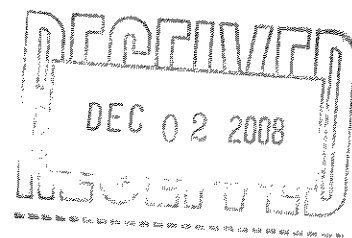


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IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

BRENNA JONES, Individually and as Special
Administrator of the ESTATE OF JEFFERY
SCOTT JONES, DECEASED, and on behalf of
TANNER JONES, an adult heir at law, and
JENNA JONES, a minor heir at law of
JEFFERY S. JONES, deceased,

Plaintiffs,

vs.

Case No. 08 CV 4125

STEPHEN J. SCHNEIDER, D.O.,
SCHNEIDER MEDICAL CLINIC, L.L.C., a
Kansas corporation, and LAWRENCE
SIMONS, D.O.,

Defendants.

PURSUANT TO K.S.A. CHAPTER 60

**ANSWER OF DEFENDANT
SCHNEIDER MEDICAL CLINIC, L.L.C.**

COMES NOW defendant Schneider Medical Clinic, L.L.C., and for its answer to plaintiffs'
petition, states:

FIRST DEFENSE

1. All allegations not hereinafter specifically admitted are denied.

2. Answering paragraph 1, these allegations are directed to the co-defendant Schneider, and therefore no affirmative response is required by this defendant.

3. Answering paragraph 2, this defendant admits the allegations concerning the L.L.C., that it opened and closed for business as stated, and that it was a duly licensed L.L.C. The remaining allegations are denied.

4. Answering paragraph 3, these allegations are directed to the co-defendant Simons, and therefore no affirmative response is required by this defendant.

5. Answering paragraph 4, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

6. Answering paragraph 5, the allegations are admitted.

7. Answering paragraphs 6 and 7, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

8. Answering paragraph 8, it is admitted that at certain times there was a relationship between Mr. Jones and Schneider Medical Clinic, P.A. Connie White. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

9. Answering paragraph 9, it is admitted that at certain times, Schneider Medical Clinic had responsibility for its employees' treatment of Mr. Jones, that Mr. Jones sought treatment on May 5, 2004, and he complained of the conditions as stated in the medical chart. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

10. Answering paragraph 10, it is admitted Mr. Jones received treatment throughout the dates stated and that he was prescribed various medications. This defendant is without sufficient

knowledge or information to form a belief as to the truth of the remaining allegations asserted, but it is specifically denied this defendant was negligent.

11. Answering paragraph 11, it is admitted the Clinic had certain powers and authorities, and that Dr. Schneider is the sole stockholder and owner. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

12. Answering paragraph 12, it is admitted Schneider Medical Clinic employed certain clerical staff, physician assistants, and certain persons called roomers. This defendant admits that to the extent employees performed negligent acts within the scope of their duties, then defendant could be liable under the principle of *respondeat superior*. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

13. Answering paragraph 13, the allegations are admitted.

14. Answering paragraph 14, this defendant admits the allegations except for those alleging Ms. Atterbury provided no supervision, training, or advice.

15. Answering paragraph 15, defendant admits Mr. Taylor was employed at Schneider Medical Clinic at various times and that he did not provide patient care. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

16. Answering paragraph 16, it is admitted that physician assistants were employed, they were subject to direction, control, and supervision by physicians, Connie White was a physician assistant, and she provided care to Mr. Jones. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

17. Answering paragraphs 17 and 18, this defendant answers by objecting to these allegations in that the allegations are overbroad and vague. Further, as alleged this defendant is

without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

18. Answering paragraphs 19 and 20, the allegations are denied except it is admitted Schneider Medical Clinic did not employ a board certified pain specialist.

19. Answering paragraphs 21 and 22, this defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

20. Answering paragraph 23, it is admitted Schneider Medical Clinic did not employ a board certified pain specialist. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

21. Answering paragraphs 24, 25, 26 and 27, this defendant objects to these allegations as they are vague and overbroad, and therefore can neither be admitted or denied. As such this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

22. Answering paragraph 28, the allegations are denied to the extent some omissions in the chart resulted from plan and design as much as inefficiency. It is admitted Schneider Medical Clinic had forms for medical history and personal history, and the forms called for and contained certain information. This defendant is without sufficient information to form a belief as to the truth of the remaining allegations asserted.

23. Answering paragraph 29, this defendant is without sufficient information to form a belief as to the truth of the allegations asserted.

24. Answering paragraph 30, it is admitted Mr. Jones began treatment with Schneider Medical Clinic in May 2004, and he had a history of certain medical problems when he came to the

Clinic. This defendant is without sufficient information to form a belief as to the truth of the remaining allegations asserted.

25. Answering paragraph 31, this defendant admits the K.A.R. is correctly quoted but denies the remainder of the allegations asserted.

26. Answering paragraph 32, these allegations are overbroad and vague as asserted. Therefore, this defendant is without sufficient information to form a belief as to the truth of the allegations asserted.

