1 2	MICHAEL G. HOGAN & ASSOCIATES A Professional Law Corporation 500 North State College Boulevard, Suite 1220 COUNTY OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER Orange, CA 92868
3	Telephone: (714) 704-4640 APR 08 2010
4	Michael G. Hogan, Esq. Bar No. 93971 ALAN CARLSON, Clerk of the Court Plather Notable BY H MITCHELL
6	Attorneys for Defendant, MARC R. PUCKETT
7	
8	CYNTHES COURT OF THE CHIEF OF CLITTONIA
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA
10	COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
11	
12	[Limited Civil Case] GILBERTO GUILLEN, JOSE) CASE NO. 30-2010 00346042
13	ROLANDO ROSALES, EMERITO) ROSALES, and ISMAEL ROSALES,)
14	Plaintiffs,) ANSWER OF DEFENDANT ,
15) MARC R. PUCKETT, TO VS.) PLAINTIFFS' COMPLAINT
16	MARC R. PUCKETT, DOES 1 TO)
17	10,
18	Defendants.))
19	
20	Defendant, MARC R. PUCKETT, hereby answers plaintiffs'
21	complaint on file herein, as follows:
22	
23	1. Pursuant to Section 431.30 of the <u>California Code of</u>
24	<u>Civil Procedure</u> , this answering defendant denies each and every
25	allegation contained in each cause of action relating to this
26	answering defendant.
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FIRST AFFIRMATIVE DEFENSE

2. Defendant alleges that each purported cause of action fails to state facts sufficient to constitute a cause of action against this answering defendant.

SECOND AFFIRMATIVE DEFENSE

3. Defendant alleges that the injuries and damages, if any, of which plaintiffs complain, were directly and proximately caused and contributed to by the negligence of plaintiffs, and plaintiffs are barred from recovery or plaintiffs' recovery is reduced thereby.

THIRD AFFIRMATIVE DEFENSE

4. Defendant alleges the injuries and damages, if any, of which plaintiffs complain, were directly and proximately caused or contributed to by the negligence of other defendants, persons or entities, and that said negligence was an intervening and superseding cause of injuries and damages, if any, of which plaintiffs complain.

FOURTH AFFIRMATIVE DEFENSE

5. This answering defendant alleges that any recovery by plaintiffs for non-economic damages is barred by reason of the provisions of Section 3333.4 of the <u>Civil Code</u>.

WHEREFORE, defendant prays for judgment as follows:

- 1. That plaintiffs take nothing by this action;
- 2. That defendant be awarded costs of suit; and,
- 3. For such other relief as the court deems proper.

Dated: April 7, 2010

MICHAEL G. HOGAN & ASSOCIATES

HOGAN

Attorneys for Defendant

MARC R. PUCKETT

PROOF OF SERVICE BY MAIL

(C.C.P. Section 1013a and Section 2015.5)

I, the undersigned, am a citizen of the United States, a resident of the County of Orange, State of California, over the age of eighteen years, and not a party to the within action.

I am employed by the law offices of MICHAEL G. HOGAN & ASSOCIATES, 500 North State College Boulevard, Suite 1220, Orange, CA 92868.

On April 7, 2010, I served the within ANSWER OF DEFENDANT, MARC R. PUCKETT, TO PLAINTIFFS' COMPLAINT on the interested parties in said action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States Postal Service box at Orange, California, addressed as follows:

JAMES B. ABELTIN, ESQ. ABELTIN & MIGOYA, LLP 837 North Ross Street Santa Ana, CA 92701

I sealed and placed such envelope for collection and mailing to be deposited in the mail on the same day in the ordinary course of business at Orange, California. The envelope was mailed with postage thereon fully prepaid.

I am readily familiar with this firm's practice of collecting and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 2010, at Orange, California.

CAROL A. HAKALA