

3. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 2, 3, 4, 6, 8 and 10 of Plaintiff's First Amended Complaint.

4. In answer to paragraph 11 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 10 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

5. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 12, 13, 14, 15, 16, 17, 18 and 19 of Plaintiff's First Amended Complaint.

6. In answer to paragraph 20 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 19 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

7. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 21, 22 and 23 of Plaintiff's First Amended Complaint.

8. In answer to paragraph 24 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800

defenses made and contained in response to paragraphs 1 through 23 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

9. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 25, 26, 27, 28 and 29 of Plaintiff's First Amended Complaint.

10. In answer to paragraph 30 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 29 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

11. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 31, 32, 33 and 34 of Plaintiff's First Amended Complaint.

12. In answer to paragraph 35 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 34 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

13. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 36, 37 and 38 of Plaintiff's First Amended Complaint.

14. In answer to paragraph 39 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800

defenses made and contained in response to paragraphs 1 through 38 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

15. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 40, 41, 42, 43 and 44 of Plaintiff's First Amended Complaint.

16. In answer to paragraph 45 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 44 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

17. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 46, 47 and 48 of Plaintiff's First Amended Complaint.

18. In answer to paragraph 49 of Plaintiff's First Amended Complaint, this answering Defendant re-alleges and re-avers any and all answers, responses and defenses made and contained in response to paragraphs 1 through 48 of Plaintiff's First Amended Complaint, as if fully rewritten herein.

19. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 50, 51 and 52 of Plaintiff's First Amended Complaint.

20. This answering Defendant denies any and all allegations set forth in Plaintiff's First Amended Complaint that are not specifically admitted as true herein.

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800

AFFIRMATIVE DEFENSES

21. This Defendant is immune to this suit and not liable in damages in this tort or any tort of this nature pursuant to R.C. 1337.15 et. seq. and R.C. 2133.11 et. seq.

22. Plaintiff's First Amended Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

23. Plaintiff's claims for recovery are barred by the equitable doctrines of waiver, estoppel (and/or promissory estoppel) and/or laches.

24. Plaintiff has failed to join necessary and/or indispensable parties pursuant to Rules 19 and 19.1 of the Ohio Rules of Civil Procedure.

25. Plaintiff and/or Plaintiff's decedent's claimed injuries and damages were caused by the superseding and/or intervening acts of other parties or persons over whom this Defendant had and could have had no control.

26. This Defendant is entitled to a set-off of damages and/or limitation of damages pursuant to statute.

27. The injuries and damages of which Plaintiff complains are contributed to by one or more persons from whom Plaintiff did not seek recovery in this action pursuant to R.C. 2307.23(C).

28. Plaintiff may not be the real party in interest over all or part of this claim.

29. Plaintiff may lack capacity to pursue this action.

30. Defendant asserts the defense of failure to mitigate damages.

31. Defendant asserts the defense of legal waiver.

32. As to any applicable causes of action, Defendant asserts the defense of lack of malice and/or lack of intent.

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800

33. Defendant asserts the defense of the statute of frauds as to any applicable claims.

34. Defendant asserts the defense of parol evidence as to any applicable claims.

35. Defendant asserts a lack of privity.

36. Defendant respectfully reserves the right to amend his Answer and/or affirmative defenses consistent with the Ohio Rules of Civil Procedure as investigation and discovery continues.

WHEREFORE, having fully answered Plaintiff's First Amended Complaint, Defendant William S. Husel, D.O., prays that Plaintiff's First Amended Complaint be dismissed as against him with prejudice and that he be allowed to go hence without delay and with his costs.

ARNOLD TODARO WELCH & FOLIANO CO., L.P.A.

By: /s/ Gregory B. Foliano
Gregory B. Foliano (0047239)
2075 Marble Cliff Office Park
Columbus, Ohio 43215
gfoliano@arnoldlaw.net
Phone: (614) 324-4533
Fax: (614) 324-4534
Counsel for Defendant
William S. Husel, D.O.

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800

JURY DEMAND

Defendant William S. Husel, D.O., hereby demands a trial by jury of the within action.

/s/ Gregory B. Foliano
Gregory B. Foliano (0047239)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed with the Clerk via this Court's ECF/eFiling system this 15th day of April, 2019, which will provide service to all counsel of record.

/s/ Gregory B. Foliano
Gregory B. Foliano (0047239)

LAW OFFICES OF

ARNOLD TODARO
WELCH & FOLIANO

2075 MARBLE CLIFF OFFICE PARK
COLUMBUS, OHIO 43215-1053
(614) 485-1800