

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JAMIE A. BROWN

PLAINTIFFS

v.

CIVIL ACTION NO.5:10-cv-145-DCB-JMR

RYAN'S RESTAURANT GROUP, INC.  
d/b/a RYAN'S GRILL BUFFET & BAKERY

DEFENDANTS

**ANSWER TO AMENDED COMPLAINT**

For its Answer to the Amended Complaint, defendant, Ryan's Restaurant Group, Inc., states as follows:

Defendant denies each and every allegation of the Amended Complaint except those allegations expressly admitted or otherwise qualified herein.

1. Defendant has insufficient information as to the truth or falsity of the allegations contained in paragraph 1 and, therefore, denies same.

2. Defendant denies the allegations contained in paragraph 2.

3. Defendant does not contest venue.

4. Defendant has insufficient information as to the truth or falsity of the allegations contained in paragraph 4 and, therefore, denies same.

5. Defendant denies the allegations contained in paragraph 5.

6. Defendant denies the allegations contained in paragraph 6. Defendant states there is no dangerous condition of which to place a warning.

7. Defendant denies the allegations contained in paragraph 7, including the allegations contained in subparagraphs (a) through (f).

8. Defendant denies the allegations contained in paragraph 8.

**AFFIRMATIVE DEFENSES**

9. For its first affirmative defense, defendant states that plaintiff's negligence was the sole, proximate and/or contributing cause of plaintiff's damage, if any.

10. For its second affirmative defense, defendant states that the negligence of other persons or entities, over whom this defendant has no control, was the sole, proximate and/or contributing cause of plaintiff's damage, if any.

11. Defendant affirmatively pleads Mississippi Code § 85-5-7 (1972, as amended).

12. The claims against defendant are barred or must be reduced to the extent plaintiff has, or will recover compensation from any other source whatsoever.

13. The claims against defendant may be barred or any verdict must be reduced to the extent plaintiff failed to mitigate her damages.

14. Defendant invokes all rights afforded under Mississippi's 1993, 2002 and 2004 Tort Reform Acts.

15. Defendant reserves the right to amend this answer and assert other defenses which may become available or apparent during discovery.

WHEREFORE, defendant, Ryan's Restaurant Group, Inc., prays that this Court enter judgment in its favor and against plaintiff and further award to defendant its costs and disbursements herein.

THIS the 1st day of September, 2010.

Respectfully submitted,

RYAN'S RESTAURANT GROUP, INC., D/B/A  
RYAN'S GRILL BUFFET & BAKERY

/s/ Malissa Winfield

By: MALISSA WINFIELD, MB #100751

ITS ATTORNEY

OF COUNSEL:

Kenneth W. Barton, MB # 2093  
Malissa Winfield, MB #100751  
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC  
P.O. Box 6010  
Ridgeland, MS 39158-6101

1020 Highland Colony Parkway, Suite 1400  
Ridgeland, MS 39157

Phone: 601.948.5711  
Fax: 601.985.4500  
Winfield direct dial: 601.985.4409  
[malissa.winfield@butlersnow.com](mailto:malissa.winfield@butlersnow.com)

Barton direct dial: 601.985.4515  
[Ken.barton@butlersnow.com](mailto:Ken.barton@butlersnow.com)

**CERTIFICATE OF SERVICE**

I, Malissa Winfield, one of the attorneys for Defendant, certify that I have this day electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Joe M. Davis  
[jdavis@rutledgeanddavis.com](mailto:jdavis@rutledgeanddavis.com)

Valerie B. Hancock  
[valarie@rdhlaw.net](mailto:valarie@rdhlaw.net)

This 1st day of September, 2010.

/s/ Malissa Winfield  
\_\_\_\_\_

MALISSA WINFIELD

Jackson 5536351v1