

STATE OF INDIANA) IN THE TIPPECANOE SUPERIOR COURT 1
) SS:
COUNTY OF TIPPECANOE) CAUSE NO. 79D01-2212-CT-0000199

JOHN DOE I and JANE DOE, Individually)
And as Parents and Next Best Friends and)
Legal Guardians of JOHN DOE II, a minor,)

Plaintiff,)

v.)

JARED OLIVETTI, LISA OLIVETTI,)
Individually and as Next Best Friends of E.O.)
A Minor, IMMANUEL REFORMED)
PRESBYTERIAN CHURCH, INC., and)
TRUSTEES OF THE SYNOD OF THE)
REFORMED PRESBYTERIAN CHURCH)
OF NORTH AMERICA,)

Defendants.)

**DEFENDANT’S MOTION FOR ENLARGEMENT OF TIME TO FILE
RESPONSIVE PLEADING**

Comes now the Defendants, Jared Olivetti, Lisa Olivetti Individually and
as Next Best Friends of E.O., by counsel, and for their Answer to the
Plaintiff’s Complaint states the following:

1. Defendant admits the allegations contained in rhetorical paragraph 1 of
Plaintiff’s Complaint.
2. Defendant lacks sufficient knowledge to admit or deny the truth of the
allegations contained in rhetorical paragraph 2 of Plaintiff’s Complaint.
3. Defendant lacks sufficient knowledge to admit or deny the truth of the
allegations contained in rhetorical paragraph 3 of Plaintiff’s Complaint.
4. Defendant admits the allegations contained in rhetorical paragraph 4 of
Plaintiff’s Complaint.

5. Defendant admits the allegations contained in rhetorical paragraph 5 of Plaintiff's Complaint.
6. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 6 of Plaintiff's Complaint.
7. Defendant admits the allegations contained in rhetorical paragraph 7 of Plaintiff's Complaint.
8. Defendant admits the allegations contained in rhetorical paragraph 8 of Plaintiff's Complaint.
9. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 9 of Plaintiff's Complaint.
10. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 10 of Plaintiff's Complaint.
11. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 11 of Plaintiff's Complaint.
12. Defendant admits the allegations contained in rhetorical paragraph 12 of Plaintiff's Complaint.
13. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 13 of Plaintiff's Complaint.
14. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 14 of Plaintiff's Complaint.
15. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 15 of Plaintiff's Complaint.

16. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 16 of Plaintiff's Complaint.
17. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 17 of Plaintiff's Complaint.
18. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 18 of Plaintiff's Complaint.
19. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 19 of Plaintiff's Complaint.
20. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 20 of Plaintiff's Complaint.
21. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 21 of Plaintiff's Complaint.
22. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 22 of Plaintiff's Complaint.

COUNT I

23. Defendants restate and reallege their responses to paragraphs 1 through 22 as if fully restated herein.
24. Defendant denies the allegations contained in rhetorical paragraph 24 of Plaintiff's Complaint.
25. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 25 of Plaintiff's Complaint.
26. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 26 of Plaintiff's Complaint.

27. Defendant denies the allegations contained in rhetorical paragraph 27 of Plaintiff's Complaint.

28. Defendant denies the allegations contained in rhetorical paragraph 28 of Plaintiff's Complaint.

COUNT II

29. Defendants restate and reallege their responses to paragraphs 1 through 28 as if fully restated herein.

30. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 30 of Plaintiff's Complaint.

31. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 31 of Plaintiff's Complaint.

32. Defendant denies the allegations contained in rhetorical paragraph 32 of Plaintiff's Complaint.

33. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 33 of Plaintiff's Complaint.

34. Defendant denies the allegations contained in rhetorical paragraph 34 of Plaintiff's Complaint.

35. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 35 of Plaintiff's Complaint.

36. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 36 of Plaintiff's Complaint.

37. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 37 of Plaintiff's Complaint.

38. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 38 of Plaintiff's Complaint.

COUNT III

39. Defendants restate and reallege their responses to paragraphs 1 through 38 as if fully restated herein.

40. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 40 of Plaintiff's Complaint.

41. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 41 of Plaintiff's Complaint.

42. Defendant denies the allegations contained in rhetorical paragraph 42 of Plaintiff's Complaint.

43. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 43 of Plaintiff's Complaint.

44. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 44 of Plaintiff's Complaint.

45. Defendant denies the allegations contained in rhetorical paragraph 45 of Plaintiff's Complaint.

46. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 46 of Plaintiff's Complaint.

47. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 47 of Plaintiff's Complaint.

COUNT IV

48. Defendants restate and reallege their responses to paragraphs 1 through 47 as if fully restated herein.
49. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 49 of Plaintiff's Complaint.
50. Defendant denies the allegations contained in rhetorical paragraph 50 of Plaintiff's Complaint.
51. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 51 of Plaintiff's Complaint.
52. Defendant denies the allegations contained in rhetorical paragraph 52 of Plaintiff's Complaint.
53. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 53 of Plaintiff's Complaint.
54. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 54 of Plaintiff's Complaint.

COUNT V

55. Defendants restate and reallege their responses to paragraphs 1 through 54 as if fully restated herein.
56. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 56 of Plaintiff's Complaint.
57. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 57 of Plaintiff's Complaint.

58. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 58 of Plaintiff's Complaint.

59. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations contained in rhetorical paragraph 59 of Plaintiff's Complaint.

WHEREFORE, the Defendant prays that the Plaintiff's Complaint be dismissed and that the Plaintiff take nothing.

Respectfully submitted,

DEGAN LAW, P.C.



Randall G. Degan, 22941-49

AFFIRMATIVE DEFENSES

Defendants, Jared Olivetti, Lisa Olivetti Individually and as Next Best Friends of E.O., by counsel, for their affirmative defenses to Plaintiff's Complaint for Damages, alleges and states as follows:

1. Some or all of the Plaintiff's damages may have been paid by a collateral source. In such case, any judgment in Plaintiff's favor would be reduced by the amount of any payments made by the determined collateral source, pursuant to Indiana's Collateral Source Act.
2. Plaintiff's damages may have been caused in whole or in part by Plaintiff's own comparative negligence which either bars recovery or

should reduce the amount of any award entered in favor of the Plaintiff by the percentage of said comparative negligence.

3. Some or all of Plaintiff's alleged damages were preexisting or caused by another prior or subsequent accident.
4. Plaintiff may have failed to mitigate his damages, if any.
5. Plaintiffs' claims for punitive damages fail to state a cause of action for which relief can be granted.
6. As this matter has only recently commenced and discovery has only just began, Defendants provisionally pleads as affirmative defenses all affirmative defenses of Rule 8(C) of the Indiana Rules of Trial Procedure as if fully re-stated herein.
7. Defendants reserve the right to add additional affirmative defenses as the same may be revealed through discovery.

WHEREFORE, the Defendant, by counsel, prays that Plaintiffs take nothing by way of their Complaint and for all further relief just and proper in the premises.

Respectfully submitted,

DEGAN LAW, P.C.



Randall G. Degan, 22941-49
DEGAN LAW, P.C.
310 North Alabama Street, Suite 100
Indianapolis, Indiana 46204
TX: (317) 637-7760
FX: (317) 637-1005

REQUEST FOR TRIAL BY JURY

COMES NOW Defendants, Jared Olivetti, Lisa Olivetti Individually and as Next Best Friends of E.O., by counsel, and requests that this matter be tried by jury pursuant to Trial Rule 38.

Respectfully submitted,

DEGAN LAW, P.C.



Randall G. Degan, 22941-49

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the electronic filing system, this 6th day of February 2023, addressed to:

Gregory L Laker
Cohen & Malad, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204



Randall G. Degan 22941-49

Randall G. Degan
DEGAN LAW, P.C.
310 North Alabama Street, Suite 100
Indianapolis, Indiana 46204
TX: (317) 637-7760
FX: (317) 637-1005
randy@deganlaw.com