

Hagele

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8 Attorneys for Defendant Brent Hanson

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SACRAMENTO

-000-

11 GLENN HAGELE,) Case No. 06AS00839
12 Plaintiff,) ANSWER TO COMPLAINT
13 v.)
14 BRENT HANSON, and DOES 1 through 20,)
15 Defendants.)

16
17 COMES NOW Defendant, BRENT HANSON, and answering the Complaint of Plaintiff on file
18 herein, admits, denies and alleges as follows:
19

20 I
21 GENERAL DENIAL

22 Defendant denies, generally and specifically, each and all and every, of the allegations contained
23 in Plaintiff's Complaint on file herein, and in each and every cause of action therein contained, and
24 further denies that Plaintiff was damaged in any sum or sums at all, as alleged in said Complaint, or
25 otherwise.
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1
2 AFFIRMATIVE DEFENSES

3 II

4 That Plaintiff's injuries and damages, if any, were caused in whole or in part by the comparative
5 fault of others, for which this answering Defendant is not liable.
6

7 III

8 That Plaintiff failed to exercise reasonable diligence so as to mitigate the damages, if any,
9 alleged in the Complaint, and said conduct was the sole and proximate cause of said injuries and
10 damages, if any.

11 IV

12 That said Complaint does not state facts sufficient to constitute a cause of action against this
13 answering Defendant.
14

15 V

16 That Plaintiff was negligent in some percentage compared to that of Defendant, and said
17 negligence contributed proximately to Plaintiff's injuries and damages, if any.

18 VI

19 That the liability of this answering Defendant, if any, is limited pursuant to the provisions of
20 Civil Code § 1430, et seq.
21

22 VII

23 That the Complaint fails to state facts sufficient to constitute a cause of action for punitive
24 damages against this answering Defendant.

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VIII

That any recovery relating to defamation or slander is barred on the grounds that any implied or expressed statements alleged in the complaint were true when stated, were published without malice, were privileged and justified, and were not communicated to a substantial number of persons.

IX

That to the extent that Plaintiff's claims are based on alleged statements or communications made by Defendant, such claims are barred on the grounds that the acts and words of Defendant are protected and privileged by the free speech provisions of the United States and California Constitutions.

X

That any causes of action relating to defamation or slander are barred on the grounds that any implied or expressed statements alleged in the Complaint were based on opinion.

XI

That any causes of action relating to defamation or slander are barred by reason of the truthfulness of any statement alleged to have been made by Defendant.

XII

That as to the causes of action for defamation or slander, any statements attributable to Defendant were made in good faith, and without malice.

XIII

That Plaintiff's allegations that Defendant defamed or slandered him are barred by the privileges set forth at California Civil Code Section 47, et seq.

XIV

As to Plaintiff's causes of action for defamation or slander, any alleged communications made by Defendant were privileged under Civil Code Section 47(3), as such communications were made without malice to persons interested in such communication, and such communications were not

1 motivated by ill will or malice, but were made innocently, and made to persons interested in obtaining
2 such information.

3
4 **XV**

5 That Plaintiff's Complaint, and each cause of action contained therein, is barred by virtue of
6 Plaintiff's own fault and misconduct. Plaintiff is guilty of unclean hands, and are therefore barred from
7 seeking the relief sought in his Complaint.

8 **XVI**

9 That Plaintiff's Complaint, and each cause of action contained therein, constitutes a strategic
10 lawsuit against public participation (SLAPP) within the meaning of CCP §425.16. Accordingly,
11 Defendant is entitled to the benefits and remedies set forth within CCP §425.16, including dismissal of
12 Plaintiff's action, and recovery of costs and attorney's fees.

13
14 **XVII**

15 That said Complaint fails to state facts sufficient to constitute a cause of action in that each
16 cause of action is barred by the applicable statute of limitations, including but not limited to, the statute
17 of limitations as set forth in Code of Civil Procedure §§ 340 and 335.1.

18
19 **XVIII**

20 This answering Defendant reserves the right to assert additional affirmative defenses as deemed
21 appropriate, as discovery so indicates.

22 **XIX**

23 **WHEREFORE**, Defendant prays that Plaintiff take nothing by way of his Complaint
24 on file herein; for costs of suit incurred herein; for attorneys fees; and for such other and further relief as
25

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27 ///

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1 the Court deems just and proper.

2 Dated: February 2, 2007

CAULEFIELD DAVIES & DONAHUE, LLP

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By: _____
JAMES R. DONAHUE
Attorney for Defendant Brent Hanson

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RE: Hagele v. Hanson, et al.

Sacramento County Superior Court Case No. 06AS00839

CERTIFICATE OF SERVICE

I am a citizen of the United States, over 18 years of age, employed in the County of Sacramento, and not a party to the within action. My business address is 80 Iron Point Circle, Suite 105, Folsom, California 95630-8574.

On January 8, 2007, I served the within, ANSWER TO COMPLAINT on the following parties in said action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

PLAINTIFF'S ATTORNEY:

K. Greg Peterson, Esq.
Law Offices of K. Greg Peterson
1716 L Street
Sacramento, CA 95814
(916) 443-3010
(916) 492-2680 (fax)

- (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Folsom, California. I am familiar with my firm's practice whereby the mail is given the appropriate postage and is placed in a designated area to be deposited in a U.S. mail box in Folsom, California in the ordinary course of business.
- (BY FACSIMILE/TELECOPIER/MAIL) I personally sent to the addressee's telecopier number (noted above) a true copy of the above-described documents. On this same date, I caused a true copy to be placed in the U.S. mail at Folsom, California.
- (BY PERSONAL SERVICE) I delivered by hand to addressee at the address listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on January 8, 2007, at Folsom, California.



Kelly Donnel