

HONORABLE EDWARD F. SHEA

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6 UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF WASHINGTON

8 THOMAS A. WAITE,
9 Plaintiff,

No. CV-05-399-EFS

10 vs.

ANSWER OF DEFENDANT
STEVEN BRODHEAD

11 THE CHURCH OF JESUS CHRIST OF
12 LATTER DAY SAINTS d/b/a/
13 CORPORATION OF THE PRESIDING
14 BISHOP OF THE CHURCH OF JESUS
15 CHRIST OF LATTER DAY SAINTS, a
Utah Corporation, d/b/a
16 CORPORATION OF THE PRESIDENT
17 OF THE CHURCH OF JESUS CHRIST
OF LATTER DAY SAINTS, a Utah
corporation; DONALD C. FOSSUM;
and STEVEN C. BRODHEAD,

Defendant.

18
19 Defendant Steven C. Brodhead, by and through his attorney, Andrew C.
20 Smythe, of Paine, Hamblen, Coffin, Brooke & Miller LLP answer plaintiff's
21 Complaint as follows:

22 I.

23 1.1 Regarding plaintiff's Complaint, Section 1.4, defendant admits
24 that he was a resident of the State of Washington at the time of the accident, but
25 was a resident of the State of Idaho at the time this Complaint was filed.
26
27

1 1.2 Regarding plaintiff's Complaint Section 3.1, defendant answers
2 as follows:

3
4 • Defendant Brodhead drove a Honda.
5
6 • The assertion that defendant Fossum was an agent of the defendant
7 LDS Church — to which defendant Brodhead has insufficient knowledge and
8 therefore denies.

9 • The assertion that there were no visual obstructions for observing
10 traffic approaching from the left — to which defendant Brodhead asserts that there
11 was a tree at a corner of the intersection and that he does not have sufficient
12 information to know whether there were any visual obstructions and therefore
13 denies the same.
14

15
16 • The assertion that plaintiff was severely and permanently injured in
17 the crash — to which defendant Brodhead admits that there were serious injuries
18 suffered by plaintiff as a result of the accident, but since he is not aware of the
19 extent of the severity of permanence of injuries, denies those portions of that
20 assertion.
21

22
23 • Defendant Brodhead denies the remainder of this section of plaintiff's
24 Complaint.
25

26 1.3 Regarding plaintiff's Complaint, Section 8.1, defendant
27 Brodhead admits that plaintiff suffered injuries but does not know the extent nor
28

1 permanence of those injuries and whether they have any affect on plaintiff's ability
2 to earn an income in the future and therefore denies the assertions of this section of
3 plaintiff's Complaint except for the fact of injuries.
4

5 **II.**

6 2.1 Defendant Brodhead has insufficient information to form a
7 belief as to the truth or falsity of plaintiff's Complaint Sections 1.1, 1.2, 1.3, 2.1,
8 4.1, 5.1, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and therefore denies the same.
9

10 **III.**

11 3.1 Defendant Brodhead denies any portions of plaintiff's
12 Complaint not specifically addressed in this answer (except plaintiff's Complaint
13 Sections 9.1, 10.1).
14

15 **IV.**

16 4.1 BY WAY OF FURTHER ANSWER TO PLAINTIFF'S
17 COMPLAINT, defendant Brodhead asserts that plaintiff was guilty of comparative
18 negligence by knowingly becoming an unrestrained passenger in the cargo portion
19 of a pickup truck upon the public roads in the State of Washington.
20

21 4.2 BY WAY OF FURTHER ANSWER TO PLAINTIFF'S
22 COMPLAINT, defendant Brodhead asserts that plaintiff's injuries and damages are
23 the proximate result of actions of other persons or entities to be established during
24 the course of discovery.
25
26
27

V.

5.1 A jury trial is requested.

WHEREFORE, having fully answered plaintiff's Complaint, defendant Brodhead prays as follows:

1. That plaintiff's damages be reduced by the percentage of his own fault;

2. That plaintiff's damages proximately caused other entities or persons as may be developed through the course of discovery in this case not be attributed to defendant Brodhead; and

3. For such other and further relief as the Court deems just and equitable.

DATED this 13th day of January, 2006.

PAINE, HAMBLIN, COFFIN,
BROOKE & MILLER LLP

By: \s\ Andrew C. Smythe
Andrew C. Smythe, WSBA #7948
Attorneys for Defendant Brodhead

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of January, 2006, I electronically filed the foregoing Answer of Defendant Steven Brodhead, with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Richard C. Eymann eymann@eahjlaw.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

*Stephen Layne Nordstrom
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