

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Kelly Forrester, Sonya Bolen, and
Stephanie Watson, Individually and as
Class Representative,

Plaintiffs,

vs.

La Carreta, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

FOR THE FIRST JUDICIAL CIRCUIT

CASE NO.: 2019-CP-18-00234

**DEFENDANT'S ANSWER
TO COMPLAINT
(Jury Trial Demanded)**

**TO: PIERCE, SLOAN, WILSON, KENNEDY & EARLY LLC, ATTORNEYS FOR
PLAINTIFF**

The Defendant, La Carreta, Inc. ("Defendant"), answering the Complaint of the Plaintiffs, Kelly Forrester, Sonya Bolen, and Stephanie Watson, Individually and as Class Representative ("Plaintiffs"), and responding as follows:

FOR A FIRST DEFENSE

1. Defendant admits the allegations in Paragraphs 1, 2, 3, 4, and 5 of the Complaint.
2. Defendant denies the allegations in Paragraphs 6 and 7 of the Complaint.
3. Responding to Paragraph 8 of the Complaint, Defendant denies that Plaintiffs' alleged illnesses or other injuries arose from food consumed at the restaurant.
4. Defendant denies the allegations in Paragraph 9 of the Complaint.
5. Defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraphs 10 and 11 of the Complaint.
6. Defendant denies the allegations in Paragraph 12 of the Complaint.

7. Defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraphs 13, 14, 15, 16, and 17 of the Complaint.

8. Plaintiffs set forth legal conclusions in Paragraph 18 of the Complaint to which no response is required.

9. Defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraphs 19 and 20 of the Complaint.

10. Defendant denies the allegations in Paragraph 21 of the Complaint.

11. Defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint.

12. Responding to Paragraph 23 of the Complaint, Defendant incorporates its previous responses as if stated herein verbatim.

13. Defendant admits the allegations in Paragraphs 24, 25, and 26 of the Complaint.

14. Defendant denies the allegations in Paragraphs 27, 28, 29, and 30 of the Complaint.

15. Responding to Paragraph 31 of the Complaint, Defendant incorporates its previous responses as if stated herein verbatim.

16. Defendant denies the allegations in Paragraphs 32, 33, and 34 of the Complaint.

17. Responding to Paragraph 35 of the Complaint, Defendant incorporates its previous responses as if stated herein verbatim.

18. Defendant denies the allegations in Paragraphs 36, 37, 38, and 39 of the Complaint.

19. Responding to Paragraph 40 of the Complaint, Defendant incorporates its previous responses as if stated herein verbatim.

20. Responding to Paragraphs 41, 42, 43, 44, 45, 46, and 47 of the Complaint, Defendant admits only that it impliedly warranted its food was wholesome, merchantable and fit for human consumption. Defendant lacks sufficient knowledge and information to form a belief as to existence of any express warranty. Defendant denies the remaining allegations concerning violation of those implied warranties and causation of Plaintiffs' alleged injuries and damages.

21. Responding to the Paragraph beginning "WHEREFORE," Defendant denies that Plaintiff is entitled to the requested relief or any other relief from this Defendant.

22. Except as specifically admitted above, Defendant denies every allegation of the Complaint.

FOR A SECOND DEFENSE
(Reliance on Other Defenses)

23. Defendant intends to rely on other affirmative defenses that may become apparent during the course of discovery, and Defendant reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, having fully answered the Complaint, Defendant prays for a trial by jury and that Plaintiffs' Complaint be dismissed, together with the costs and disbursements of this action, and for such other and further relief as this Court may deem just and proper.

CLAWSON and STAUBES, LLC

s/ Penn W. Ely

Penn W. Ely

Bar No.: 100604

John L. McDonald, Jr.

Bar No.: 12019

Jessica L. Salerno

Bar No.: 101064

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

Phone: (843) 577-2026

Fax: (843) 722-2867

Email: pely@clawsonandstaubes.com

Attorneys for Defendant