

Matilde Garelik
sgo del estero
, 3000
03425036050
garelikmatilde@gmail.com

Defendant in Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF Santa Fe

Plaintiffs,) Case No:
)
vs.) ANSWER TO COMPLAINT
)
Matilde Garelik,)
an individual;)
and DOES 1-25,)
)
Defendant)
)
)
)
)
)
)
)
)
)
)

ANSWER

Defendant, Matilde Garelik
(hereinafter "Defendant") answers the complaint as follows:

GENERAL DENIAL TO ALL CLAIMS

1 Defendant denies each allegation of the complaint or each and every, all and singular, the
2 allegations and statements contained in the complaint or each and every allegation of the
3 complaint and demands strict proof of each and every allegation set forth in plaintiff's complaint
4 and denies that any of them is true in whole or in any part.
5

6
7 **AFFIRMATIVE DEFENSES**

8 **FIRST AFFIRMATIVE DEFENSE**

9 **(Complaint Unintelligible and Uncertain)**

10 FOR AND AS A FIRST AFFIRMATIVE DEFENSE to all causes of action in the
11 complaint, Defendant alleges that the complaint is unintelligible and uncertain.
12

13 **SECOND AFFIRMATIVE DEFENSE**

14 **(Statute of Limitations)**

15 FOR AND AS A SECOND AFFIRMATIVE DEFENSE to all causes of action in the
16 complaint, Defendant alleges that plaintiffs are limited or barred from recovery, if any, by the
17 applicable statutes of limitations.
18

19 **THIRD AFFIRMATIVE DEFENSE**

20 **(Failure to State Facts Sufficient to Constitute a Cause of Action)**

21 FOR AND AS A THIRD AFFIRMATIVE DEFENSE to all causes of action alleged
22 in the complaint, Defendant alleges that the complaint does not state facts sufficient to constitute
23 a cause of action against the Defendant.
24
25

26 **FOURTH AFFIRMATIVE DEFENSE**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

FOR AND AS A FOURTH AFFIRMATIVE DEFENSE to all causes of action alleged in the complaint, Defendant alleges that plaintiffs failed to mitigate their damages.

FIFTH AFFIRMATIVE DEFENSE

(Comparative Fault)

FOR AND AS A FIFTH AFFIRMATIVE DEFENSE to all causes of action in the complaint, Defendant alleges that damages suffered, if any, are a result of comparative fault of plaintiffs such that any disbursements from defendant is barred and/or must be adjusted and/or eliminated.

SIXTH AFFIRMATIVE DEFENSE

(Waiver)

FOR AND AS A SIXTH AFFIRMATIVE DEFENSE to all causes of action alleged in the complaint, Defendant alleges that by reason of the acts and omissions of the plaintiff, plaintiff has waived any entitlement to any recovery, for any breach of any contract or any duty, or for any other cause.

SEVENTH AFFIRMATIVE DEFENSE

(Estoppel)

FOR AND AS A SEVENTH AFFIRMATIVE DEFENSE to all causes of action alleged in the complaint, Defendant alleges that by reason of the acts and omissions of the plaintiffs, plaintiffs are estopped from entitlement to any recovery, if any.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 **(Release and Discharge)**

3 FOR AND AS an EIGHTH AFFIRMATIVE DEFENSE to all causes of action alleged
4 in the complaint, Defendant alleges that by reason of the acts and omissions of the plaintiffs,
5 plaintiffs have released and discharged defendant from any liability.
6

7 **NINTH AFFIRMATIVE DEFENSE**

8 **(Unclean Hands)**

9
10 FOR AND AS A NINTH AFFIRMATIVE DEFENSE to all causes of action in
11 the complaint, these answering defendants allege that plaintiffs are barred from recovery, if any,
12 by unclean hands.
13

14 **TENTH AFFIRMATIVE DEFENSE**

15 **(Defendant Exempt)**

16
17 FOR AND AS A TENTH AFFIRMATIVE DEFENSE to all causes of action in the
18 complaint, Defendant alleges that plaintiff is barred from any relief or remedy because the
19 Defendant was not in contract with the Plaintiff, Plaintiff was in contract with Defendant's
20 company.
21

22 **ELEVENTH AFFIRMATIVE DEFENSE**

23 **(Laches)**

24
25 FOR AND AS an ELEVENTH AFFIRMATIVE DEFENSE to all causes of action in
26 the complaint, Defendant alleges that plaintiff is barred from any recovery by the doctrine of
27 laches.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TWELTH AFFIRMATIVE DEFENSE

(Breach of Contract)

FOR AND AS A TWELTH AFFIRMATIVE DEFENSE to all causes of action in the complaint, Defendant alleges that plaintiff is barred from recovery, because of the breaches of contract, thereby extinguishing and terminating the duties allegedly owed by Defendant, and/or reducing or abating the amount of damages to which plaintiff is entitled, if any.

