

IN THE CIRCUIT COURT OF LEWIS COUNTY, WEST VIRGINIA

**STEPHEN R. PETERS AND JANE WOOFER,
STEPHEN R. PETERS AND DELLA JANE WOOFER**

Plaintiffs,

v.

CIVIL ACTION NO: 14-C-36

**J&J LAND PROPERTIES, LLC.
A West Virginia Corporation,**

Defendants.

ANSWER

The Defendant by and through counsel, without waiving any defenses, responds to the Complaint in this case as follows:

FIRST DEFENSE

The Complaint as filed fails to state a claim against the Defendant upon which relief can be granted.

SECOND DEFENSE

The Complaint fails to state or set forth sufficient facts which would entitle the Plaintiff to injunctive relief for, inter alia, the following reasons:

1. The Plaintiff has an adequate remedy at law.
2. The alleged injuries and damages claimed by the Plaintiff are not irreparable.
3. The Plaintiff does not have clean hands in order to petition this court for equitable relief in the form of an injunction.

THIRD DEFENSE

The Complaint fails to allege any duty on the part of the Defendant toward the Plaintiff and further fails to allege the breach of any such duty which proximately resulted in damages or injury to the Plaintiff.

FOURTH DEFENSE

The Defendant was not guilty of any negligence proximately causing or contributing to the damages allegedly sustained by the Plaintiff.

FIFTH DEFENSE

Any alleged damages or injuries resulting to the Plaintiff are solely the result of the negligence of a party or parties other than the Defendant.

SIXTH DEFENSE

The Plaintiff himself proximately caused the injuries and damages complained of.

SEVENTH DEFENSE

The injuries and damages alleged were caused by unforeseeable, superseding and/or intervening causes for which the Defendant is not liable.

EIGHTH DEFENSE

The Defendant denies that it is indebted to or liable to the Plaintiff for any sum whatsoever.

NINTH DEFENSE

The Plaintiff is barred by the doctrine of waiver from asserting any claim or claims against the Defendant.

TENTH DEFENSE

The Plaintiff is barred by the doctrine of laches from asserting any claim or claims against the Defendant.

ELEVENTH DEFENSE

The Defendant at all times in question was acting in good faith with a reasonable belief in the lawfulness of its actions.

TWELFTH DEFENSE

The damages of which the Plaintiff complains were not the proximate result of any acts of omission or commission on the part of the Defendant.

THIRTEENTH DEFENSE

1. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 1 of the Complaint and, therefore denies the same and demands strict proof thereof.

2. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 2 of the Complaint and, therefore denies the same and demands strict proof thereof.

3. This Defendant admits the allegations contained in Paragraph 3 of the Complaint.

4. This Defendant states that the allegations in Paragraph 4 are statements of law to which no response is required.

5. This Defendant cannot admit or deny the allegations contained in Paragraph 5 as stated, as the Deed and the Public Records of Lewis County speaks for themselves. To the extent a response is required, this Defendant denies the same and demands strict

proof thereof.

6. This Defendant cannot admit or deny the allegations contained in Paragraph 6 as stated as the Deed and the Public Records of Lewis County speaks for themselves. To the extent a response is required, this Defendant denies the same and demands strict proof thereof.

7. This Defendant cannot admit or deny the allegations contained in Paragraph 7 as stated as the Deed and the Public Records of Lewis County speaks for themselves. To the extent a response is required, this Defendant denies the same and demands strict proof thereof.

8. This Defendant cannot admit or deny the allegations contained in Paragraph 8 as stated as the Deed and the Public Records of Lewis County speaks for themselves. To the extent a response is required, this Defendant denies the same and demands strict proof thereof.

9. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 9 of the Complaint and, therefore denies the same and demands strict proof thereof.

10. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 10 of the Complaint and, therefore denies the same and demands strict proof thereof.

11. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 11 of the Complaint and, therefore denies the same and demands strict proof thereof.

12. This Defendant is without knowledge as to the truth of the allegations

contained in Paragraph 12 of the Complaint and, therefore denies the same and demands strict proof thereof.

13. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 13 of the Complaint and, therefore denies the same and demands strict proof thereof.

14. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 14 of the Complaint and, therefore denies the same and demands strict proof thereof.

15. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 15 of the Complaint and, therefore denies the same and demands strict proof thereof.

16. This Defendant denies the allegations contained in Paragraph 16 of the Complaint and demands strict proof thereof.

17. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 17 of the Complaint and, therefore denies the same and demands strict proof thereof.

18. This Defendant is without knowledge as to the truth of the allegations contained in Paragraph 18 of the Complaint and, therefore denies the same and demands strict proof thereof.

19. This Defendant denies the allegations contained in Paragraph 19 of the Complaint and demands strict proof thereof.

20. This Defendant denies the allegations contained in Paragraph 20 of the Complaint and demands strict proof thereof.

21. This Defendant denies the allegations contained in Paragraph 21 of the Complaint and demands strict proof thereof.

22. This Defendant denies the allegations contained in Paragraph 22 of the Complaint and demands strict proof thereof.

23. This Defendant denies the allegations contained in Paragraph 23 of the Complaint and demands strict proof thereof.

24. This Defendant denies the allegations contained in Paragraph 24 of the Complaint and demands strict proof thereof.

25. This Defendant denies the allegations contained in Paragraph 25 of the Complaint and demands strict proof thereof.

26. This Defendant denies the allegations contained in Paragraph 26 of the Complaint and demands strict proof thereof.

27. This Defendant denies the allegations contained in Paragraph 27 of the Complaint and demands strict proof thereof.

28. This Defendant denies the allegations contained in Paragraph 28 of the Complaint and demands strict proof thereof.

29. This Defendant denies the allegations contained in Paragraph 29 of the Complaint and demands strict proof thereof.

30. This Defendant denies the allegations contained in Paragraph 30 of the Complaint and demands strict proof thereof.

31. This Defendant denies the allegations contained in Paragraph 31 of the Complaint and demands strict proof thereof.

32. This Defendant denies the allegations contained in Paragraph 32 of the

Complaint and demands strict proof thereof.

33. This Defendant denies the allegations contained in Paragraph 33 of the Complaint and demands strict proof thereof.

34. This Defendant denies the allegations contained in Paragraph 34 of the Complaint and demands strict proof thereof.

35. This Defendant denies the allegations contained in Paragraph 35 of the Complaint and demands strict proof thereof.

36. This Defendant denies the allegations contained in Paragraph 36 of the Complaint and demands strict proof thereof.

37. This Defendant denies the allegations contained in Paragraph 37 of the Complaint and demands strict proof thereof.

38. This Defendant denies the allegations contained in Paragraph 38 of the Complaint and demands strict proof thereof.

39. This Defendant denies the allegations contained in Paragraph 39 of the Complaint and demands strict proof thereof.

40. This Defendant states that the allegations in Paragraph 40 are statements of law to which no response is required.

41. This Defendant states that the allegations in Paragraph 41 are statements of law to which no response is required.

COUNT I

42. This Defendant reincorporates and realleges by reference its answers to the allegations contained in Paragraph 1 through 41 of the Complaint as it fully set forth herein.

43. This Defendant denies the allegations contained in Paragraph 43 of the

Complaint and demands strict proof thereof.

44. This Defendant denies the allegations contained in Paragraph 44 of the Complaint and demands strict proof thereof.

45. This Defendant denies the allegations contained in Paragraph 45 of the Complaint and demands strict proof thereof.

46. This Defendant denies the allegations contained in Paragraph 46 of the Complaint and demands strict proof thereof.

47. This Defendant denies the allegations contained in Paragraph 47 of the Complaint and demands strict proof thereof.

COUNT II

48. This Defendant reincorporates and realleges by reference its answers to the allegations contained in Paragraph 1 through 47 of the Complaint as it fully set forth herein.

49. This Defendant cannot admit or deny the allegations contained in Paragraph 49 as stated, as the Deed and the Public Records of Lewis County speaks for themselves. To the extent a response is requested, this Defendant denies the same and demands strict proof thereof.

COUNT III

50. This Defendant reincorporates and realleges by reference its answers to the allegations contained in Paragraph 1 through 49 of the Complaint as it fully set forth herein.

