

1 Dina Adham, Esq. (SBN 203048)
Law Offices of Dina Adham
2 1230 Rosecrans Avenue, Suite 300, PMB 698
Manhattan Beach, CA 90266
3 Tel: (310) 384-0843
4 Email: dadham@adhamlawgroup.com

5 Attorneys for Defendant
OC HELICOPTERS, LLC

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – VAN NUYS**
10

11 MATTHEW MAUSER, an individual and as
Successor in Interest to CHRISTINA
12 MAUSER; PENELOPE MAUSER, a minor,
by and through her Guardian MATTHEW
13 MAUSER; THOMAS MAUSER, a minor, by
and through his Guardian MATTHEW
14 MAUSER; IVY MAUSER, a minor, by and
through her Guardian MATTHEW MAUSER,
15

CASE NO. 20STCV14973
Assigned to the Honorable Virginia Keeny,
Dept. W

**OC HELICOPTERS, LLC'S ANSWER
TO COMPLAINT OF MATTHEW
MAUSER, ET AL.**

16 Plaintiffs,

17 v.

18 ISLAND EXPRESS HELICOPTERS, INC., a
California Corporations; ISLAND EXPRESS
19 HOLDING CORP., a California Corporations;
and DOES 1-50,

20 Defendants.
21
22
23
24
25
26
27
28

1 Defendant OC HELICOPTERS, LLC (“Defendant”), for itself and itself alone, answers
2 the Complaint filed by MATTHEW MAUSER, an individual and as Successor in Interest to
3 CHRISTINA MAUSER; PENELOPE MAUSER, a minor, by and through her Guardian
4 MATTHEW MAUSER; THOMAS MAUSER, a minor, by and through his Guardian
5 MATTHEW MAUSER; IVY MAUSER, a minor, by and through her Guardian MATTHEW
6 MAUSER (collectively “Plaintiffs”), as follows:

7 The Complaint in this matter being unverified, Defendant, pursuant to section 431.30(d)
8 of the Code of Civil Procedure, now files its General Denial to the unverified Complaint, and in
9 answering all the allegations contained therein, denies generally and specifically each cause of
10 action contained therein, and further denies that Plaintiffs have sustained or will sustain
11 damages in the sums alleged, or in any other sum or sums, or at all because of Defendant’s
12 conduct.

13 For further and separate answers to Plaintiffs’ Complaint, and by way of affirmative
14 defenses, Defendant alleges as follows:

15 **FIRST AFFIRMATIVE DEFENSE**

16 Defendant is informed and believes, and based thereon alleges, that the Complaint, and
17 each cause of action therein, fails to state facts sufficient to constitute any cause of action.

18 **SECOND AFFIRMATIVE DEFENSE**

19 Defendant is informed and believes, and based thereon alleges, that Plaintiffs, or any of
20 them, are barred from obtaining relief because the injuries and damages allegedly sustained by
21 Plaintiffs, if any, were legally caused by the intervening and superseding actions of others,
22 which intervening and superseding actions bar or diminish Plaintiffs’ recovery, if any, against
23 this answering Defendant.

24 **THIRD AFFIRMATIVE DEFENSE**

25 Defendant is informed and believes, and based thereon alleges, that Plaintiffs’ damages,
26 if any, were actually and legally caused, in whole or in part, by the negligence or other fault of
27 third parties, persons, corporations, or entities, and, by reason thereby, Plaintiffs’ alleged
28

1 injuries and damages, if any, should be reduced according to the proportion of comparative
2 fault attributable to said third parties, persons, corporations, or entities.

3 **FOURTH AFFIRMATIVE DEFENSE**

4 Defendant is informed and believes, and based thereon alleges, that if Plaintiffs suffered
5 damages or injury as alleged in the Complaint, such damage and injury, if any, was the result of
6 the sole, primary, affirmative, and active negligence and/or fault of other named defendants
7 and/or other persons or entities not presently known to this answering Defendant, and
8 Defendant is thereby entitled to full indemnity and contribution from them.

