

IN THE IOWA DISTRICT COURT IN AND FOR CERRO GORDO COUNTY

MELANIE L. HUCKINS and WILLIAM R. HUCKINS, Individually and as the Administrators of the Estate of JUSTIN A. HUCKINS,

Plaintiffs,

v.

ONE VISION f/k/a OPPORTUNITY VILLAGE f/k/a HANDICAP VILLAGE,

Defendant.

Law No. LACV071034

**ANSWER, AFFIRMATIVE DEFENSES AND JURY DEMAND**

**COMES NOW** Defendant, One Vision f/k/a Opportunity Village f/k/a Handicap Village, by and through undersigned counsel, and hereby provide the following Answer, Affirmative Defenses and Jury Demand to Plaintiffs' Petition:

**PARTIES, JURISDICTION & VENUE**

1. Paragraph 1 is denied for lack of information.
2. Paragraph 2 is denied for lack of information.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied.

**FACTUAL BACKGROUND**

5. Paragraph 5 is admitted only insofar that in April 2016, Justin lived in a care facility that was owned, operated, staffed and controlled by Defendant Handicap Village d/b/a Opportunity Village, but deny the remaining allegations in Paragraph 5.

6. Paragraph 6 is denied for lack of information.

7. Paragraph 7 is admitted only insofar that a noise was heard from Justin's room on April 13, 2016, and that the door was subsequently unable to be opened to check on Just, but all other allegations in Paragraph 7 are denied.

8. Paragraph 8 is denied.

9. Paragraph 9 is denied.

10. Paragraph 10 is denied.

11. Paragraph 11 is denied.

12. Paragraph 12 is admitted only insofar that the notes speak for themselves, but all other allegations in Paragraph 12 are denied.

13. Paragraph 13 is denied.

14. Paragraph 14 is denied.

15. Paragraph 15 is admitted only insofar that the notes speak for themselves, but all other allegations in Paragraph 15 are denied.

16. Paragraph 16 is admitted only insofar that an ambulance was called, but all other allegations in Paragraph 16 are denied.

17. Paragraph 17 is admitted only insofar that Justin was taken by ambulance to a hospital where he was diagnosed with a brain injury, but all other allegations in Paragraph 17 are denied.

18. Paragraph 18 is admitted only insofar that Justin died on May 19, 2016, but all other allegations in Paragraph 18 are denied.

**COUNT I**  
**NEGLIGENCE**

19. Paragraph 19 is denied.

20. Paragraph 20 is denied.

21. Paragraph 21 is denied.

**WHEREFORE**, Defendant, One Vision f/k/a Opportunity Village f/k/a Handicap Village, pray that Plaintiffs' Petition be dismissed at Plaintiffs' costs.

**AFFIRMATIVE DEFENSES**

1. That Plaintiffs have failed to state a claim upon which relief can be granted.
2. To the extent Plaintiffs incurred any losses or damages, such were not within the scope of risk or liability of Defendant's alleged acts or omissions, nor were any such losses or damages proximately caused by any negligence or wrongful act of any of Defendants.

**JURY DEMAND**

**COMES NOW** Defendant, One Vision f/k/a Opportunity Village f/k/a Handicap Village, and demands that all issues in the above entitled matter be tried to a jury.

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

By: /s/ Jason C. Palmer

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective address/fax number as disclosed by the pleadings of record herein, on the 21 May of May, 2018 by:

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| <input type="checkbox"/> U.S. Mail                  | <input type="checkbox"/> FAX                         |
| <input type="checkbox"/> Hand Delivered             | <input type="checkbox"/> UPS                         |
| <input checked="" type="checkbox"/> Federal Express | <input checked="" type="checkbox"/> Other <u>efi</u> |

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