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2			
3	IN THE CIRCUIT COURT OF THE STATE OF OREGON		
4	FOR THE COUNTY OF MULTNOMAH		
5			
6	HENRY MICHAEL FUHRER,	Case No.	19CV38807
7	Plaintiff,	GROUP,	ANTS AVIS BUDGET INC., AVIS BUDGET CAR
8	VS.	RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC., AVIS RENT A CAR SYSTEM, LLC, AND TADASHI DAVID EMORI'S AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO FIRST AMENDED COMPLAINT	
10	AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC., PV HOLDING CORP, AB CAR RENTAL		
11	SERVICES, INC., AVIS RENT A CAR SYSTEM, LLC, CONTINENTAL		
12	CASUALTY COMPANY, GASPAR DAVID MATEO, GASPAR DAVID		AOTT GLADATI CTT TO
13	PABLO, AND TADASHI DAVID EMORI,		IOT SUBJECT TO FORY ARBITRATION
14	Defendants.	Jury Trial	Requested
15			n Controversy: \$8,900,000.00 prity: ORS 21.160(1)(d)
16			
17	Defendants Avis Budget Group, Inc., Avis Budget Car Rental, LLC, PV Holding		
18	Corp, AB Car Rental Services, Inc., Avis Rent A Car System, LLC and Tadashi David		
19	Emori (collectively, "defendants") answer plaintiff's first amended complaint as follows:		
20	1.		
21	Defendants deny each and every allegation in plaintiff's complaint except as		
22	expressly admitted herein.		
23	COMMON ALLEGATIONS		
24	(Parties and Venue)		
25	2.		
26	Defendants admit the allegations in paragraphs 1 through 6.		
27	4841-1921-7326.1 DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC., AVIS RENT A CAR SYSTEM, LLC, AND TADASHI DAVID EMORI'S  Lewis Brisbois Bisgaard & Smith LLP 888 SW Fifth Avenue, Suite 900 Portland Oregon 97204-2025 Talephone 971 712 3800 a Few 971 712 3800		

AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO FIRST

AMENDED COMPLAINT - 1

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1	3.	
2	Defendants are without sufficient knowledge to admit or deny the allegations in	
3	paragraph 7, and therefore deny same.	
4	4.	
5	Defendants admit the allegations in paragraphs 8 and 9.	
6	5.	
7	As to the allegations in paragraph 10, defendants admit only that defendant Emori	
8	was employed by one of the Avis defendants, and at all times material he was in the course	
9	and scope of his employment. Defendants deny the remaining allegations in paragraph 10.	
10	COMMON ALLEGATIONS	
11	(Facts related to all claims)	
12	6.	
13	Defendants admit the allegations in paragraphs 11 and 12.	
14	7.	
15	As to the allegations in paragraph 13, defendants admit only that a collision	
16	occurred between a vehicle operated by Mateo and a van operated by Emori at or near the	
17	time at place alleged in paragraph 13, and the collision caused damage to both vehicles.	
18	8.	
19	As to the allegations in paragraph 14, defendants admit only that Emori was driving	
20	out of a driveway access on the north side of Columbia Blvd. and making a left turn on to	
21	Columbia Blvd.	
22	9.	
23	Defendants admit the allegations in paragraph 15.	
24	10.	
25	As to the allegations in paragraphs 16 through 18, defendants admit only that	
26	plaintiff suffered some injuries and damages as a result of the collision, the nature and	
27	4841-1921-7326.1 DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC.,  888 SW Fifth Avenue, Suite 900	

