

Plaintiffs are barred from recovery since Plaintiff failed to make a claim with Georgia's Worker's Compensation Board.

FOURTH DEFENSE

Plaintiff is barred from recovery by the doctrines of waiver, laches, and estoppel.

FIFTH DEFENSE

Plaintiff is barred from recovery since Plaintiff failed to mitigate Plaintiff's damages.

SIXTH DEFENSE

Plaintiff is barred from recovery since Plaintiff was more than 49% at-fault for Plaintiff's own injuries.

SEVENTH DEFENSE

Plaintiff is barred from recovery against the Defendant in his individual capacity under the business judgment rule.

EIGHTH DEFENSE

Defendant reserves the right to assert additional affirmative and other defenses that arise—or have arisen—and reserves the right to amend this Answer to assert such defenses.

ANSWER:

Defendant responds to the specifically enumerated paragraphs of Plaintiff's complaint as follows:

1. Defendant is without sufficient knowledge to admit or deny the information

contained in this paragraph.

2. Admitted.

3. Admitted.

4. Defendant is without sufficient knowledge to admit or deny the information contained in this paragraph.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Defendant is without sufficient knowledge to admit or deny the information contained in this paragraph. Further, Defendant has filed a Motion for More Definite Statement as it relates to all paragraphs under Plaintiff's COUNT I.

11. Denied.

12. Denied.

13. Defendant admits to being willing to gratuitously assist Plaintiff after the alleged injury but all other claims in this paragraph are denied.

14. Denied.

15. Denied; no payment was owed.

16. Denied.

17. This paragraph is confusing and requires a more definite statement. To the

extent that Plaintiff is alleging that Plaintiff justifiably relied on any communications from Defendant, Defendant is without sufficient knowledge to admit or deny such a statement.

18. Denied.

19. This paragraph is unclear as “[t]he actions of Defendants” are undefined, and thus this paragraph requires a more definite statement. To the extent that Plaintiff is alleging that Defendant’s alleged misrepresentations were in furtherance of and within the scope of Defendant’s business, such is denied.

20. Denied.

21. Denied.

22. Denied.

23. Defendant is without sufficient knowledge to admit or deny the information contained in this paragraph.

24. Defendant has filed a Motion for More Definite Statement as it relates to this paragraph and all paragraphs under the caption “NEGLIGENT MISREPRESENTATION.”

25. Defendant is without sufficient knowledge to admit or deny the information contained in this paragraph.

26. Defendant has filed a Motion for More Definite Statement as it relates to this paragraph and all paragraphs under the caption “CONTRACT.”

27. Defendant is without sufficient knowledge to admit or deny the information

contained in this paragraph.

28. Defendant has filed a Motion for More Definite Statement as it relates to this paragraph and all paragraphs under the caption “PUNITIVE DAMAGES.”

Submitted this 14th day of October 2020.

By: _____ /s/ Tremain Ross
Tremain Ross M.Ed., Esq.
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CERTIFICATE OF SERVICE

I hereby certify that DEFENDANT'S SPECIAL APPEARANCE ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S LAWSUIT was/were served via E-File, email, hand-delivery, private process server, service by the Sheriff, certified mail, and/or USPS mail postage prepaid on the following:

Drew Mosley, Esq.
Drew Mosley, LLC
279 W. Crogan St.
Lawrenceville, GA 30046

Respectfully submitted this 14th day of October 2020.

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