

STATE OF MAINE
KNOX, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO: CV-98-035

ANTOINETTE WALTER)

Plaintiff)

vs.)

WAL-MART STORES, INC.)

Defendant)

ANSWER TO PLAINTIFF'S
COMPLAINT AND DEMAND
FOR JURY TRIAL

NOW COMES Defendant Wal-Mart Stores, Inc. (hereinafter referred to as "Wal-Mart") and answers Plaintiff's Complaint and Demand for Jury Trial as follows:

1. Defendant Wal-Mart admits the allegations contained in Paragraph 1 of Plaintiff's Complaint.
2. Defendant Wal-Mart admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.
3. Defendant Wal-Mart has insufficient information with which to form a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiff's Complaint and, therefore, denies same.
4. Defendant Wal-Mart denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.
5. Defendant Wal-Mart denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.
6. Defendant Wal-Mart denies the allegations contained in Paragraph 6 of Plaintiff's Complaint.
7. Defendant Wal-Mart admits the allegations contained in Paragraph 7 of Plaintiff's Complaint.

WHEREFORE, Defendant Wal-Mart respectfully requests that Plaintiff's Complaint be dismissed and for its costs and for such other relief the Court deems just and appropriate.

AFFIRMATIVE DEFENSES

1. The Plaintiff's Complaint fails to state a claim upon which relief may be granted.
2. The negligence of the Plaintiff was equal to or greater than the alleged negligence of the Defendant.
3. The Plaintiff's claim is barred by the doctrine of mitigation of damages.

Dated at Portland, Maine, this 28th day of May, 1998.



Mark V. Franco, Esq.

Attorney for Defendant Wal-Mart Stores, Inc.

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