1	extent of which are unknown to defendants at this time and are in dispute.	
2	FIRST CLAIM FOR RELIEF	
3	(Defendant Mateo)	
4	11.	
5	In response to the allegations in paragraph 19, defendants re-assert their answers to	
6	paragraphs 1 through 18.	
7	12.	
8	Defendants admit the allegations in paragraphs 20 and 21.	
9	SECOND CLAIM FOR RELIEF	
10	(Defendant Pablo)	
11	13.	
12	In response to the allegations in paragraph 22, defendants re-assert their answers to	
13	paragraphs 1 through 18.	
14	14.	
15	Defendants admit the allegations in paragraphs 23 through 25.	
16	THIRD CLAIM FOR RELIEF	
17	(Defendants Emori and PV Holding)	
18	15.	
19	In response to the allegations in paragraph 26, defendants re-assert their answers to	
20	paragraphs 1 through 18.	
21	16.	
22	Defendants deny the allegations in paragraphs 27 through 29.	
23	FOURTH CLAIM FOR RELIEF	
24	(Defendant Continental)	
25	17.	
26	In response to the allegations in paragraph 30, defendants re-assert their answers to	
27	4841-1921-7326.1  DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC.,  888 SW Fifth Avenue, Suite 900 Portland Oregon 97204-2025	

1	paragraphs 1 through 18.	
2	18.	
3	Defendants are without sufficient knowledge to admit or deny the allegations in	
4	paragraphs 31 through 36 and therefore deny same.	
5	FIFTH CLAIM FOR RELIEF	
6	(Defendants Group; Avis Budget; PV Holding;	
7	AB Car Rental; and Avis Rent A Car)	
8	19.	
9	In response to the allegations in paragraph 37, defendants re-assert their answers t	
10	paragraphs 1 through 18.	
11	20.	
12	Defendants deny the allegations in paragraphs 38 through 43.	
13	FIRST AFFIRMATIVE DEFENSE	
14	(Failure to State a Claim)	
15	21.	
16	Plaintiff has failed to state ultimate facts sufficient to state a valid claim for relief	
17	against defendants.	
18	SECOND AFFIRMATIVE DEFENSE	
19	(Comparative Fault)	
20	22.	
21	In the event defendants are found at fault and liable for plaintiff's injuries,	
22	defendants are entitled to an allocation of fault against all parties responsible or potentially	
23	responsible for plaintiff's injuries under ORS 31.600.	
24		
25	///	
26	///	
27	4841-1921-7326.1 DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC., AVIS RENT A CAR SYSTEM, LLC, AND TADASHI DAVID EMORI'S  Lewis Brisbois Bisgaard & Smith LLP 888 SW Fifth Avenue, Suite 900 Portland Oregon 97204-2025 Talenkaras 971-713-3800 a Few 971-713-3801	

AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO FIRST

AMENDED COMPLAINT - 4

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1	THIRD AFFIRMATIVE DEFENSE	
2	(Exclusive Remedy – ORS 656.018)	
3	23.	
4	Defendants Avis Budget Group, Inc., Avis Budget	Car Rental, LLC, PV Holding
5	Corp., AB Car Rental Services, Inc., and Avis Rent A Car	System, LLC are immune from
6	liability given that they were in compliance with the Work	ers' Compensation Law.
7	FOURTH AFFIRMATIVE DEFENSE	
8	(Exclusive Remedy – ORS 656.018(3))	
9	24.	
10	Defendant Emori is immune from liability under O	PRS 656.018(3).
11	FIFTH AFFIRMATIVE DEFENSE	
12	(Negligence of Fellow Servant)	
13	25.	
14	Defendants deny that Emori was negligent. However, to the extent Emori is found	
15	to be negligent, then defendants Avis Budget Group, Inc., Avis Budget Car Rental, LLC,	
16	PV Holding Corp., AB Car Rental Services, Inc., and Avis Rent A Car System, LLC are	
17	immune from liability under the Employer Liability Law given that plaintiff's injuries	
18	were caused by the negligence of a fellow servant.	
19	///	
20	///	
21	///	
22	///	
23	///	
24	///	
25	///	
26	///	
27	4841-1921-7326.1 DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC., AVIS RENT A CAR SYSTEM, LLC, AND TADASHI DAVID EMORI'S	Lewis Brisbois Bisgaard & Smith LLP 888 SW Fifth Avenue, Suite 900 Portland Oregon 97204-2025 Telephone: 971 712 2800 • Fay 971 712 2801

AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO FIRST

AMENDED COMPLAINT - 5

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1	WHEREFORE, having fully answered plaintiff's complaint, defendants pray for	
2	judgment in their favor and for costs and disbursements incurred herein.	
3	DATED this 26 <sup>th</sup> day of November, 2019.	
4	LEWIS BRISBOIS BISGAARD & SMITH LLP	
5	By: s/ Nicole M. Nowlin	
6	Nicole M. Nowlin, OSB #051316 Nicole.Nowlin@lewisbrisbois.com	
7		
8	Attorneys for Defendants Avis Budget Group, Inc., Avis Budget Car Rental, LLC, PV	
9	Holding Corp, AB Car Rental Services, Inc., Avis Rent A Car System, LLC, and Tadashi	
10	David Emori	
11	Trial Attorney:	
12	Nicole M. Nowlin, OSB #051316	
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27	4841-1921-7326.1  DEFENDANTS AVIS BUDGET GROUP, INC., AVIS BUDGET CAR  Lewis Brisbois Bisgaard & Smith LLP	

AMENDED COMPLAINT - 6

1	<u>CERTIFICATE OF SERVICE</u>		
2	I certify that I served the foregoing <b>DEFENDANTS AVIS BUDGET GROUP, INC., AVIS</b>		
3	BUDGET CAR RENTAL, LLC, PV HOLDING CORP, AB CAR RENTAL SERVICES, INC., AVIS		
4	RENT A CAR SYSTEM, LLC, AND TADASHI DAVID EMORI'S AMENDED ANSWER AND		
5	AFFIRMATIVE DEFENSES TO FIRST AMENDED COMPLAINT on the following attorneys by the		
6	method indicated below on the 26 <sup>th</sup> day of Novem	aber, 2019:	
7 8 9	Attorneys for Plaintiff: Thomas Melville Gresham Injury Law Center 424 NE Kelly Ave. Gresham, OR 97030 tom@greshaminjurylaw.com	✓ Via First Class Mail Via Federal Express Via Facsimile Via Hand-Delivery ✓ Via E-Mail	
10	toni e gresnaninijui yiaw.com		
11 12	Attorneys for Continental Casualty Company: Heather Beasley Davis Rothwell Earle & Xochihua 200 SW Martket St., Suite 1800	<ul><li>✓ Via First Class Mail</li><li>✓ Via Federal Express</li><li>✓ Via Facsimile</li><li>✓ Via Hand-Delivery</li></ul>	
13	Portland, OR 97201  HBEASLEY@davisrothwell.com	✓ Via Hand-Derivery  Via E-Mail	
<ul><li>14</li><li>15</li><li>16</li><li>17</li></ul>	Attorneys for Defendant Mateo: John R. Barhoum Jeffrey W. Hansen Chock Barhoum LLP 121 SW Morrison, Suite 415 Portland, OR 97204 John.barhoum@chockbarhoum.com Jeff.hansen@chockbarhoum.com	<ul> <li>✓ Via First Class Mail</li> <li>Wia Federal Express</li> <li>Via Facsimile</li> <li>Via Hand-Delivery</li> <li>✓ Via E-Mail</li> </ul>	
<ul><li>18</li><li>19</li><li>20</li></ul>	Attorneys for Defendant Pablo: Flavio A. Ortiz Martin M. Rall 9700 SW Capitol HWY, Ste. 120 Portland, OR 97217	<ul><li>✓ Via First Class Mail</li><li>✓ Via Federal Express</li><li>✓ Via Facsimile</li><li>✓ Via Hand-Delivery</li></ul>	
21	alex@rallortiz.com marty@rallortiz.com	✓ Via E-Mail	
22	I	LEWIS BRISBOIS BISGAARD & SMITH LLP	
23			
24	F	By: s/ Nicole M. Nowlin	
25		Nicole M. Nowlin, OSB # 051316 Attorneys for Defendants Avis Budget Group, Inc.,	
<ul><li>26</li><li>27</li></ul>		Avis Budget Car Rental, LLC, PV Holding Corp, AB Car Rental Services, Inc., Avis Rent A Car System, LLC and Tadashi David Emori	

4841-1921-7326.1 CERTIFICATE OF SERVICE - 1

CERTIFICATE OF SERVICE - 2