27. Answering paragraph 33, this defendant admits Hebert was not an expert in chronic pain management at the times Mr. Jones was a patient. This defendant is without sufficient information to form a belief as to the truth of the remaining allegations asserted.

28. Answering paragraph 34, the allegations are denied.

29. Answering paragraph 35, this defendant is without sufficient information to form a belief as to the truth of the allegations asserted. (See additionally Schneider Medical Clinic Pain Management Agreements.)

30. Answering paragraph 36, the allegations as stated are denied.

31. Answering paragraph 37, the allegations as stated are denied.

32. Answering paragraphs 38, 39, 40, 41 and 42, it is admitted that this defendant was under review by SRS and that various statements were made and responded to, but the allegations as stated are vague and overbroad. Therefore, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted. Defendant denies it made any material misrepresentations to the decedent.

33. Answering paragraphs 43, 44, 45, 46, 47 and 48, the allegations as stated are vague and overbroad. Therefore this defendant is without sufficient knowledge or information to form a

belief as to the truth of the allegations asserted. It is admitted decedent passed away on the date stated.

34. Answering paragraph 49, the allegations are denied.

35. Answering paragraph 50, this defendant admits the pain management agreement signed by Mr. Jones required him to participate in any form of treatment, physical or mental, recommended by Clinic providers. The remaining allegations asserted are denied.

36. Answering paragraph 51, the allegations asserted are denied.

37. Answering paragraphs 52 and 53, this defendant is without sufficient information to form a belief as to the truth of the allegations asserted. This defendant does admit Mr. Jones died and venue is proper in Sedgwick County, Kansas.

38. Answering paragraph 54, the allegations require no affirmative response.

39. Answering paragraph 55, the allegations are admitted.

40. Answering paragraphs 56a - dd, 57a - f, and 58, the allegations are denied.

41. Answering paragraph 59, no affirmative response is required.

42. Answering paragraph 60, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

43. Answering paragraphs 61 and 62, the allegations are denied.

44. Answering paragraph 63, no affirmative response is required.

45. Answering paragraph 64, the allegations are denied.

46. Answering paragraph 65, no affirmative response is required.

47. Answering paragraphs 66 and 67, this defendant denies it was negligent. This defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations asserted.

48. Answering paragraph 68, no affirmative response is required.

49. Answering paragraph 69, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

50. Answering paragraph 70, no affirmative response is required.

51. Answering paragraph 71, this defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations asserted.

SECOND DEFENSE

There was insufficiency of service of process on this defendant.

THIRD DEFENSE

The doctrine of comparative fault applies and the fault of other persons or entities over whom or which this defendant has or had no control must be compared.

FOURTH DEFENSE

To any extent applicable, this defendant asserts the provisions of K.S.A. 40-3403(h) as a defense herein.

FIFTH DEFENSE

Plaintiffs' damages are not of the nature and extent claimed.

SIXTH DEFENSE

If plaintiffs failed to mitigate damages, this defense is asserted herein.

SEVENTH DEFENSE

Plaintiffs' petition fails to state facts sufficient to constitute a cause of action against this defendant and fails to state a claim upon which relief may be granted.

EIGHTH DEFENSE

Plaintiffs' claims are barred in whole or in part by intervening and/or superseding causes or events over which this defendant had no control or for which it is not responsible.

NINTH DEFENSE

No act or omission of this defendant or any persons for whom it may be legally responsible caused or contributed to the death of Mr. Jones and damages alleged to have been sustained by plaintiffs.

TENTH DEFENSE

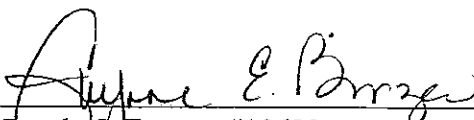
Plaintiffs' claims may be barred in whole or in part by the applicable statute of limitations and/or repose.

ELEVENTH DEFENSE

This defendant met the standard of care applicable to a medical clinic under the facts and circumstances of this case.

WHEREFORE having fully answered, defendant Schneider Medical Clinic, L.L.C., prays plaintiffs take nothing by their petition, for costs and for such other and further relief as the Court deems just and equitable.

HITE, FANNING & HONEYMAN L.L.P.
Attorneys for Defendant
Schneider Medical Clinic, L.L.C.

By: 
Randy J. Troutt, #10622
Gwynne E. Birzer #15584

CERTIFICATE OF SERVICE

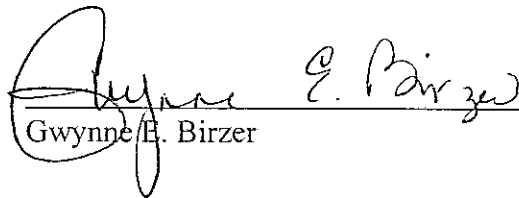
The undersigned hereby certifies that on the first day of December, 2008, a true and correct copy of the above and foregoing Answer of Defendant Schneider Medical Clinic, L.L.C., was mailed, postage prepaid, to:

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