



not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all remaining allegations made and contained in paragraphs 3 and 7 of Plaintiff's Complaint.

2. For want of knowledge, because they are not true, or as a matter of form because the allegations are not directed at this answering Defendant and/or require no responsive pleading, this answering Defendant denies any and all allegations made and contained in paragraphs 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 of Plaintiff's Complaint.

3. This answering Defendant denies any and all allegations set forth in Plaintiff's Complaint that are not specifically admitted as true herein.

**AFFIRMATIVE DEFENSES**

4. This Defendant is immune to this suit and not liable in damages in this tort or any tort of this nature pursuant to R.C. 1337.15 et. seq. and R.C. 2133.11 et. seq.

5. Plaintiff's Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

6. Plaintiff's claims for recovery are barred by the equitable doctrines of waiver, estoppel (and/or promissory estoppel) and/or laches.

7. Plaintiff's Complaint is inadequate pursuant to Civil Rule 10(D)(2).

8. Plaintiff's claims, in whole or in part, are barred by the applicable statutes of limitations.

9. Plaintiff has failed to join necessary and/or indispensable parties pursuant to Rules 19 and 19.1 of the Ohio Rules of Civil Procedure.

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10. Plaintiff and/or Plaintiff's decedent's claimed injuries and damages were caused by the superseding and/or intervening acts of other parties or persons over whom this Defendant had and could have had no control.

11. This Defendant is entitled to a set-off of damages and/or limitation of damages pursuant to statute.

12. The injuries and damages of which Plaintiff complains are contributed to by one or more persons from whom Plaintiff did not seek recovery in this action pursuant to R.C. 2307.23(C).

13. Plaintiff may not be the real party in interest over all or part of this claim.

14. Plaintiff may lack capacity to pursue this action.

15. Defendant asserts the defense of failure to mitigate damages.

16. Defendant asserts the defense of legal waiver.

17. Defendant asserts a lack of privity.

18. As to any applicable causes of action, Defendant asserts the defense of lack of malice and/or lack of intent.

19. This answering Defendant respectfully reserves the right to assert additional affirmative defenses if ongoing discovery reveals that such defenses are warranted.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant William S. Husel, D.O., prays that Plaintiff's Complaint be dismissed as against him with prejudice and that he be allowed to go hence without delay and with his costs.

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Counsel for Defendant  
William S. Husel, D.O.

**JURY DEMAND**

Defendant William S. Husel, D.O., hereby demands a trial by jury of the within  
action.

/s/ Gregory B. Foliano  
Gregory B. Foliano (0047239)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing  
was filed with the Clerk via this Court's ECF/eFiling system this 30<sup>th</sup> day of April, 2019,  
which will provide service to all counsel of record.

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/s/ Gregory B. Foliano  
Gregory B. Foliano (0047239)