51. This Defendant denies the allegations contained in Paragraph 51 of the Complaint and demands strict proof thereof.

52. This Defendant denies the allegations contained in Paragraph 52 of the Complaint and demands strict proof thereof.

53. This Defendant denies the allegations contained in Paragraph 53 of the Complaint and demands strict proof thereof.

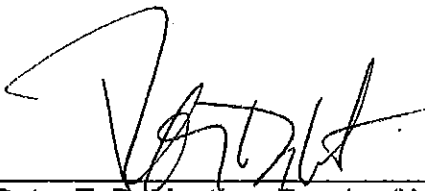
54. This Defendant denies the allegations contained in Paragraph 54 of the Complaint and demands strict proof thereof.

55. This Defendant denies the allegations contained in Paragraph 55 of the Complaint and demands strict proof thereof.

This Defendant denies that Plaintiff is entitled to the relief sought in subparagraphs A-D of the wherefore clause.

WHEREFORE, the Defendant demands that the Complaint filed against it be dismissed and that it recover its costs expended in the defense of this civil action.

**J&J LAND PROPERTIES, LLC
BY COUNSEL**



Peter T. DeMasters, Esquire (W. Va. State Bar No. 7153)
FLAHERTY SENSABAUGH BONASSO PLLC
48 Donley Street, Suite 501
Morgantown, WV 26501
(304) 598-0788
Counsel for Defendant

IN THE CIRCUIT COURT OF LEWIS COUNTY, WEST VIRGINIA

STEPHEN R. PETERS AND JANE WOOFER,
STEPHEN R. PETERS AND DELLA JANE WOOFER

Plaintiffs,

v.

CIVIL ACTION NO: 14-C-36

J&J LAND PROPERTIES, LLC.
A West Virginia Corporation,

Defendants.

CERTIFICATE OF SERVICE

I Peter T. DeMasters, Esquire hereby certify that I served the foregoing **ANSWER** upon the following parties on the 30th day of April, 2014, by mailing a true copy thereof, United States mail, postage prepaid, to the following attorneys of record:

Shannon R. Thomas, Esquire
456 Center Avenue
Weston, WV 26452
Counsel for Plaintiffs



Peter T. DeMasters, Esquire
West Virginia State Bar No. 7153

I. STYLE OF CASE: IN THE CIRCUIT COURT OF LEWIS COUNTY, WEST VIRGINIA

PLAINTIFF: Stephen R. Peters and Jane Woofter, Stephen R. Peters and Della Jane Woofter	CASE NUMBER:
DEFENDANT: J&J Land Properties, LLC, A West Virginia Corporation	14-C-36

II. TYPE OF CASE:

TORTS	OTHER	CIVIL
<input type="radio"/> Asbestos	<input type="radio"/> Adoption	<input type="radio"/> Appeal from Magistrate Court
<input type="radio"/> Professional Malpractice	<input type="radio"/> Contract	<input type="radio"/> Petition for Modification of Magistrate Sentence
<input type="radio"/> Personal Injury	<input type="radio"/> Real Property	<input checked="" type="radio"/> Miscellaneous Civil
<input type="radio"/> Product Liability	<input type="radio"/> Mental Health	<input type="radio"/> Other
<input type="radio"/> Other Tort	<input type="radio"/> Appeal of Administrative Agency	<input type="radio"/>

III. JURY DEMAND: ☐ Yes ☐ No

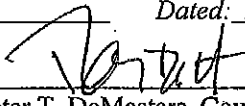
CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR) APRIL 2015

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE ☐ YES ☒ NO

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

Attorney Name: Peter T. DeMasters, Esquire Representing:
Firm: Flaherty Sensabaugh Bonasso PLLC ☐ Plaintiff ☒ Defendant, J&J Land Properties, LLC
Address: 48 Donley Street, Suite 501, Morgantown, WV 26501 ☐ Cross-Complainant ☐ Third-Party Defendant.
Telephone: (304) 598-0788 Dated: April 30, 2014


Peter T. DeMasters, Counsel for Defendant
J&J Land Properties, LLC

☐ Pro Se