

IN THE IOWA DISTRICT COURT IN AND FOR CERRO GORDO COUNTY

THE ESTATE OF DERRICK W. BERHOW by and through the Executor of the Estate MANDY BERHOW, MANDY BERHOW, individually AND MANDY BERHOW as Parent and Next Friend to T.R.B., a minor child,

Plaintiffs,

v.

KEITH A. HALFWASSEN, MASON CITY COUNTRY CLUB, INC. AND CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC. d/b/a CULVER HAHN ELECTRIC SUPPLY,

Defendants.

Case No: LACV071541

CONSOLIDATED ELECTRICAL DISTRIBUTOR INC'S ANSWER and JURY DEMAND

COMES NOW, Defendant, **CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC. d/b/a CULVER HAHN ELECTRIC SUPPLY**, and in answer to each respective numbered paragraph in Plaintiffs' Petition at Law, state as follows:

1. Denied for lack of knowledge.
2. Denied for lack of knowledge.
3. Denied for lack of knowledge.
4. Denied for lack of knowledge.
5. Denied for lack of knowledge.
6. Admitted.
7. Denied for lack of knowledge.
8. Admitted.
9. Denied. Defendant provided no alcohol to anyone directly. Any alcohol that day that was consumed by someone invited to the outing by the Defendant was either

sold and served by the Defendant Mason City Country Club or separately brought onto the premises by an attendee of the event.

10. Admitted.

11. Denied. Defendant provided no alcohol to anyone directly. Any alcohol that day that was consumed by someone invited to the outing by the Defendant was either sold and served by the Defendant Mason City Country Club or separately brought onto the premises by an attendee of the event.

12. Denied for lack of knowledge.

13. Denied for lack of knowledge.

14. Denied for lack of knowledge.

15. Denied for lack of knowledge.

16. Admitted.

17. Denied for lack of knowledge.

**COUNT I – Dram Shop Claim Against Defendant Mason City Country Club, Inc.
on Behalf of all Plaintiffs**

18. See response to paragraphs 1-17.

19. Allegation not directed towards this defendant.

20. Allegation not directed towards this defendant.

21. Allegation not directed towards this defendant.

22. Allegation not directed towards this defendant.

23. Allegation not directed towards this defendant.

COUNT II – Negligence Against Defendant Mason City Country Club, Inc.

24. See response to paragraphs 1-17.

25. Allegation not directed towards this defendant.

26. Allegation not directed towards this defendant.

27. Allegation not directed towards this defendant.

28. Allegation not directed towards this defendant.

29. Allegation not directed towards this defendant.

30. Allegation not directed towards this defendant.

31. Allegation not directed towards this defendant.

32. Allegation not directed towards this defendant.

Count III – Negligence Against Defendant Keith Halfwassen

33. See response to paragraphs 1-17.

34. Allegation not directed towards this defendant.

35. Allegation not directed towards this defendant.

36. Allegation not directed towards this defendant.

37. Allegation not directed towards this defendant.

38. Allegation not directed towards this defendant.

39. Allegation not directed towards this defendant.

40. Allegation not directed towards this defendant.

41. Allegation not directed towards this defendant.

42. Allegation not directed towards this defendant.

COUNT IV – Negligence Against Defendant Culver Hahn Electric Supply

43. See response to paragraphs 1-17.

44. Admitted.

45. Denied.

46. Denied for lack of knowledge.

47. Denied.

48. Admitted that Mr. Berhow was allowed to participate in the golf outing on the day in question and his golf was paid for by Defendant. The subparts, (a-g), are denied.

49. Denied.

50. Denied.

AFFIRMATIVE DEFENSES

1. Defendants plead the affirmative defense of comparative fault/negligence on the part of Derrick Berhow and any other named Defendants as it pertains to a negligence cause of action.

2. The Defendant owed no duty to Mr. Berhow on the day in question in regard to his safety. The Defendant was not the owner of the premises and never had any control over the premises or the golf cart in question.

WHEREFORE, Defendant, **CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC. d/b/a CULVER HAHN ELECTRIC SUPPLY**, pray that the Plaintiff's Petition be dismissed, at Plaintiff's cost. Defendants also request a trial by jury.

ANDERSEN & ASSOCIATES

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Original E-filed.