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**FIFTH JUDICIAL DISTRICT COURT
 IRON COUNTY, STATE OF UTAH**

DAVID HINSON,

Plaintiff,

v.

DARRELL L. WILSON, M.D.; JARED C.
 COX, D.O.; KIMBERLY D. HAYCOCK, P.A.;
 IHC HEALTH SERVICES, INC.; IHC
 HEALTH SERVICES, INC. dba VALLEY
 VIEW MEDICAL CENTER; IHC HEALTH
 SERVICES, INC. dba CEDAR CITY
 HOSPITAL; JEFFERY L. BLEAZARD, M.D.;
 and DOE INDIVIDUALS 1 through 10; and
 ROE ENTITIES 1 through 10, inclusive,

Defendants.

**ANSWER TO AMENDED
 COMPLAINT ON BEHALF OF
 DARRELL L. WILSON, M.D.**

Case No. 170500085

Judge Keith C. Barnes

COMES NOW, Defendant Darrell L. Wilson, M.D. (“Dr. Wilson”), by and through
 counsel of record, to answer Plaintiff’s *Amended Complaint* as follows:

FIRST DEFENSE

Plaintiff fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Dr. Wilson answers the individual paragraphs of Plaintiff's *Amended Complaint* as follows:

1. Denied for lack of information and belief.
2. Admitted.
3. Denied for lack of information and belief.
4. Denied for lack of information and belief.
5. Denied for lack of information and belief.
6. Denied for lack of information and belief.
7. Denied for lack of information and belief.
8. Denied for lack of information and belief.
9. Denied for lack of information and belief.

JURISDICTION AND VENUE

5. [sic]¹ Dr. Wilson admits Plaintiff has complied with the requirements of Utah Code Ann. § 78B-3-416 Utah Code Ann. § 78B-3-423; otherwise denied.

6. [sic] Dr. Wilson admits this Court has jurisdiction pursuant to Utah Code Ann. § 78A-5-102.

7. [sic] Dr. Wilson admits venue is proper in Iron County, State of Utah, pursuant to Utah Code Ann. § 78B-3-307(1).

8. [sic] Dr. Wilson admits Plaintiff has alleged damages under Tier 3; otherwise denied.

GENERAL ALLEGATIONS

9. [sic] Dr. Wilson avers the medical records speak for themselves; otherwise denied.

¹ The *Amended Complaint* contains erroneous paragraph numbering identified in Dr. Wilson's *Answer* using the [sic] identifier.

10. Dr. Wilson avers the medical records speak for themselves; otherwise denied.
11. Dr. Wilson avers the medical records speak for themselves; otherwise denied.
12. Dr. Wilson avers the medical records speak for themselves; otherwise denied.
13. Dr. Wilson avers the medical records speak for themselves; otherwise denied.
14. Dr. Wilson avers the medical records speak for themselves; otherwise denied.
15. Dr. Wilson avers the medical records speak for themselves; otherwise denied.

CAUSE OF ACTION
(Medical Malpractice)

16. Dr. Wilson incorporates by reference his responses to the allegations contained in paragraphs 1 through 15 as though fully set forth herein.

17. Denied (including subparagraphs A-F).
18. Denied (including subparagraphs A-E), and Plaintiff's entire Prayer for Relief.

THIRD DEFENSE

As a further and separate affirmative defense, Dr. Wilson denies any and all allegations or claims not specifically admitted.

FOURTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges evidence may disclose Plaintiff has failed to reasonably mitigate his damages and to the extent discovery discloses such failure, Plaintiff's claims are limited or barred.

FIFTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges the injury and damages complained of by Plaintiff may have been caused by other Defendants, third persons, events, or conditions (including preexisting conditions) not under the control or supervision of Dr. Wilson and which factors evidence any actions or failures to act on the part of Dr. Wilson were not the

cause of the damages and injuries for which Plaintiff complains. Dr. Wilson asserts the right to notice and have such fault apportioned, including the fault of the Plaintiff or others, if indicated as discovery commences and continues.

SIXTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges Plaintiff is not entitled to attorney fees and costs in this case.

SEVENTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges evidence may demonstrate Plaintiff has failed to name indispensable parties and, to the extent discovery discloses such failure, Plaintiff's claims are limited or barred.

EIGHTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson states he has, or may have, further and additional affirmative defenses which are not yet known to him but which may become known through further discovery. Dr. Wilson asserts each and every affirmative defense as it may be ascertained through future discovery herein and every applicable defense raised by any other Defendants.

NINETH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges the injuries sustained by Plaintiff were the result of an illness and/or condition which was not the result of negligence on the part of Dr. Wilson.

TENTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges any injury or damage sustained by Plaintiff was caused by risks of which Plaintiff knew, or should have known, and which risks Plaintiff assumed and to which Plaintiff consented and agreed.

ELEVENTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges Plaintiff was negligent, and that the percentage of such negligence is equal to or greater than the combined negligence, if any, of Dr. Wilson, thus barring or reducing Plaintiff's claims.

TWELFTH DEFENSE

As a further and separate affirmative defense, Dr. Wilson alleges reasonable and prudent care was given to the Plaintiff and the injuries and damages complained of by the Plaintiff were not proximately caused by any negligence whatsoever on the part of Dr. Wilson.

THIRTEENTH DEFENSE

As a further affirmative defense, Dr. Wilson requests a Special Verdict form at the time of trial pursuant to the provisions of Utah Code Ann. §78B-5-817 et seq.

FOURTEENTH DEFENSE

As a further affirmative defense, Dr. Wilson alleges the Plaintiff's damages were proximately caused by individuals or entities over whom Dr. Wilson has no right or duty to control or supervise.

FIFTEENTH DEFENSE

As a further, separate, and affirmative defense, Dr. Wilson alleges Plaintiff's claims are limited or barred by statute, including but not limited to Utah Code Ann. §§78B-3-405; 406; 410; 414; 78B-5-818; 819; 824.

SIXTEENTH DEFENSE

As a further, separate, and affirmative defense, Dr. Wilson alleges Plaintiff has failed to establish the elements of the doctrine of *Res Ipsa Loquitur*. As such, any presentation of evidence or argument regarding this doctrine is barred.

SEVENTEENTH DEFENSE

As a further, separate, and affirmative defense, Dr. Wilson alleges the Plaintiff has failed to establish the elements of lack of informed consent. As such, this claim is barred.

EIGHTEENTH DEFENSE

As a further, separate, and affirmative defense, Dr. Wilson incorporates by reference the affirmative defenses alleged by the Co-Defendants in their respective Answers to Plaintiff's *Amended Complaint*, as well as any applicable affirmative defenses raised in future pleadings.

JURY TRIAL

Pursuant to Rule 38(b) of the Utah Rules of Civil Procedure, Dr. Wilson requests a jury on all triable issues.

WHEREFORE Dr. Wilson prays as follows:

1. That Plaintiff's *Amended Complaint* be dismissed;
2. That Plaintiff takes nothing by way of the *Amended Complaint*;
3. For Dr. Wilson's costs incurred herein as may be allowed by law and the Court;
4. For such other and further relief as the Court may deem proper.

DATED this 21st day of September, 2017.

CAMPBELL, HOUSER, FERENCE & HALL

/s/ Vaun B. Hall

VAUN B. HALL

CAMERON BEECH

Attorneys for Darrell L. Wilson, M.D.

MAILING CERTIFICATE

On this 21st day of September, 2016, I delivered, by the method indicated below, a true and correct copy of the foregoing **ANSWER TO AMENDED COMPLAINT ON BEHALF OF DARRELL L. WILSON, M.D.** to the following:

<input type="checkbox"/> VIA FACSIMILE <input type="checkbox"/> VIA HAND DELIVERY <input type="checkbox"/> VIA U.S. MAIL <input checked="" type="checkbox"/> VIA COURT'S E-FILING SYSTEM	Norman J. Younker Ashton J. Hyde John M. MacFarlane Jayden G. Gray YOUNKER HYDE MACFARLANE 257 East 200 South, Suite 1080 Salt Lake City, UT 84111 <i>Attorneys for Plaintiff</i>
<input type="checkbox"/> VIA FACSIMILE <input type="checkbox"/> VIA HAND DELIVERY <input type="checkbox"/> VIA U.S. MAIL <input checked="" type="checkbox"/> VIA COURT'S E-FILING SYSTEM	George Naegle Robert G. Wright Brandon B. Hobbs Cortney Kochevar RICHARDS BRANDT MILLER & NELSON 299 South Main, #1500 Salt Lake City, UT 84111 <i>Attorneys for Jeffrey L. Bleazard, M.D.</i>
<input type="checkbox"/> VIA FACSIMILE <input type="checkbox"/> VIA HAND DELIVERY <input type="checkbox"/> VIA U.S. MAIL <input checked="" type="checkbox"/> VIA COURT'S E-FILING SYSTEM	Nan Bassett KIPP & CHRISTIAN 10 Exchange Place, #400 Salt Lake City, UT 84111 <i>Attorney for Jared Cox, D.O. and Kimberly D. Haycock, PA</i>
<input type="checkbox"/> VIA FACSIMILE <input type="checkbox"/> VIA HAND DELIVERY <input type="checkbox"/> VIA U.S. MAIL <input checked="" type="checkbox"/> VIA COURT'S E-FILING SYSTEM	Larry R. White Paul D. Van Komen BURBIDGE & WHITE 102 South 200 East, Suite 600 Salt Lake City, Utah 84111 <i>Attorneys for IHC Health Services, Inc., IHC Health Services, Inc. dba Valley View Medical Center, and IHC Health Services Inc. dba Cedar City Hospital</i>

/s/ Nicole Bowcutt