

FILED
San Francisco County Superior Court

JAN 16 2007

GORDON PARKER, Clerk
BY:  Deputy Clerk

FATHER MICHAEL RYMER
P.O. Box 439
Manton, CA 96059
Telephone: (530) 474-5964
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Defendant in pro per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

JOHN DOE, an incompetent person by and
through his Guardian Ad Litem, WILLIAM B.
HIRSCH,

Plaintiff,

vs.

THE GREEK ORTHODOX METROPOLIS OF
SAN FRANCISCO, a nonprofit corporation,
FR. MICHAEL RYMER and ROES 1-10,
inclusive,

Defendants.

Case No. CGC 06452168

ANSWER TO COMPLAINT

Complaint Filed: May 11, 2006

BY FAX

Defendant FATHER MICHAEL RYMER, appearing in pro per, in answer to Plaintiff's
Complaint.

1. Denies generally each and every allegation of Plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

(Statute of Limitations)

2. As a First, separate, and affirmative defense to the Complaint of Plaintiff, this
answering Defendant alleges that the action is barred in whole or in part by the provisions of the
applicable statutes of limitations.

SECOND AFFIRMATIVE DEFENSE**(Estoppel)**

3. As a Second, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff, by virtue of Plaintiff's acts and omissions, is estopped from asserting any of the claims upon which Plaintiff now seeks relief.

THIRD AFFIRMATIVE DEFENSE**(Negligence of Plaintiff)**

4. As a Third, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that at the time and place of the incident herein alleged, Plaintiff did not exercise ordinary care, caution, or prudence to avoid the incident of which he complains, and that said incident and damages, if any, resulting therefrom were proximately caused and contributed to by the negligence of Plaintiff.

FOURTH AFFIRMATIVE DEFENSE**(Negligence of Third Parties)**

5. As a Fourth, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that any damage to Plaintiff or any other party was caused solely by the negligence of parties other than the Defendant.

FIFTH AFFIRMATIVE DEFENSE**(Assumption of Risk)**

6. As a Fifth, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff voluntarily, knowingly and reasonably accepted the risk involved in the alleged incident.

SIXTH AFFIRMATIVE DEFENSE**(Laches)**

7. As a Sixth, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff has neglected to assert a right in a timely manner and is barred from asserting any of the claims upon which Plaintiff now seeks relief.

SEVENTH AFFIRMATIVE DEFENSE**(Mitigation of Damages)**

8. As a Seventh, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff failed to exercise reasonable care and diligence to mitigate Plaintiff's damages, if any.

EIGHTH AFFIRMATIVE DEFENSE**(Failure to State a Cause of Action)**

9. As an Eighth, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff has failed to state a cause of action.

NINTH AFFIRMATIVE DEFENSE**(Waiver)**

10. As a Ninth, separate, and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff has waived all rights and is now barred from asserting any of the claims upon which Plaintiff now seeks relief.

TENTH AFFIRMATIVE DEFENSE**(Consent)**

11. As a Tenth, separate and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that any and all of Defendant's activities were conducted with the consent of Plaintiff at all times.

ELEVENTH AFFIRMATIVE DEFENSE**(Unclean Hands)**

12. As an Eleventh, separate and affirmative defense to the Complaint of Plaintiff, this answering Defendant alleges that Plaintiff has failed to act with clean hands in the matters raised in the complaint, and accordingly is barred from recovering from Defendant.

CONCLUDING PRAYER

WHEREFORE, this answering Defendant prays that Plaintiff take nothing by reason of the Complaint herein; and that Defendant has and recovers judgment for costs of suit incurred, including

1 reasonable attorneys' fees, and for such other and further relief that the Court may deem just and
2 proper.

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4 Dated: January 16, 2007

Father Michael A. Rymer
FATHER MICHAEL RYMER
In pro per

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Answer to Complaint

PROOF OF SERVICE
CCP 1013a

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 509 W. Weber Avenue, Stockton, California 95203. On January 16, 2007 I served the within documents:

ANSWER TO COMPLAINT



(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.



(BY PERSONAL SERVICE) I delivered such envelope by hand to the address(es) shown below.



(BY FACSIMILE MACHINE) I sent such document from facsimile machine (209) 948-4910 on _____. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (209) 948-4910 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below



(BY FEDERAL EXPRESS) Having placed the document in an envelope(s) or package(s) designated by Federal Express with delivery fees paid or provided for, addressed as stated below, I deposited the envelope(s) or package(s) in a box or other facility regularly maintained by Federal Express or delivered the envelope(s) or package(s) to a courier or driver authorized by Federal Express to receive documents.

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(Attorneys for Defendant, The Greek Orthodox Metropolis of San Francisco)

1 I declare under penalty of perjury under the laws of the State of California that the above is
2 true and correct.

3 Executed this 16th day of January 2007, at Stockton, California.

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5 CARY NUNES
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