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ANS
WALTER R. CANNON, ESQ.
Nevada Bar No. 001505
KATHERINE J. GORDON, ESQ.
Nevada Bar No. 005813
OLSON, CANNON
GORMLEY & DESRUISSEAUX
9950 West Cheyenne Avenue
Las Vegas, NV 89129
Telephone: (702) 384-4012
Facsimile: (702) 383-0701
Attorneys for Defendant
MOUNTAIN WEST CONFERENCE

FILED

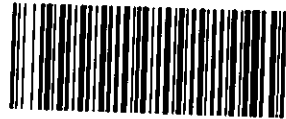
JUL 15 3 46 PM '09

E. J. ...
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

BRETT WALKENHORST, an individual; and)
CHAD WALKENHORST, an individual,)
)
Plaintiffs,)
)
vs.)
)
STATE OF NEVADA, ex rel BOARD OF)
REGENTS OF THE NEVADA SYSTEM OF)
HIGHER EDUCATION, ON BEHALF OF THE)
UNIVERSITY OF NEVADA, LAS VEGAS,)
THOMAS AND MACK CENTER; MOUNTAIN)
WEST CONFERENCE, and DOES I through X;)
ROES I through X,)
)
Defendants.)

CASE NO. A-09-590580-C
DEPT. NO. XXI

A-09-590580-C
252883


DEFENDANT MOUNTAIN WEST CONFERENCE'S ANSWER TO COMPLAINT

COMES NOW Defendant, MOUNTAIN WEST CONFERENCE, a non-profit

corporation, incorporated in the State of Colorado, by and through its attorneys, OLSON,
CANNON, GORMLEY & DESRUISSEAUX, and answers Plaintiffs' Complaint on file herein

follows:

RECEIVED
JUL 15 2009
CLERK OF THE COURT

Law Offices of
OLSON, CANNON, GORMLEY & DESRUISSEAUX
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012
Telecopier (702) 383-0701

1 answering Defendant in any manner or form and, as such, this answering Defendant is not liable
2 to Plaintiffs for such damages.

3 FIFTH AFFIRMATIVE DEFENSE

4 That this answering Defendant was not the designer, contractor, sub-contractor, vendor,
5 maintainer, owner, manager, inspector, supervisor or controller of the premises and/or common
6 area generally known as the Thomas and Mack Center at the time and place of the incident which
7 forms the basis of Plaintiffs' Complaint on file herein.

8 SIXTH AFFIRMATIVE DEFENSE

9 That this answering Defendant was not a partner, servant, officer, agent and/or employee
10 of any other Defendant named herein at the time and place of the incident which forms the basis
11 for Plaintiffs' Complaint on file herein.

12 SEVENTH AFFIRMATIVE DEFENSE

13 That Plaintiffs' claims against this answering Defendant should be dismissed or, at the
14 very least, stayed for failure to join one or more necessary and indispensable parties.

15 EIGHTH AFFIRMATIVE DEFENSE

16 That Plaintiffs' claims are barred, in whole or part, because Plaintiffs failed to mitigate
17 their damages, if any.

18 NINTH AFFIRMATIVE DEFENSE

19 That the damages sustained by Plaintiffs, if any, did not result from any action, omission
20 or failure on the part of this answering Defendant, but rather through Plaintiffs' lack of due
21 diligence. As a consequence, Plaintiffs' action against this answering Defendant is barred.

22 TENTH AFFIRMATIVE DEFENSE

23 That the damages sustained by Plaintiffs, if any, resulting from a failure to supervise the
24 Thomas and Mack Center in a reasonably safe manner were not the result of the acts or
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1 omissions of this answering Defendant. This answering Defendant was not the entity legally
2 and/or contractually responsible for providing security measures (including the hiring, training,
3 organizing, and/or supervising of security personnel) for the Thomas and Mack Center at the
4 time and place of the incident which forms the basis for Plaintiffs' Complaint in file herein.
5

6 ELEVENTH AFFIRMATIVE DEFENSE

7 That at the time and place of the incident which forms the basis for Plaintiffs' Complaint
8 on file herein, this answering Defendant did not have a duty to provide a safe environment at the
9 Thomas and Mack Center.
10

11 TWELFTH AFFIRMATIVE DEFENSE

12 That the negligence of this answering Defendant, if any, was not the proximate cause of
13 injuries or damages to Plaintiffs.
14

15 THIRTEENTH AFFIRMATIVE DEFENSE

16 That Plaintiffs' action is barred as Plaintiffs' negligence was greater than that of this
17 answering Defendant, if any, and was the proximate cause of Plaintiffs' damages, if any.
18

19 FOURTEENTH AFFIRMATIVE DEFENSE

20 That the injuries and damages sustained by Plaintiffs, if any, were the result of an
21 unpredictable and unavoidable incident.

22 WHEREFORE, this answering Defendant prays for relief as follows:

- 23 1. That Plaintiff take nothing by way of their Complaint on file herein;
- 24 2. For reasonable attorney's fees incurred in the defense of this litigation;
- 25 3. For reasonable costs incurred in the defense of this litigation; and

26 ...

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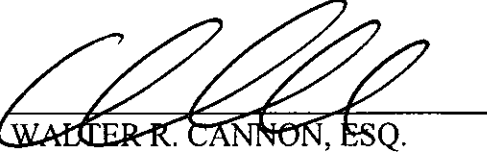
28 ...

1 4. For such other and further relief as this Court may deem just and proper.

2
3 DATED this 15th day of July, 2009.

4
5 OLSON, CANNON
6 GORMLEY & DESRUISSEAX

7 BY:


WALTER R. CANNON, ESQ.

8 Nevada Bar No. 001505

9 KATHERINE J. GORDON, ESQ.

10 Nevada Bar No. 005813

11 9950 W. Cheyenne Avenue

12 Las Vegas, Nevada 89129

13 Attorneys for Defendant

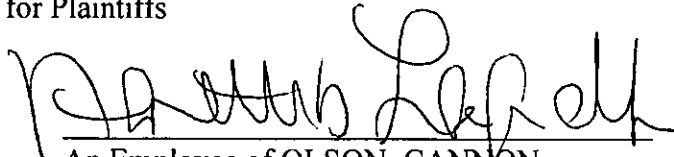
14 MOUNTAIN WEST CONFERENCE

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Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

CERTIFICATE OF MAILING

1
2 The undersigned, an employee of Olson, Cannon, Gormley & Desruijsseaux, hereby
3 certifies that on the 15 July day of ~~June~~, 2009, she deposited in a sealed envelope, a copy of
4 **DEFENDANT MOUNTAIN WEST CONFERENCE'S ANSWER TO COMPLAINT** in the
5 United States Mail, with first class postage affixed thereto, to the following persons:
6

7 Cory M. Jones, Esq.
8 Royal, Jones, Miles, Dunkley & Wilson
9 1522 W. Warm Springs Road
10 Henderson, Nevada 89014
11 Attorneys for Plaintiffs

12 
13 An Employee of OLSON, CANNON
14 GORMLEY & DESRUISSEAUX
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