

**IN THE CIRCUIT COURT OF FARRAH COUNTY  
STATE OF ROOSEVELT**

<b>DAVID OTIS WILSON and</b>	)	
<b>DEBRA B. WILSON,</b>	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No. YR-5-1001</b>
	)	
	)	
v.	)	
	)	
<b>THE ROE CHEMICAL COMPANY, INC.,</b>	)	
<b>Defendant.</b>	)	

**DEFENDANT’S ANSWER, AFFIRMATIVE DEFENSES, AND JURY CLAIM**

**ANSWER**

Now comes the Defendant, The Roe Chemical Company, Inc., and for its answer to the Complaint states the following:

1. The Defendant admits paragraphs 1-4 of the Complaint.
2. The Defendant is without information sufficient to admit or deny the allegations contained in Paragraph 5.
3. The Defendant denies each and every other allegation contained in every other paragraph of the Complaint.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The Defendant adequately warned all users of the product, Pre-Merge Dinitro, of the potential danger of improper use thereof, by affixing appropriate warning labels to each container.

**Second Affirmative Defense**

The warnings on the label were submitted, along with all tests to the relevant agencies of the United States government. These agencies approved both the label and the sale of the product.

**Third Affirmative Defense**

The container was not defectively designed and was reasonably safe for its intended use.

**Fourth Affirmative Defense**

The Plaintiff's own negligence proximately caused whatever damages he claims in that he did not exercise ordinary care for his own safety in handling the product or the container, and Plaintiff's recovery is barred or reduced as a result of such negligence.

**Fifth Affirmative Defense**

The Plaintiff did not use the product in the manner intended by this Defendant.

**Sixth Affirmative Defense**

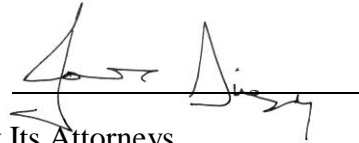
The Plaintiff knew of and assumed the risks associated with use of the product.

WHEREFORE, having fully answered all counts of the Complaint, Defendant prays to be dismissed with costs.

**JURY CLAIM**

The Defendant demands a trial by jury as to all allegations set forth in the Complaint, this Answer, and any further responsive pleadings.

Respectfully submitted,  
The Defendant,

A handwritten signature in black ink, appearing to read "Joshua Digby", is written over a horizontal line.

By Its Attorneys,  
Joshua Digby, Esquire

Irwin, Allen, Digby &  
Cleveland  
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[Certificate of Service on Plaintiffs' Attorneys]