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ELECTROCELT PROMOTIONS, INC. and
SNAG TICKETS, INC.

ELECTRONICALLY

FILED

*Superior Court of California,
County of San Francisco*

FEB 06 2015

Clerk of the Court

BY: ROMY RISK

Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

VALENTIN PONCE,

CASE NO.: CGC-15-543487

Plaintiff,

ANSWER OF DEFENDANTS

vs.

**ELECTROCELT PROMOTIONS, INC.
and SNAG TICKETS, INC. TO
UNVERIFIED COMPLAINT FOR
PERSONAL INJURY**

ELECTROCELT PROMOTIONS, INC. dba
SWIG; SNAG TICKETS, INC.; and DOES 1
to 50,

Defendants.

Defendants ELECTROCELT PROMOTIONS, INC. and SNAG TICKETS, INC., in answer to the allegations of the unverified complaint of Plaintiff VALENTIN PONCE on file herein, deny each and every allegation of said unverified complaint pursuant to Code of Civil Procedure §431.30, and in this connection defendants deny that plaintiff has been injured or damaged in any of the sums mentioned in the complaint or in any other amount by reason of any act or omission of these defendants.

1 FIRST AFFIRMATIVE DEFENSE

2 The injuries and damages allegedly suffered by plaintiff, if any, were either wholly or in
3 part negligently caused by persons, firms, corporations, or other entities other than these answering
4 defendants and such negligence comparatively reduces up to 100% the percentage of negligence, if
5 any, by these answering defendants.
6

7 SECOND AFFIRMATIVE DEFENSE

8 If plaintiff sustained damages by reason of the matters alleged in their complaint, which is
9 denied, then said damages were caused in whole or in part by the negligence or fault of third
10 persons for whom these answering defendants were in no way responsible.
11

12 THIRD AFFIRMATIVE DEFENSE

13 Plaintiff VALENTIN PONCE assumed the risk of any injuries and/or damages resulting
14 from the matters set forth in said complaint, and said assumption of risk by Plaintiff VALENTIN
15 PONCE was a proximate cause of the injuries and/or damages alleged by plaintiff, if any there
16 were.
17

18 FOURTH AFFIRMATIVE DEFENSE

19 Plaintiff VALENTIN PONCE was himself negligent and careless in and about the matters
20 and events set forth in the complaint, and said negligence proximately contributed to his alleged
21 injuries and/or damages, if any there were. The verdict of the jury in favor of Plaintiff VALENTIN
22 PONCE, if any, which may be rendered in this case must therefore be reduced by the percentage
23 that plaintiff's negligence contributed to the accident and injuries complained of, if any there were.
24

25 FIFTH AFFIRMATIVE DEFENSE

26 The incident alleged to be the cause of plaintiff's damages was caused by the sole
27 negligence of Plaintiff VALENTIN PONCE.
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1 the matters and events set forth in said complaint; and said willful misconduct and wanton and
2 reckless behavior proximately contributed to the injuries and damages alleged, if any there were.

3 THIRTEENTH AFFIRMATIVE DEFENSE

4 Plaintiff willfully and wrongfully provoked the altercation in which he was involved, and
5 said provocation by plaintiff was a legal cause of the injuries and damages allegedly sustained.

6 FOURTEENTH AFFIRMATIVE DEFENSE

7 Plaintiff failed to take reasonable steps to avoid the damages, if any, alleged in the complaint,
8 and each and every alleged cause of action contained therein. To the extent that such damages, if
9 any, were incurred, plaintiff's recovery, if any, should be reduced accordingly.

10 FIFTEENTH AFFIRMATIVE DEFENSE

11 At all relevant times, plaintiff knew, or should have known, that the circumstances described
12 in the complaint posed potential risks and hazards. In the event plaintiff is entitled to any damages,
13 the amount of those damages should be reduced as a result of the plaintiff's failure to act
14 accordingly, notwithstanding this knowledge.

15 SIXTEENTH AFFIRMATIVE DEFENSE

16 Plaintiff has lost any right to relief against defendants through laches, in that he has failed to
17 take timely action to assert his rights, if any, and this delay has caused substantial prejudice to
18 defendants.

19 SEVENTEENTH AFFIRMATIVE DEFENSE

20 Any and all acts or omissions of defendants, and any agent or employee thereof, were
21 reasonable and therefore defendants are not liable to plaintiff for any of the damages alleged in the
22 complaint.

23 EIGHTEENTH AFFIRMATIVE DEFENSE

24 Defendants are not liable for any of the damages alleged in the complaint because they did
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1 not have notice, constructive, actual or otherwise, of the existence of any dangerous condition in the
2 premises as alleged in the complaint.

3 NINETEENTH AFFIRMATIVE DEFENSE

4 Defendants are not liable for any of the damages alleged in the complaint because they did
5 not create the allegedly dangerous condition of which plaintiff complains.
6

7 TWENTIETH AFFIRMATIVE DEFENSE

8 Defendants are informed and believe and thereon allege that if, in fact, plaintiff was injured
9 or damaged, the injuries and/or damages were a direct and proximate result of the intervening and
10 superseding actions on the part of other parties or entities, and not these answering defendants, and
11 such intervening and superseding actions of other parties or entities bar or diminish the recovery of
12 plaintiff against these answering defendants.
13

14 TWENTY-FIRST AFFIRMATIVE DEFENSE

15 Defendants reserve the right to amend their answer to assert additional affirmative defenses
16 as investigation and discovery progress.

17 TWENTY-SECOND AFFIRMATIVE DEFENSE

18 Defendants presently have insufficient knowledge or information on which to form a belief
19 as to whether they may have additional, as yet unstated, affirmative defenses available. Defendants
20 reserve their right to amend this Answer to assert additional affirmative defenses should discovery
21 indicate it would be appropriate, in accordance with the provisions of the Code of Civil Procedure.
22


23 WHEREFORE, Defendants ELECTROCELT PROMOTIONS, INC. and SNAG TICKETS,
24 INC. pray that plaintiff take nothing by way of the complaint on file herein and that defendants
25 have judgment for their costs and for such other and further relief as the court deems proper.
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1 DATED: February 6, 2015

LAW OFFICES OF LORI B. FELDMAN

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3 By 
4 Lori B. Feldman
5 Attorneys for Defendants
6 ELECTROCELT PROMOTIONS, INC.
7 and SNAG TICKETS, INC.
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On February 6, 2015, I served a copy of the attached

Nikolaus W. Reed, Esq.
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LORI B. FELDMAN