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IN THE FIFTH JUDICIAL DISTRICT COURT,
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

MEHO CAMIL LIZDE and NADJA LIZDE,

Plaintiffs,

v.

JUSTIN S. LUTHER and NEW PRIME,
INC.,

Defendants.

**ANSWER TO COUNTERCLAIM AND
RELIANCE ON JURY DEMAND**

Case No. 150500339
Judge: John J. Walton

JUSTIN S. LUTHER and NEW PRIME,
INC.,

Counterclaimants,

v.

MEHO CAMIL LIZDE and NADJA LIZDE,
Counterclaim Defendants.

Counterclaim Defendants Meho Camil Lizde and Nadja Lizde ("the Lizdes")
hereby answer Justin S. Luther's Counterclaim Complaint and New Prime, Inc.'s
Counterclaim Complaint, and admit, deny, and allege as follows:

FIRST DEFENSE

The Counterclaim Complaints fails to state a cause of action against the Lizdes
upon which relief can be granted.

SECOND DEFENSE

In answering the allegations in consecutive order as alleged, the Lizdes admit, deny and allege as follows:

JUSTIN LUTHER COUNTERCLAIM COMPLAINT

PARTIES, JURISDICTION, AND VENUE

1. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 1 and therefore deny the same.
2. The Lizdes admit the allegations contained in paragraph 2.
3. The Lizdes admit the allegations contained in paragraph 3.
4. The Lizdes admit the allegations contained in paragraph 4.

STATEMENT OF FACTS

5. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 5 and therefore deny the same.
6. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 6 and therefore deny the same.
7. The Lizdes have insufficient information for form a belief as to the truthfulness of the allegations contained in paragraph 7 and therefore deny the same.

CAUSE OF ACTION

8. The Lizdes deny the allegations contained in paragraph 8 and its subparts a-g.
9. The Lizdes deny the allegations contained in paragraph 9.

DAMAGES

10. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 10 and therefore deny the same.

11. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 11 and therefore deny the same.

12. The Lizdes deny the allegations contained in paragraph 12.

PRAYER FOR RELIEF

13-14. In responding to the prayer for damages alleged by the Defendant/Counterclaimant Justin Luther, The Lizdes deny the prayer for relief as set forth, as well as any other relief as set forth in the prayer.

15. The Lizdes deny each and every allegation of Mr. Luther's Counterclaim Complaint not specifically admitted herein.

NEW PRIME, INC. COUNTERCLAIM COMPLAINT

PARTIES, JURISDICTION, AND VENUE

1. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 1 and therefore deny the same.

2. The Lizdes admit the allegations contained in paragraph 2.

3. The Lizdes admit the allegations contained in paragraph 3.

4. The Lizdes admit the allegations contained in paragraph 3.

STATEMENT OF FACTS

5. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 5 and therefore deny the same.

6. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 6 and therefore deny the same.

7. The Lizdes have insufficient information for form a belief as to the truthfulness of the allegations contained in paragraph 7 and therefore deny the same.

CAUSE OF ACTION

8. The Lizdes deny the allegations contained in paragraph 8 and its subparts h-n.

9. The Lizdes deny the allegations contained in paragraph 9.

DAMAGES

10. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 10 and therefore deny the same.

11. The Lizdes have insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 11 and therefore deny the same.

12. The Lizdes deny the allegations contained in paragraph 12

PRAYER FOR RELIEF

13-14. In responding to the prayer for damages alleged by the Defendant/Counterclaimant New Prime, Inc. The Lizdes deny the prayer for relief as set forth, as well as any other relief as set forth in the prayer.

15. The Lizdes deny each and every allegation of New Prime, Inc.'s Counterclaim Complaint not specifically admitted herein.

THIRD DEFENSE

As an affirmative defense, the Lizdes assert that to the extent Counterclaimants were negligent and/or at fault in a degree equal to or greater than the negligence and/or fault of the Lizdes, if any, that Counterclaimants' recovery is barred under Utah Comparative Negligence.

FOURTH DEFENSE

As an affirmative defense, the Lizdes allege that the accident and damages complained of were caused by the acts or omissions of other individuals or entities currently unknown to the Lizdes, or other events over which the Lizdes had no control or right of control.

FIFTH DEFENSE

As an affirmative defense, the Lizdes allege they are liable, if at all, only for their proportionate share of the fault.

SIXTH DEFENSE

As an affirmative defense, the Lizdes allege that the Counterclaimants have failed to state any claim for special damages with sufficient specificity under Utah R. Civ. P. 9(g).

SEVENTH DEFENSE

The Counterclaimants have a duty to mitigate their damages. Should discovery demonstrate a failure on Counterclaimants' part to do so, the Lizdes reserve the right to assert failure to mitigate damages as a separate and affirmative defense at the trial of this matter.

EIGHTH DEFENSE

As an affirmative defense, Discovery may reveal that the cause of Counterclaimants' alleged damages was the negligence or fault of others over whom the Lizdes has no control, including the Counterclaimants, or persons or entities not yet named in this action. Accordingly, the Lizdes specifically give notice of their intent to seek for apportionment of fault against any person or entity who is currently, and may in the future be added as, a party in this action, and any person or entity found to have been at fault for causing the alleged damages that are the subject of Counterclaimants Counterclaim Complaint.

NINTH DEFENSE

The Lizdes reserve the right to raise additional affirmative defenses which are not yet known, but which may become known through further discovery.

RELiance ON JURY DEMAND

The Lizdes hereby state their intent to rely upon the jury demand and payment for said jury submitted by Counterclaimants in this matter. If for whatever reason that demand is revoked or found to be invalid, the Lizdes respectfully reserve the right to request a jury and deem the request by Counterclaimants to be their own and to have all issues tried before a jury.

WHEREFORE, having fully answered the Counterclaimants Counterclaim Complaints, the Lizdes pray that the complaints be dismissed, that the Lizdes be awarded its costs of court, and such other and further relief as the Court deems just and equitable.

DATED this 2nd day of September, 2015.

PLANT, CHRISTENSEN & KANELL



Stewart B. Harman
Attorney for Counterclaim Defendant Meho
Camil and Nadja Lizde

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served, through the Utah District Court E-filing System on the 2nd day of September, 2015, to the following:

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