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FILED
 LOS ANGELES SUPERIOR COURT

AUG 14 2009

JOHN A. CLARKE, CLERK

[Signature]
 W. J. DENHAM, DEPUTY

6 Attorneys for Defendant ~~LINDSAY LOHAN~~

7
 8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **FOR THE COUNTY OF LOS ANGELES**

10 **RONNIE BLAKE, JAKON SUTTER,**
 11 **and DANTE NIGRO,**

12 Plaintiffs,

13 v.

14 **LINDSAY LOHAN, an individual, and**
 15 **DOES 1 to 100, Inclusive,**

16 Defendant.

CASE NO. SC 100173

[Consolidated For All Purposes With Case No.: SC 094931]

[Assigned For All Purposes To Hon. Terry B. Friedman]

ANSWER OF DEFENDANT LINDSAY LOHAN TO COMPLAINT

17
 18 Defendant ~~LINDSAY LOHAN~~ (hereinafter "Defendant") hereby answers the Complaint
 19 of Ronnie Blake, Jakon Sutter, and Dante Nigro (hereinafter "Plaintiffs") on file herein as
 20 follows:

21 1. Defendant, pursuant to the provisions of Code of Civil Procedure Section
 22 431.30(b), denies each and every allegation of the Complaint and, in particular, but not by way
 23 of limitation, denies that Plaintiffs have been damaged in the sum alleged or in any other sum or
 24 sums at all.

25 Having fully answered Plaintiffs' Complaint, and each and every count thereof,
 26 Defendant now asserts the following affirmative defenses:

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1 **FIRST AFFIRMATIVE DEFENSE**

2 **(Failure to State a Cause of Action)**

3 1. The Complaint, and each and every count thereof, fails to state facts sufficient to
4 constitute a cause of action against Defendant.

5
6 **SECOND AFFIRMATIVE DEFENSE**

7 **(Failure to Mitigate Damages)**

8 2. Defendant is informed and believes and, based upon such information and belief,
9 alleges that Plaintiffs have failed to make reasonable efforts to mitigate their damages, if any, in
10 whole or in part.

11
12 **THIRD AFFIRMATIVE DEFENSE**

13 **(Waiver)**

14 3. Defendant is informed and believes and, based upon such information and belief,
15 alleges that Plaintiffs have engaged in certain conduct, as a result of which this action, and each
16 and every cause of action therein, is barred by the Doctrine of Waiver.

17
18 **FOURTH AFFIRMATIVE DEFENSE**

19 **(Estoppel)**

20 4. Defendant is informed and believes and, based upon such information and belief,
21 alleges that Plaintiffs have engaged in certain conduct, as a result of which this action, and each
22 and every cause of action therein, is barred by the Doctrine of Estoppel.

23
24 **FIFTH AFFIRMATIVE DEFENSE**

25 **(Laches)**

26 5. Defendant is informed and believes and, based upon such information and belief,
27 alleges that Plaintiffs have delayed an unreasonable period of time in bringing this action, which
28 delay has substantially prejudiced Defendant. Consequently, the present action, and each and

1 every cause of action therein, is barred by the Doctrine of Laches.

2
3 **SIXTH AFFIRMATIVE DEFENSE**

4 **(Unclean Hands)**

5 6. Defendant is informed and believes and, based upon such information and belief,
6 alleges that Plaintiffs have engaged in certain conduct, as a result of which this action, and each
7 and every cause of action therein, is barred by the Doctrine of Unclean Hands.

8
9 **SEVENTH AFFIRMATIVE DEFENSE**

10 **(Statute of Limitations)**

11 7. Defendant is informed and believes and, based upon such information and belief,
12 alleges that this action is barred by Sections 335.1, 338, 340, 340.3 and 343 of the Code of Civil
13 Procedure.

14
15 **EIGHTH AFFIRMATIVE DEFENSE**

16 **(Comparative Negligence)**

17 8. Defendant is informed and believes and, based upon such information and belief,
18 alleges that the events, injuries, and damages alleged in the Complaint occurred and were
19 proximately caused by either the sole negligence of Plaintiffs, which sole negligence bars
20 Plaintiffs' recovery, or were contributed to by the negligence of said Plaintiffs. Plaintiffs'
21 recovery, if any, must be reduced by an amount proportionate to the amount of said Plaintiffs'
22 fault that contributed to the happening of the alleged events and injuries.

23
24 **NINTH AFFIRMATIVE DEFENSE**

25 **(Negligence of Third Parties)**

26 9. Defendant is informed and believes and, based upon such information and belief,
27 alleges that the events, injuries, and damages alleged in the Complaint occurred and were
28 proximately caused by, or were contributed to by, the negligence or fault of certain independent

1 third parties. Plaintiffs' recovery, if any, must be reduced by an amount proportionate to the
2 amount of negligence or fault of said independent third parties that contributed to the happening
3 of the alleged events and injuries.

