



CV 01 05311 #00000014

The Honorable J Kelley Arnold

Received From SEATTLE  
FEB 20 2002

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FEB 15 2002 KN

AT SEATTLE  
CLERK U S DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT  
OF WASHINGTON AT TACOMA

KENNETH L. JARAMILLO, individually  
and as Personal Representative of the Estates  
of ANGELA L JARAMILLO and McKENNA  
LEE JARAMILLO, GERALD R TARUTIS as  
guardian ad litem for RILEY R  
JARAMILLO, a minor; and BRADFORD J  
FULTON as guardian ad litem for SAWYER  
D. JARAMILLO a minor,

Plaintiff,

v

FORD MOTOR COMPANY, a Delaware  
corporation,

Defendant.

NO C01-531(FDB) JKA

DEFENDANT FORD MOTOR  
COMPANY'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
AMENDED COMPLAINT FOR  
WRONGFUL DEATH AND  
PERSONAL INJURY -  
CRASHWORTHINESS -  
PRODUCT LIABILITY

ANSWER

Ford Motor Company (hereinafter "Ford"), through its attorneys, Mills  
Meyers Swartling, answers plaintiffs' Amended Complaint for Wrongful Death

DEFENDANT FORD MOTOR COMPANY'S  
ANSWER AND AFFIRMATIVE DEFENSES  
TO AMENDED COMPLAINT - 1

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
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ORIGINAL

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1 and Personal Injury - Crashworthiness - Product Liability ("the Complaint") as  
2 follows.  
3

4 **I. PARTIES**

5 1.1 The court record reflecting the letters of administration issued by  
6 the Superior Court of Mason County on October 17, 2000 speaks for itself Ford is  
7 without sufficient information to form a belief as to the truth of the remaining  
8 allegations of Paragraph 1.1 of the Complaint, and therefore denies them  
9

10 1.2 The court record reflecting appointment of the guardian ad litem  
11 for Riley R Jaramillo by the Superior Court of Washington for Pierce County  
12 dated November 15, 2000 speaks for itself Ford is without sufficient information  
13 to form a belief as to the truth of the remaining allegations of Paragraph 1.2 of  
14 the Complaint, and therefore denies them  
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16 1.3 The court record reflecting the appointment of the guardian ad  
17 litem for Sawyer D. Jaramillo by the Superior Court of Washington for Pierce  
18 County dated November 15, 2000 speaks for itself. Ford is without sufficient  
19 information to form a belief as to the truth of the remaining allegations of  
20 Paragraph 1.3 of the Complaint, and therefore denies them  
21

22 1.4 Ford admits the allegations of Paragraph 1.4 of the Complaint.

23 1.5 Ford is without sufficient information to form a belief as to the  
24 truth of the allegations to Paragraph 1.5 of the Amended Complaint, and  
25 therefore denies the same  
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DEFENDANT FORD MOTOR COMPANY'S  
ANSWER AND AFFIRMATIVE DEFENSES  
TO AMENDED COMPLAINT - 2

LAW OFFICES OF  
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2 43 Ford denies the allegations of Paragraph 43 of the Amended  
3 Complaint and denies that it has the burden of proof under Washington law.

4 **V. CAUSATION AND DAMAGES**

5 5.1 Ford denies the allegations of Paragraph 5.1, including  
6 subparagraphs A-F, of the Complaint

7  
8 5.2 Ford denies the allegations of Paragraph 5.2 to the extent such  
9 allegations are pled against Ford, including subparagraphs A-F, of the Complaint  
10 By way of further answer, Ford is without sufficient information to form a belief  
11 as to the truth of the allegations of Paragraph 5.3, including subparagraph A - F of  
12 the Complaint to the extent such allegations are pled against Dorel Industries,  
13 Inc., and therefore denies the same

14 5.3 Ford denies the allegations of Paragraph 5.3 of the Complaint

15 5.4 Ford denies the allegations of Paragraph 5.4 of the Complaint

16 5.5 Ford denies the allegations of Paragraph 5.5 of the Complaint

17  
18 **AFFIRMATIVE DEFENSES**

19 By way of further answer, Ford asserts the following affirmative defenses

20 1. Some or all of plaintiffs' injuries and damages may have been caused  
21 or contributed to by the fault of Angela L. Jaramillo, in which case any judgment  
22 against Ford should be reduced proportionately

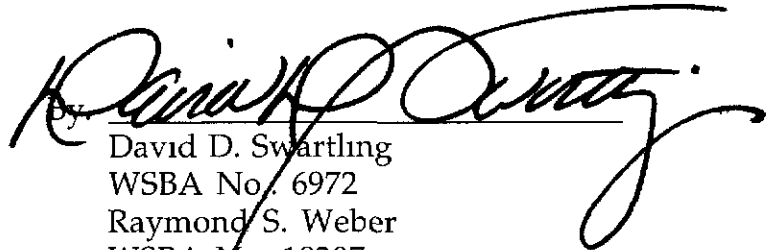
23 2. Plaintiffs' injuries and damages may have been caused or contributed  
24 to by the fault of other persons or parties not acting in concert with Ford,  
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C Such other and further relief in favor of Ford as may be deemed just and equitable.

DATED February 15, 2002


MILLS MEYERS SWARTLING  
Attorneys for the defendant Ford Motor Company

by 

David D. Swartling  
WSBA No. 6972  
Raymond S. Weber  
WSBA No 18207  
Caryn Geraghty Jorgensen  
WSBA No 27514

**CERTIFICATION**

I hereby certify that on 2-15-02, I [ ] deposited in the mails of the United States of America, [X] placed with legal messengers, [ ] faxed a copy of the document to which this certification is attached for delivery to all counsel of record

  
Amelia S Dorris  
Mills Meyers Swartling