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STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

13 Deputy District Attorney MICHELE
HANISEE, an individual,

14 Plaintiff,

15 v.

16 STATE OF CALIFORNIA; and DOES 1
17 through 25, inclusive,

18 Defendants.

Case No. 23STCV07718

(Assigned for all Purposes to the
Honorable Upinder S. Kalra)

**DEFENDANT STATE OF
CALIFORNIA'S ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date Action Filed: April 7, 2023
Trial Date: None

1 Defendant State of California (“Defendant”) hereby answers the First Amended
2 Complaint of Plaintiff Michele Hanisee (“Plaintiff”) as follows:

3 1. Pursuant to section 431.30, subdivision (d) of the Code of Civil Procedure,
4 Defendant generally denies each and every allegation contained in the First Amended Complaint,
5 and specifically denies that Plaintiff has been harmed as alleged in the First Amended Complaint
6 or at all.

7 WHEREFORE, Defendant prays for judgment as hereinafter set forth.

8 **FIRST SEPARATE AND ADDITIONAL DEFENSE**

9 (Failure to State a Cause of Action)

10 2. The First Amended Complaint, in whole or in part, fails to state a claim upon
11 which relief can be granted.

12 **SECOND SEPARATE AND ADDITIONAL DEFENSE**

13 (Failure to Mitigate)

14 3. Plaintiff’s claims are barred, in whole or in part, to the extent that Plaintiff failed to
15 exercise due care and diligence to avoid loss or minimize any damages allegedly sustained.

16 **THIRD SEPARATE AND ADDITIONAL DEFENSE**

17 (Third Party Conduct)

18 4. The alleged damages suffered by Plaintiff, if any, were caused by the acts of third
19 parties and Defendant is not responsible for their conduct.

20 **FOURTH SEPARATE AND ADDITIONAL DEFENSE**

21 (Intervening Criminal Conduct)

22 5. Plaintiff’s claims are barred because any alleged harm is the result of the
23 intervening and superseding criminal conduct of a third party, not Defendant.

24 **FIFTH SEPARATE AND ADDITIONAL DEFENSE**

25 (Contributory Negligence)

26 6. To the extent Plaintiff’s damages, if any, were caused in part by Plaintiff’s
27 negligence, Plaintiffs’ claims are barred by the doctrine of contributory negligence.
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SIXTH SEPARATE AND ADDITIONAL DEFENSE

(Comparative Fault)

7. Plaintiffs' recovery, if any, should be diminished by the proportion of Plaintiff's own negligence or other fault, if any, under the doctrine of comparative fault.

SEVENTH SEPARATE AND ADDITIONAL DEFENSE

(Good Faith)

8. Plaintiff's claims are barred, in whole or in part, because at all times, Defendant acted in good faith and in compliance with any applicable statutes and/or regulations.

EIGHTH SEPARATE AND ADDITIONAL DEFENSE

(No Knowing, Intentional, or Willful Failure)

9. Plaintiff's claims are barred, in whole or in part, because Defendant did not intentionally fail to comply with any applicable statutes and/or regulations.

NINTH SEPARATE AND ADDITIONAL DEFENSE

(Immunity From Suit)

10. Plaintiff's claims are barred, in whole or in part, because each act or omission alleged in the Complaint falls within the immunities and defenses described in California Government Code sections 815 and 815.2.

TENTH SEPARATE AND ADDITIONAL DEFENSE

(Additional Affirmative Defense)

11. Defendant reserves the right to amend this Answer to assert additional separate defenses not currently anticipated upon the completion of an investigation now being conducted and upon the completion of scheduled discovery.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

- 1. That Plaintiff take nothing by the First Amended Complaint;
- 2. That the Court enter judgment in favor of Defendant;
- 3. That the Court award Defendant its reasonable costs, expenses, and attorneys' fees

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incurred in defense of this action; and

4. For such other and further relief as the Court deems just and proper.

Dated: October 30, 2023

MORRISON & FOERSTER LLP

By: 

Attorneys for Defendant
STATE OF CALIFORNIA

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PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 707 Wilshire Boulevard, Suite 6000, Los Angeles, California 90017-3543. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on October 30, 2023, I served a copy of:

**DEFENDANT STATE OF CALIFORNIA’S ANSWER
TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system from mmendoza@mof.com to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through FIRST LEGAL'S electronic mail system to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

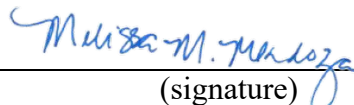
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Attorneys for Plaintiff
MICHELE HANISEE

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

Executed at Torrance, California, this 30th day of October, 2023.

MELISSA M. MENDOZA
(typed)



(signature)