9 **FIFTH AFFIRMATIVE DEFENSE**

10 Defendant is informed and believes, and based thereon alleges, that its acts, as it
11 pertains to the allegations contained in the Complaint, were reasonable, privileged, justified,
12 lawful, and undertaken in good faith compliance with all applicable laws, statutes, regulations,
13 and contractual obligations.

14 **SIXTH AFFIRMATIVE DEFENSE**

15 Defendant is informed and believes, and based thereon alleges, that Plaintiffs, or any of
16 them, are barred from obtaining relief because any duty or obligation allegedly owed to
17 Plaintiffs, contractual or otherwise, has been fully performed, satisfied, excused, and/or
18 discharged.

19 **SEVENTH AFFIRMATIVE DEFENSE**

20 Defendant is informed and believes, and based thereon alleges, that there is no causal
21 connection between the damages alleged in the Complaint and any act or omission attributable
22 to answering Defendant.

23 **EIGHTH AFFIRMATIVE DEFENSE**

24 Defendant is informed and believes, and based thereon alleges, that the Complaint, and
25 each cause of action therein, fails to the extent that Defendant was not the proximate cause or
26 legal cause of Plaintiffs' injury.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


WHEREFORE, Defendant prays:

1. That Plaintiffs take nothing by their Complaint;
2. That Defendant be awarded its costs of suit in defense of Plaintiffs' Complaint;
3. For such other and further relief as the Court deems proper.

Dated: November 4, 2020

LAW OFFICES OF DINA ADHAM

By:



DINA ADHAM
Attorney for Defendant
OC HELICOPTERS, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

1013a(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1230 Rosecrans Avenue, Suite 300, PMB 698, Manhattan Beach, California 90266. My address for electronic service is dadham@adhamlawgroup.com.

On the date below, I electronically served the foregoing document(s), described as

OC HELICOPTERS, LLC'S ANSWER TO COMPLAINT OF MATTHEW MAUSER, ET AL.

on each of the interested parties in this action by attaching the original a true and correct PDF copy thereof addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 4, 2020, at Redondo Beach, California.

Dina Adham


Signature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

<p>Brian Panish, Esq. Kevin Boyle, Esq. Spencer Lucas, Esq. PANISH SHEA & BOYLE LLP 11111 Santa Monica Boulevard, Suite 700 Los Angeles, CA 90025 (310) 477-1700 (310) 477-1699 panish@psblaw.com boyle@psblaw.com stumpf@psblaw.com</p> <p>Attorneys for Plaintiffs</p>	<p>Arthur I. Willner, Esq. LEADER BERKON COLAO & SILVERSTEIN, LLP 660 S. Figueroa, Suite 1150 Los Angeles, CA 90017 (213) 234-1750 awillner@leaderberkon.com</p> <p>Raymond L. Mariani, Esq. LEADER BERKON COLAO & SILVERSTEIN, LLP 630 Third Avenue, Floor 17 New York, NY 10017 rmariani@leaderberkon.com</p> <p>Attorneys for Defendant Berge Zobayan as successor in interest for Ara George Zobayan</p> <p>Ross Cunningham, Esq. Don Swaim, Esq. D. Todd Parrish, Esq.</p> <p>CUNNINGHAM SWAIM, LLP 4015 Main Street, Suite 200 Dallas, Texas 75226 (214) 646-1495 rcunningham@cunninghamswaim.com dswaim@cunninghamswaim.com tparrish@cunninghamswaim.com</p> <p>Michael J. Terhar, Esq, CUNNINGHAM SWAIM, LLP 2 N. Lake Avenue, Suite 550 Pasadena, CA 91101 mterhar@cunninghamswaim.com</p> <p>Attorneys for Island Express Helicopters, Inc. and Island Express Holding Corp.</p>
---	--