THIRTEENTH AFFIRMATIVE DEFENSE

(Failure to State a Claim for Award of Attorney's Fees)

FOR AND AS A THIRTEENTH AFFIRMATIVE DEFENSE to all causes of actions alleged in the complaint, Defendant alleges that plaintiff has failed to state a claim upon which attorney's fees can be awarded.

FOURTEENTH AFFIRMATIVE DEFENSE

(Alleged Damages not caused by Defendants)

FOR AND AS A FOURTEENTH AFFIRMATIVE DEFENSE to all causes of actions alleged in the complaint, Defendant alleges that to the extent that plaintiff suffered any damages alleged, such damages were not caused by Defendant.

FIFTEENTH AFFIRMATIVE DEFENSE

(Lack of Notice)

1 FOR AND AS A FIFTEENTH AFFIRMATIVE DEFENSE to all causes of action
2 in the complaint, Defendant alleges that plaintiff is barred from any recovery, because of
3 plaintiffs' lack of notice to defendant.
4

5
6 **SIXTEENTH AFFIRMATIVE DEFENSE**

7 **(Violations of State and Local Laws)**

8 FOR AND AS A SIXTEENTH AFFIRMATIVE DEFENSE to all causes of
9 action in the complaint, Defendant alleges that plaintiff is barred from any relief, based on
10 plaintiffs' violations of State and Local Laws.
11

12 **SEVENTEENTH AFFIRMATIVE DEFENSE**

13 **(Fraud)**

14 FOR AND AS A SEVENTEETH AFFIRMATIVE DEFENSE to all causes of
15 action in the complaint, Defendant alleges that plaintiff is barred from any relief, based on fraud
16 by plaintiff and/or their agents.
17

18
19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 **(Reasonable and Good Faith Belief of Performance of Legal Rights)**

21 FOR AND AS an EIGHTEENTH AFFIRMATIVE DEFENSE to all causes of
22 action in the complaint, Defendant alleges that the actions complained of were made without
23 malice or wrongful intent on the part of defendant and in reasonable and good faith belief of their
24 legal right to perform the actions complained of.
25

26
27 **NINETEENTH AFFIRMATIVE DEFENSE**
28

1 **(Plaintiff's Action Barred by Civil Code Section 1473)**

2 FOR AND AS A NINETEENTH AFFIRMATIVE DEFENSE to all causes of
3 action in the complaint, Defendant alleges that prior to the commencement of this action,
4 Defendant duly performed, satisfied and discharged all duties and obligations they may have
5 owed to plaintiff arising out of any and all agreements. Representations, or contracts made by or
6 on behalf of these answering defendants and this action is therefore barred by the provisions of
7 California Civil Code Section 1473.
8

9
10 **TWENTIETH AFFIRMATIVE DEFENSE**

11 **(Lack of Privity)**

12 FOR AND AS A TWENTIETH AFFIRMATIVE DEFENSE to all causes of action in the
13 complaint, Defendant asserts that Plaintiff can not assert any action against them as there was no
14 contract between themselves and the Plaintiff.
15

16
17 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

18 **(Reservation of Right to Assert or Delete Affirmative Defenses)**

19 FOR AND AS A TWENTY-FIRST AFFIRMATIVE DEFENSE to all causes of action in
20 the complaint, Defendant alleges that they have not knowingly or intentionally waived any
21 applicable affirmative defenses and reserve the right to assert and rely on such other applicable
22 affirmative defenses as may come available or apparent during discovery proceedings and further
23 reserve the right to amend this answer and defenses accordingly and to delete defenses if
24 determined are not applicable during the course of discovery and other proceedings in this case.
25

26 **WHEREFORE**, defendant prays that:
27
28

1. 1. Plaintiffs take nothing by their complaint and that said complaint and each cause of action therein be dismissed as to defendant;
2. 2. For defendants' cost of suit herein;
3. 3. For reasonable attorney's fees; and
4. 4. For such other relief the court deems proper.

WHEREFORE, having fully answered, defendant requests judgment that plaintiff take nothing by plaintiff's complaint and that defendant be dismissed with defendant's costs of suit.

Respectfully Submitted,

Dated: _____

Matilde Garelik

Defendant in Pro Per

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

STATE OF CALIFORNIA, COUNTY OF Santa Fe

I am employed in the County of Santa Fe,
State of California. I am over the age of Eighteen and not a party to the within action; my
personal address is:

On or about _____ I served the following document(s) described on the interested parties in this action as follows:

Answer to Complaint Case Number (:_____)

BY MAIL: I placed true copies of the foregoing document(s) enclosed in a sealed envelope

Addressed as shown above. I deposited the said envelope with the United States Postal

Service that same day in the ordinary course of business. Such envelope was placed for

collection and mailing with postage thereon fully prepaid at _____,

on that same day following Ordinary business practices. (Code Civ. Proc. §1013, subd. (a))

and 1013a(3).)

Address Mailed to:

1

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on _____ California