4
5 **TENTH AFFIRMATIVE DEFENSE**

6 **(No Proximate Cause)**

7 10. Defendant is not liable for any purported damages alleged in the Complaint for the
8 reasons that any such damages are not the direct or proximate result of any act or omission of
9 Defendant.

10
11 **ELEVENTH AFFIRMATIVE DEFENSE**

12 **(Reservation of Defenses)**

13 11. Due to lack of information as to the matters set forth in the Complaint, Defendant
14 has insufficient knowledge or information on which to form a belief as to whether additional, yet
15 unstated, affirmative defenses are available. Defendant therefore reserves the right to assert
16 such additional defenses in the event that discovery indicates that such additional defenses are
17 proper.

18
19 **TWELFTH AFFIRMATIVE DEFENSE**

20 **(Incorporation of Cross-Complaint)**

21 12. Defendant hereby incorporates by reference, as though set forth in full, each and every
22 cause of action of her Cross-Complaint, which is being filed concurrently herewith.

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WHEREFORE, Defendant prays for judgment against Plaintiffs as follows:

- 1. That Plaintiffs take nothing by their Complaint herein;
- 2. For costs of suit herein incurred; and
- 3. For such other and further relief as the Court deems just and proper.

Dated: August 12, 2009

McPHERSON RANE LLP
Edwin F. McPherson
Tracy B. Rane
Pierre B. Pine

By: 
EDWIN F. MCPHERSON
Attorneys for Defendant
LINDSAY LOHAN

AUG-21-2009 10:36 From: S M COURT

3105760863

To: 213 621 7642

P. 6 / 15

PROOF OF SERVICE

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 18, and not a party to the within action. My address is 1801 Century Park East, 24th Floor, Los Angeles, California 90067.

On August 12, 2009, I served the foregoing document described as:

ANSWER OF DEFENDANT LINDSAY LOHAN TO COMPLAINT

on the interested parties in this action by placing a true and correct copy thereof enclosed in sealed envelopes addressed as follows:

See Attached List

BY FEDERAL EXPRESS

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 at Los Angeles, California, 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.

BY PERSONAL SERVICE

I delivered such envelope by hand to the offices of the addressee(s).

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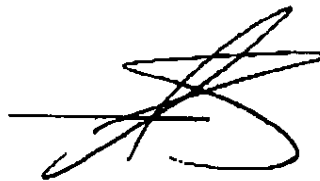
I caused such documents(s) to be transmitted by electronic mail directly to the person(s) being served and the name(s) and electronic mail address(es) of the person(s) served as set forth on the service list.

Executed on this August 12, 2009, at Los Angeles, California.

(State) I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

ANITA STEPHAN



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[Signature]
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10 Attorneys for Defendant and Cross-Complainant LINDSAY LOHAN

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

NO SIMMONS ISSUED

13 RONNIE BLAKE, JAKON SUTTER,
14 and DANTE NIGRO,

15 Plaintiffs,

16 v.

17 LINDSAY LOHAN, an individual, and
18 DOES 1 to 100, Inclusive,

19 Defendant.

CASE NO. SC 100173

[Consolidated For All Purposes With
Case No.: SC 094931]

[Assigned For All Purposes To
Hon. Terry B. Friedman]

CROSS-COMPLAINT FOR:

- 1. COMPARATIVE INDEMNITY AND CONTRIBUTION
- 2. DECLARATORY RELIEF

20 LINDSAY LOHAN, an individual,

21 Cross-Complainant,

22 v.

23 JAKON SUTTER, an individual; DANTE
24 NIGRO, an individual; and ROES 1
25 through 100, inclusive,

26 Cross-Defendants.

27 Defendant and Cross-Complainant LINDSAY LOHAN (hereinafter "Cross-
28 Complainant") hereby alleges as follows:

- 1. Cross-Complainant is, and at all times herein mentioned was, an individual, residing in the State of California, County of Los Angeles.

1 2. Cross-Complainant is informed and believes and, based upon such information and
 2 belief, alleges that Cross-Defendants Jakon Sutter and Dante Nigro are, and at all times herein
 3 mentioned were, individuals, residing in the State of California, County of Los Angeles.

4 3. Cross-Complainant is informed and believes and, based upon such information and
 5 belief, alleges that ROES 1 through 50 are, and at all times herein mentioned were, corporations,
 6 partnerships, or other business entities, which were legally responsible and liable for the acts and
 7 events referred to in this Cross-Complaint.

8 4. Cross-Complainant is informed and believes and, based upon such information and
 9 belief, alleges that ROES 51 through 100 are, and at all times herein mentioned were,
 10 individuals, who are legally responsible and liable for the acts and events referred to in this
 11 Cross-Complaint.

