

IN THE IOWA DISTRICT FOR PAGE COUNTY

ESTATE OF PAYTON MONTANA
CASTEEL, by and through its
administrator, Anna D. Hutt; and TIRAN
CASTEEL, individually,

Plaintiffs,

v.

PATRICIA CHERIE WRAY,

Defendants.

LAW NO. LACV104785

**ANSWER TO THE PETITION,
AFFIRMATIVE DEFENSE
AND JURY DEMAND**

COMES NOW, Defendant Patricia Cherie Wray, by and through her undersigned
counsel in support of her Answer to Petition states as follows:

PARTIES

1. The allegations contained in paragraph 1 are denied for lack of knowledge.
2. The allegations contained in paragraph 2 are denied for lack of knowledge.
3. The allegations contained in paragraph 3 are admitted only that the

Defendant Patricia Cherie Wray resided in Coin, Page County, Iowa and was the operator
and owner of the vehicle. The remaining allegations are denied.

VENUE AND JURISDICTION

4. The allegations contained in paragraph 4 are admitted.
5. The allegations contained in paragraph 5 are admitted.
6. The allegations contained in paragraph 6 are admitted.

GENERAL FACTUAL ALLEGATIONS

7. Defendant realleges and incorporates by reference herein her answers to paragraphs 1 through 9 as though fully set forth herein.

8. The allegations contained in paragraph 8 are denied.

9. The allegations contained in paragraph 9 are denied.

10. Plaintiffs' petition contains no paragraph 10.

11. The allegations contained in paragraph 11 are admitted.

12. The allegations contained in paragraph 12 are denied.

13. The allegations contained in paragraph 13 are denied.

14. The allegations contained in paragraph 14 are denied.

15. The allegations contained in paragraph 15 are denied.

16. The allegations contained in paragraph 16 are denied.

17. The allegations contained in paragraph 17 are denied.

18. The allegations contained in paragraph 18 are denied for lack of knowledge.

19. The allegations contained in paragraph 19 are denied for lack of knowledge.

20. The allegations contained in paragraph 20 are denied.

21. The allegations contained in paragraph 21 are denied.

22. The allegations contained in paragraph 22 are denied.

23. The allegations contained in paragraph 23 are admitted only that Wray called for emergency assistance. The remaining allegations are denied.

24. The allegations contained in paragraph 24 are denied for lack of knowledge.

COUNT 1
NEGLIGENCE

25. Defendant realleges and incorporates by reference herein her answers to paragraphs 1 through 24 as though fully set forth herein.

26. The allegations contained in paragraph 26 and the subparagraphs therein are denied.

27. The allegations contained in paragraph 27 are denied.

28. The allegations contained in paragraph 28 are denied.

29. The allegations contained in paragraph 29 and the subparagraphs therein are denied.

WHEREFORE, Defendant Patricia Cherie Wray respectfully prays the Court dismiss Plaintiffs' Petition at Law and assess the costs to the Plaintiff, and for such other relief the Court deems just and equitable in the premises.

COUNT II
LOSS OF PARENTAL CONSORTIUM

30. Defendant realleges and incorporates by reference herein her answers to paragraphs 1 through 29 as though fully set forth herein.

31. The allegations contained in paragraph 31 are denied for lack of knowledge.

32. The allegations contained in paragraph 32 are denied for lack of knowledge.

33. The allegations contained in paragraph 33 are denied.

WHEREFORE, Defendant Patricia Cherie Wray respectfully prays the Court dismiss Plaintiffs' Petition at Law and assess the costs to the Plaintiffs, and for such other relief the Court deems just and equitable in the premises.

AFFIRMATIVE DEFENSE

1. The Plaintiffs' injuries if any were caused in whole or in part by the fault of Payton Montana Casteel and should be barred or reduced pursuant to Iowa Code Chapters 668.

JURY DEMAND

Defendant Patricia Cherie Wray hereby demands a trial by jury of all the issues in this matter.

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

By: 

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ATTORNEYS FOR DEFENDANT

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective address/fax number as disclosed by the pleadings of record herein, on the 14 of June, 2016 by:

<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivered	<input type="checkbox"/> UPS
<input type="checkbox"/> Federal Express	<input checked="" type="checkbox"/> Other <u>Am/ECF</u>

Brenda Singh