

1 IV

2 Denies paragraph IV and the whole thereof.

3
4 FOR DEFENDANT'S FIRST AFFIRMATIVE DEFENSE, Defen-
5 dant alleges as follows:

6 V

7 Any alleged negligence of the Defendant herein
8 should be compared to Plaintiff's own negligence as Plain-
9 tiff was negligent in one or more of the following par-
10 ticulars:

11 (a) in failing to exercise proper lookout and con-
12 trol over her vehicle;

13 (b) in driving her vehicle at an excessive speed
14 for the conditions then and there existing;

15 VI

16 Plaintiff's negligence proximately caused any and
17 all damages for which Plaintiff brings her claim.

18
19 FOR DEFENDANT'S THIRD-PARTY COMPLAINT against
20 Third-Party Defendant Skamania County, Defendant and Third-
21 Party Plaintiff Caroline Stovner alleges as follows:

22 VII

23 Skamania County is a duly authorized governmental
24 entity organized and existing under the laws of the State of
25 Washington.

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VIII

On or before January 27, 1984, Skamania County operated snowplows and/or blowers upon Bell Center Road, a public thoroughfare in the State of Washington. Said snowplows and/or blowers were used by Skamania County to clear said road of accumulated snow and ice.

IX

Skamania County did negligently remove snow and ice from said roadway on the dates above-mentioned and did deposit, plow or blow said snow onto Third-Party Plaintiff's property.

X

Said negligent conduct by Third-Party Defendant caused Third-Party Plaintiff's fences to become buried and depressed, thereby diminishing or wholly taking away the utility and value of Third-Party Plaintiff's fences in retaining Third-Party Plaintiff's livestock.

XI

Should Plaintiffs prevail in their claim in any respect against Defendant Stovner, Defendant and Third-Party Plaintiff Stovner is entitled to full contribution and indemnity against Skamania County for any damages, costs, fees, expenses or any other awards so allowed.

WHEREFORE, Defendant and Third-Party Plaintiff Caroline Stovner having fully answered the Plaintiffs' Complaint, prays for Judgment against the Plaintiffs and that

1 Plaintiffs take nothing thereby or, in the alternative,
2 should Defendant and Third-Party Plaintiff be held liable to
3 Plaintiffs in any amount, then Third-Party Defendant, Skamania
4 County, should be required to fully indemnify by way of con-
5 tribution in full, all such sums to Defendant and Third-
6 Party Plaintiff, Defendant and Third-Party Plaintiff further
7 prays for Third-Party Plaintiff's costs and disbursements
8 herein as against both the Plaintiff and Third-Party De-
9 fendant.

10 DATED this 30th day of September, 1985.

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12
13 Douglas F. Foley, WSB No. 13119
14 Robert F. Riede
15 BULLIVANT, HOUSER, BAILEY, HANNA,
16 PENDERGRASS, HOFFMAN, O'CONNELL
& GOYAK
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17 Of Attorneys for Defendant and
18 Third-Party Plaintiff
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