12 5. Cross-Complainant is ignorant of the true names and capacities of Cross-
 13 Defendants sued herein as ROES 1 through 100, inclusive, and therefore sues said Cross-
 14 Defendants under such fictitious names. Cross-Complainant will seek leave to amend this
 15 Cross-Complaint to allege their true names and capacities when the same have been ascertained.

16 6. Cross-Complainant is informed and believes and, based on such information and
 17 belief, alleges that Cross-Defendants, and each of them, were the alter-egos, agents, employees,
 18 partners, joint-venturers, co-conspirators, owners, principals, and employers of the remaining
 19 Cross-Defendants, and each of them, and are, and at all times mentioned were, acting within the
 20 course and scope of that agency, employment, partnership, conspiracy, ownership, or joint-
 21 venture. Cross-Complainant is further informed and believes and, based upon such information
 22 and belief, alleges that the acts and conduct herein alleged of each such Cross-Defendant were
 23 known to, authorized by, and/or ratified by the other Cross-Defendants, and each of them.

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1 damages claimed by Rice rest entirely on Cross-Defendants and, as a result, Cross-Defendants,
2 and each of them, are obligated to defend and indemnify Cross-Complainant from and against
3 any and all claims asserted against her by Rice or any other party in this litigation, to reimburse
4 Cross-Complainant for all attorneys' fees and costs that Cross-Complainant may incur in
5 defending against any such claims, and to indemnify Cross-Complainant fully for all sums which
6 Cross-Complainant may be compelled to pay as the result of any settlement and/or judgment or
7 other award sought or recovered by any of the parties involved in this litigation.

8 15. Cross-Complainant desires a judicial determination of the respective rights and
9 duties of Cross-Complainant and Cross-Defendants, and each of them, with respect to the
10 alleged damages claimed in the Complaint. In particular, Cross-Defendant desires a declaration
11 of the respective liabilities of the parties for such damages, if any. Cross-Complainant further
12 seeks a declaration of Cross-Defendants' responsibilities and obligation to defend Cross-
13 Complainant from and against any claims asserted against Cross-Complainant by Rice and/or
14 any other party in this litigation, to reimburse Cross-Complainant for all attorneys' fees and costs
15 that Cross-Complainant may incur in defending against any such claims, and to indemnify
16 Cross-Complainant fully for all sums which Cross-Complainant may be compelled to pay as the
17 result of any settlement and/or judgment or other award sought or recovered by any of the parties
18 involved in this litigation.

19 16. Such a declaration is necessary and appropriate at this time in order that Cross-
20 Complainant may ascertain his rights and duties with respect to Rice's damage claims.
21 Furthermore, the claims of Rice and Cross-Complainant arise out of the same transaction.
22 Determination of both in one proceeding is necessary and appropriate to avoid the multiplicity of
23 actions that would result if Cross-Complainant were required to defend against Rice's claims
24 now and to then bring a separate action later against Cross-Defendants, and each of them, for
25 indemnification.

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1 WHEREFORE, Cross-Complainant prays for judgment against Cross-Defendants, and
2 each of them, as follows:

3
4 **AS TO THE FIRST CAUSE OF ACTION:**

5 1. For comparative indemnity for any sums paid towards compromise and settlement
6 and/or judgment rendered against Cross-Complainant in the consolidated action, as well as all
7 attorneys' fees and costs incurred in connection therewith;

8
9 **AS TO THE SECOND CAUSE OF ACTION:**

10 2. For a judicial determination of the proportional share of liability of each Cross-
11 Defendant, once Judgment has been rendered;

12 3. For a judicial determination of Cross-Defendants' responsibility and liability for
13 the damages claimed by Rice, if any are found to exist;

14 4. For a judicial determination that Cross-Defendants, and each of them, are
15 obligated to indemnify Cross-Complainant for any sums that Cross-Complainant has paid or may
16 be compelled to pay as the result of any action filed, or sums paid in settlement and/or judgment
17 or other award sought or recovered by Rice against Cross-Complainant.

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1 **AS TO ALL CAUSES OF ACTION:**

2 5. For costs and expenses incurred in the defense of this matter and the consolidated
3 action, as well as for prosecuting this Cross-Complaint, including reasonable attorneys' fees; and

4 6. For such other and further relief as the Court may deem just and proper.
5

6 Dated: August 12, 2009

McPHERSON RANE LLP
Edwin F. McPherson
Tracy B. Rane
Pierre B. Pine

By: 
EDWIN F. MCPHERSON
Attorneys for Defendant
LINDSAY LOHAN

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AUG-21-2009 10:38 From: S M COURT

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To: 213 621 7642

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CROSS-COMPLAINT FOR: COMPARATIVE INDEMNITY AND CONTRIBUTION 2. DECLARATORY RELIEF

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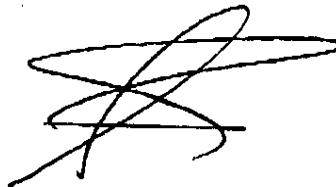
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ANITA STEPHAN



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