

**IN THE CIRCUIT COURT OF ANY COUNTY, ANY STATE  
COUNTY DEPARTMENT, LAW DIVISION**

MARY CARTER CLARK as Special  
Administrator of the Estate of DONALD  
CLARK, Deceased,

Plaintiff,

v.

JOANNA STOVER, M.D.,

Defendant.

Court No.

**AFFIRMATIVE DEFENSES**

NOW COMES the defendant, JOANNA STOVER, M.D., by and through her attorneys, **SMITH AND JONES, P.C.** and for and for her affirmative defenses to plaintiff's complaint at Law, states as follows:

***First Affirmative Defense***

1. At the time and place alleged in plaintiff's decedent, Donald Clark, was under a duty to use due care, caution and safety for protection of himself.
2. Plaintiff's decedent Donald Clark was under a duty to follow the advice, instruction, and recommendations of the defendant, Dr. JOANNA Stover.
3. Notwithstanding said duties, the plaintiff's decedent, Donald Clark, committed one or more of the following negligent acts or omissions:
  - a. Failed to follow the instructions, recommendations and advice of Dr. Stover;
  - b. Failed to properly take his medicine and attend follow-up outpatient appointments
  - c. Failed to be compliant with doctors' orders;
  - d. Committed suicide by shooting himself in the head

4. That the foregoing negligent acts and omissions of the plaintiff's decedent, Donald Clark, were the proximate cause of the plaintiff's decedent injuries and damages alleged in the plaintiff's complaint at law.

WHEREFORE, defendant, JOANNA STOVER, MD., prays that in the event judgment is entered in favor of the plaintiff and against this defendant, that said judgement be reduced by an amount proportionate to the percentage of the plaintiff's decedent's own fault which proximately caused the plaintiff's decedent's injuries and damages, if any, as alleged in plaintiff's Complaint.

### *Second Affirmative Defense*

1. At the time and place alleged in plaintiff's Complaint at Law, the plaintiff, Mary Carter Clark, owed a duty of due care connection with treatment of Donald Clark.

2. At the time and place alleged in plaintiff Complaint, notwithstanding aforesaid duty, the plaintiff, Mary Carter Clark, Committed one or more of the following acts or omissions;

- a. Failed to remove firearms from the home;
- b. Was aware that her husband did not plan to continue treatment but failed to inform Dr. Stover of the same;
- c. Was aware that her husband did not always take the medication given to him in the hospital but failed to inform Dr. Stover of the same

3. The foregoing negligent acts and omissions of the plaintiff, Mary Carter Clark, were a proximate cause of the plaintiff's decedent injuries and damages, if any, as alleged in the plaintiff's Complaint at Law.

WHEREFORE, defendant, JOANNA STOVER, MD., prays in the event judgement is entered in favor of the plaintiff's and against defendant, and in the event that the trial of facts determine that the plaintiff was contributorily negligent, that said judgement be reduced by an amount proportionate to the percentage of the plaintiff's own fault which proximately caused the plaintiff's decedent's injuries and damages, if any, as alleged in plaintiff's Complaint.

Respectfully submitted:

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**SMITH AND JONES, P.C.**  
Attorneys for Defendant.

**SMITH AND JONES, P.C.**  
55 E. Street  
Suite 3400  
Any City, Any State 06063-5081  
(555) 555-9200  
Attorney Code 34597