

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

JEROMY JOHNSON,)
Plaintiff,) CASE NO. LACV084157
vs.)
RICHARD KOLOSICK and BARBARA)
KAUTZ,)
Defendants.) ANSWER OF DEFENDANTS

COME NOW the Defendants, Richard Kolosick and Barbara Kautz, and for their Answer to the Plaintiff's Petition at Law, state:

1. Plaintiff Jeromy Johnson ("Johnson") is an individual, and resident of Cedar Rapids, Linn County, Iowa.

ANSWER: Admit.

2. Defendant Richard Kolosick ("Kolosick") is an individual and resident of Cedar Rapids, Linn County, Iowa.

ANSWER: Admit.

3. Defendant Barbara Kautz ("Kautz") is an individual and resident of Marion, Linn County, Iowa.

ANSWER: Admit.

4. On August 11, 2015, Kolosick was driving a 2005 Chevrolet Trailblazer ("Chevrolet") that collided with a motorcycle driven by Johnson.

ANSWER: Defendants admit Richard Kolosick was driving a Chevrolet Trailblazer on August 11, 2015 and that Plaintiff was riding a motorcycle. The remaining allegations of paragraph 4 are denied.

5. The Chevrolet driven at the time of the collision was owned by Kautz.

ANSWER: Admit.

6. Kautz consented to Kolosick's use of the Chevrolet.

ANSWER: Admit.

7. The collision happened in Linn County, Iowa.

ANSWER: Admit.

8. At and immediately before the time of the collision, Kolosick drove the Chevrolet negligently, including but not limited to the following: Failure to yield the right of way, and failure to keep a proper lookout.

ANSWER: Deny.

9. The negligence of Kolosick caused past and future damage to Johnson, including but not limited to:

- a. Loss of earning capacity;
- b. Medical expenses;
- c. Pain and suffering;
- d. Physical impairment; and
- e. Reduced quality of life.

ANSWER: Deny, including subparagraphs (a) through (e).

10. Plaintiff's damages exceed the jurisdictional amount for Associate District Court.

ANSWER: Deny.

WHEREFORE, Defendants, Richard Kolosick and Barbara Kautz, pray that Plaintiff's Petition at Law be dismissed with costs assessed to Plaintiff and for such further relief as the Court deems appropriate.

AFFIRMATIVE DEFENSES

1. Plaintiff was at fault, which fault was the proximate cause of his injuries and damages. Plaintiff's recovery should be barred or reduced as provided by 668 of the Iowa Code.

LEDERER WESTON CRAIG PLC

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that November 20, 2015, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notification of such filing to the following:

Pete Leehey
Graig Turson
Pete Leehey Law Firm, P.C.
E-mail: pleehey@leeheylaw.com
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ATTORNEYS FOR PLAINTIFF

I am not aware of any non-ECF system participants in this proceeding that require service by mail.

/s/ James P. Craig