

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL BRANCH
DIVISION VIII

COPY

ANTONIO TAYLOR, A MINOR, BY
AND THROUGH HIS MOTHER AND
NEXT FRIEND, JERRISHA COOMER

PLAINTIFF

VS.

ANSWER

10-CI-4031

KOOL SMILES, PSC., UNKNOWN
DENTIST AND UNKNOWN DENTAL
ASSISTANT

DEFENDANTS

Comes the Defendant, Kool Smiles, PSC, by counsel, and for its Answer to the Plaintiff's Complaint stated as follows:

FIRST DEFENSE

That the complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

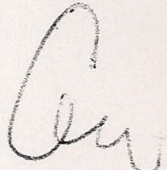
1. That the answering Defendant admits the allegations set forth in numerical paragraph 9 of the Plaintiff's Complaint.
2. That the answering Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth in numerical paragraphs 2, 5, 6, 7, 8, 16, 17, 18 and 19 of the Plaintiff's Complaint and accordingly denies the same.
3. That the answering Defendant specifically denies the allegations set forth in numerical paragraphs 1, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34 and 35 of the Plaintiff's Complaint.
4. That the answering Defendant adopts and restates its responses to the allegations which are adopted in numerical paragraphs 20 and 29 of the Complaint.

A True Copy

ATTEST: WILMA F. LYNCH, CLERK

FAYETTE CIRCUIT COURT

By:  Deputy



5. That in response to the allegations contained in paragraph 3 the answering Defendant admits that Defendant is a Kentucky corporation doing business as Kool Smiles, PSC, 1301 Winchester Road, Suite 225, Lexington, KY 40505 and that Defendant holds itself out as providing dental services, but is without sufficient knowledge to form a belief as to the truth or falsity of the remaining allegations and therefore denies any remaining allegations.

6. That in response to the allegations contained in paragraph 4 the answering Defendant admits that dental services were provided to the Plaintiff on July 10, 2009, but is without sufficient knowledge to form a belief as to the truth or falsity of the remaining allegations and therefore denies any remaining allegations.

7. That in response to the allegations contained in paragraphs 21 and 30, the answering Defendant states that the existence of any duty is a legal conclusion to which no answer is required, but denies it breached any of its duties to the Plaintiff and specifically denies the remaining allegations.

8. That the answering Defendant specifically deny each and every allegation or inference not specifically admitted herein.

THIRD DEFENSE

That if there be liability on the part of any or all of the answering Defendant, which is specifically denied, then such liability is several only and subject to the apportionment of fault as among all who may be found to have been at fault, if any.

FOURTH DEFENSE

The injuries and damages of which Plaintiff complains, if any, were caused by an

underlying illness, condition or disease process in Plaintiff and not by any act or failure to act on the part of this Defendant.

FIFTH DEFENSE

The Plaintiff's damages, if any there were, which are specifically denied, were caused or brought about by a person, party, intervening act, superseding act, and/or by Act of God over which this answering Defendant had no responsibility or control and therefore relies upon same as a bar in whole or part to the Complaint.

SIXTH DEFENSE

This answering Defendant pleads comparative fault, contributory negligence and/or apportionment of fault as a bar in whole or part to the Second Amended Complaint.

SEVENTH DEFENSE

That based on information and belief the claims asserted against the answering Defendant may be barred by the statute of limitations and same is pled as a complete bar to the claims asserted in the Plaintiff's Complaint.

EIGHTH DEFENSE

Plaintiff has failed to mitigate his damages, if any there were, which are specifically denied

NINTH DEFENSE

Plaintiff's damages, if any there were, were brought about by his own conduct and not by any negligence of the Defendant.

TENTH DEFENSE

The answering Defendant reserves the right to amend the answer to add any

affirmative defenses which may arise as discovery progresses.

WHEREFORE, the answering Defendant demand that the complaint be dismissed and held for not, their cost herein expended, trial by jury and any and all other relief to which the answering Defendant may be entitled.

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BY: 

BRADLY E. MOORE
AMANDA L. TOMLIN
ATTORNEYS FOR THE DEFENDANTS,
KOOL SMILES, PSC.

CERTIFICATE OF SERVICE

This is to certify that the foregoing Answer has been served by mail postage prepaid upon the following:

Hon. Stephen J. Isaacs
Isaacs Law Office
108 N. Main Street
Nicholasville, KY 40356

on this the 30th day of July, 2010.

BY: 

AMANDA L. TOMLIN