



THIRD DEFENSE

9. Plaintiff's right to recover damages from UTMC is limited by the provisions of Ohio Rev. Code § 3345.40.

FOURTH DEFENSE

10. Any damages suffered by Plaintiff and allegedly attributable to UTMC were the direct and proximate result of intervening and superseding causes.

FIFTH DEFENSE

11. The conduct of others over whom UTMC had no right or duty to control proximately caused or contributed to Plaintiff's alleged injuries and damages.

SIXTH DEFENSE

12. A specific percentage of the tortious conduct that proximately caused the injury or loss to Plaintiff is attributable to one or more persons from whom Plaintiff does not seek recovery in this action, and accordingly the Court should apportion the damages, if any. See R.C. § 2307.23.

SEVENTH DEFENSE

13. Plaintiff gave her informed consent to the subject medical treatment and therefore accepted the risk of the injuries and damages of which complaint is made.

EIGHTH DEFENSE

14. Plaintiff's own negligence caused or contributed to the injuries alleged in the Complaint, and so the relative negligence of the parties must be apportioned in accordance with the applicable comparative negligence statute.

NINTH DEFENSE

15. Plaintiff expressly and/or impliedly assumed the risk of the injuries and damages of which complaint is made.

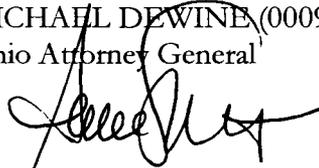
TENTH DEFENSE

16. UTMC reserves the right to assert any and all affirmative defenses that may become available and/or apparent during discovery, and hereby reserves the right to amend this Answer to assert such defenses.

WHEREFORE, UTMC respectfully requests that the Complaint be dismissed in its entirety at Plaintiff's cost, and that UTMC be entitled to recover its costs expended herein.

Respectfully submitted,

MICHAEL DEWINE (0009181)  
Ohio Attorney General



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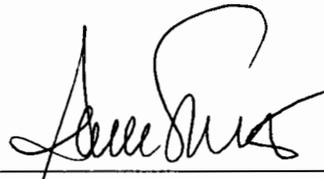
Counsel for The University of Toledo Medical Center

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was served by first-class mail, postage prepaid, this 26<sup>th</sup> day of October, 2013 upon:

Robert M. Scott  
Lafferty, Gallagher & Scott, LLC  
416 North Erie Street, Suite 400  
Toledo, OH 43604-5622

Counsel for Plaintiff Ann M. Higgs



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Anne Strait  
Assistant Attorney General