via regular mail on the following:

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Counsel for Plaintiff



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