

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE



ALASKA BUILDING, INC., an Alaska corporation, )  
)  
)

Plaintiff, )  
)

v. )  
)

716 WEST FOURTH AVENUE, LLC, )  
KOONCE PFEFFER BETTIS, INC., d/b/a )  
KPB ARCHITECTS, PFEFFER )  
DEVELOPMENT, LLC, LEGISLATIVE )  
AFFAIRS AGENCY, and CRITERION )  
GENERAL, INC., )  
)

Case No. 3AN-15-05969 CI

Defendants. )  
)  
)

ANSWER

COMES NOW defendant, Koonce Pfeffer Bettis, Inc. d/b/a KPB Architects, by and through counsel, Richmond & Quinn, and for answer to plaintiff's complaint admits, denies and alleges as follows:

1. With regard to paragraph 1 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

2. With regard to paragraph 2 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

3. With regard to paragraph 3 of plaintiff's complaint, answering defendant admits the allegations contained therein.

4. With regard to paragraph 4 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

5. With regard to paragraph 5 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

6. With regard to paragraph 6 of plaintiff's complaint, answering defendant admits the allegations contained therein.

7. With regard to paragraph 7 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

8. With regard to paragraph 8 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

9. With regard to paragraph 9 of plaintiff's complaint, answering defendant admits the allegations that the two buildings shared the wall, but lacks sufficient information to form a belief as to the truth of the remaining allegations contained therein.

10. With regard to paragraph 10 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

11. With regard to paragraph 11 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

12. With regard to paragraph 12 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

13. With regard to paragraph 13 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

14. With regard to paragraph 14 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

Answer

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15. With regard to paragraph 15 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

16. With regard to paragraph 16 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

17. With regard to paragraph 17 of plaintiff's complaint, the allegations contain legal conclusions to which no responsive answer is required, and on that basis, denies those allegations.

18. With regard to paragraph 18 of plaintiff's complaint, the allegations contain legal conclusions to which no responsive answer is required, and on that basis, denies those allegations.

19. With regard to paragraph 19 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

20. With regard to paragraph 20 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

21. With regard to paragraph 21 of plaintiff's complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

22. With regard to paragraph 22 of plaintiff's complaint, the allegations contain legal conclusions to which no responsive answer is required, and on that basis, denies those allegations.

23. With regard to paragraph 23 of plaintiff's complaint, answering defendant admits the allegations contained therein.

24. With regard to paragraph 24 of plaintiff's complaint, answering defendant admits the allegations contained therein.

25. With regard to paragraph 25 of plaintiff's complaint, answering defendant admits the allegations contained therein.

26. With regard to paragraph 26 of plaintiff's complaint, answering defendant admits the allegations contained therein.

27. With regard to paragraph 27 of plaintiff's complaint, answering defendant denies the allegations contained therein.

28. With regard to paragraph 28 of plaintiff's complaint, answering defendant denies the allegations contained therein.

29. With regard to paragraph 29 of plaintiff's complaint, the allegations contain legal conclusions to which no responsive answer is required, and on that basis, denies those allegations.

30. With regard to paragraph 30 of plaintiff's complaint, the allegations contain legal conclusions to which no responsive answer is required, and on that basis, denies those allegations.

31. With regard to paragraph 31 of plaintiff's complaint, answering defendant denies the allegations contained therein.

#### AFFIRMATIVE AND ADDITIONAL DEFENSES

By way of further answer and by way of:

##### FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a claim for relief.

##### SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages, if any.

##### THIRD AFFIRMATIVE DEFENSE

Plaintiff's own conduct was comparatively negligent and such conduct should serve to reduce its damages, if any.

##### FOURTH AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are a result of pre-existing conditions in the building and not a result of construction activities.

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FIFTH AFFIRMATIVE DEFENSE

Some or all of plaintiff's claims are barred by the applicable statute of limitations and/or laches.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's recovery, if any, should be reduced by fault of parties other than defendants.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims may be barred by a lack of privity.

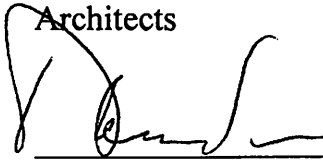
FURTHER AFFIRMATIVE DEFENSES

Defendant reserves the right to assert whatever other affirmative defenses and/or counterclaims that may become available as discovery progresses.

WHEREFORE, having answered the plaintiff's complaint, defendant prays that the same be dismissed with prejudice; that plaintiff takes nothing from defendant; that defendant be awarded its costs and attorney's fees incurred in defending this action; and for such other and further relief as this court deems just and equitable.

DATED this 6<sup>th</sup> day of May, 2015, at Anchorage, Alaska.

RICHMOND & QUINN  
Attorneys for Defendant  
Koonce Pfeffer Bettis, Inc. d/b/a KPB  
Architects

By:   
Daniel T. Quinn  
Alaska Bar No. 8211141

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by mail this 6<sup>th</sup> day of May, 2015, on:

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520.002\PLD\Answer