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10 STEVEN PATRICK MORRISSEY

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Superior Court of California,
County of Orange
04/10/2015 at 11:57:00 AM
Clerk of the Superior Court
By Nomi Lau, Deputy Clerk

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF ORANGE – CENTRAL JUSTICE CENTER
14

15 BRADLEY STEYN, an individual,
16 Plaintiff,

17 vs.

18 STEVEN PATRICK MORRISSEY, an
19 individual; DONALD KNUTSON, an
20 individual; 2014-14 TOURS, A business Entity
21 From Presently Unknown; and DOES 1 through
22 100, inclusive,

23 Defendants.

) Case No. 30-2014-00736735-CU-CO-CJC
) [Assigned to the Hon. Mary Fingal Schulte]

) **ANSWER TO VERIFIED COMPLAINT OF**
) **DEFENDANT STEVEN PATRICK**
) **MORRISSEY**

) Action Filed: July 29, 2014

1 Defendant Steven Patrick Morrissey ("Morrissey") by and through his attorney, answers the
2 Verified Complaint ("Complaint") filed by Plaintiff Bradley Steyn ("Steyn") by admitting, denying
3 and alleging as follows:

4
5 **PARTIES**

6 1. Morrissey alleges that he is without information or belief sufficient to answer the
7 allegations contained in Paragraph 1 of the Complaint and, on that basis, denies each and every
8 allegation contained therein.

9 2. Morrissey denies the allegations contained in Paragraph 2 of the Complaint.

10 3. Morrissey alleges he is without information or belief sufficient to answer the
11 allegations contained in Paragraph 3 of the Complaint and, on that basis, denies each and every
12 allegation contained therein.

13 4. Morrissey admits the allegations contained in Paragraph 4 of the Complaint.

14 5. Morrissey alleges that he is without information or belief sufficient to answer the
15 allegations contained in Paragraph 5 of the Complaint and, on that basis, denies each and every
16 allegation contained therein.

17 6. Morrissey denies each and every allegation contained in Paragraph 6 of the
18 Complaint.

19 7. Morrissey denies each and every allegation contained in Paragraph 7 of the
20 Complaint.

21
22 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

23 5. Morrissey admits that he is an internationally known musician and that he is a
24 former member of the "Smiths", but otherwise denies the allegations contained in Paragraph 5 of
25 the Complaint.

26 6. Morrissey alleges that he is without information or belief sufficient to answer the
27 allegations contained in Paragraph 6 of the Complaint and, on that basis, denies each and every
28 allegation contained therein.

1 7. Morrissey alleges that he is without information or belief sufficient to answer the
2 allegations contained in Paragraph 7 of the Complaint and, on that basis, denies each and every
3 allegation contained therein.

4 8. Morrissey admits that fans rushed the stage at a concert, but otherwise denies each
5 and every allegation contained in Paragraph 8 of the Complaint.

6 9. Morrissey alleges that he is without information or belief sufficient to answer the
7 allegations contained in Paragraph 9 of the Complaint and, on that basis, denies each and every
8 allegation contained therein.

9 10. Morrissey alleges that he is without information or belief sufficient to answer the
10 allegations contained in Paragraph 10 of the Complaint and, on that basis, denies each and every
11 allegation contained therein.

12 11. Morrissey alleges that he is without information or belief sufficient to answer the
13 allegations contained in Paragraph 11 of the Complaint and, on that basis, denies each and every
14 allegation contained therein.

15 12. Morrissey alleges that he is without information or belief sufficient to answer the
16 allegations contained in Paragraph 12 of the Complaint and, on that basis, denies each and every
17 allegation contained therein.

18 13. Morrissey alleges that he is without information or belief sufficient to answer the
19 allegations contained in Paragraph 13 of the Complaint and, on that basis, denies each and every
20 allegation contained therein.

21 14. Morrissey alleges that he is without information or belief sufficient to answer the
22 allegations contained in Paragraph 14 of the Complaint and, on that basis, denies each and every
23 allegation contained therein.

24 15. Morrissey alleges that he is without information or belief sufficient to answer the
25 allegations contained in Paragraph 15 of the Complaint and, on that basis, denies each and every
26 allegation contained therein.

1 16. Morrissey alleges that he is without information or belief sufficient to answer the
2 allegations contained in Paragraph 16 of the Complaint and, on that basis, denies each and every
3 allegation contained therein.

4 17. Morrissey alleges that he is without information or belief sufficient to answer the
5 allegations contained in Paragraph 17 of the Complaint and, on that basis, denies each and every
6 allegation contained therein.

7 18. Morrissey alleges that he is without information or belief sufficient to answer the
8 allegations contained in Paragraph 18 of the Complaint and, on that basis, denies each and every
9 allegation contained therein.

10 19. Morrissey alleges that he is without information or belief sufficient to answer the
11 allegations contained in Paragraph 19 of the Complaint and, on that basis, denies each and every
12 allegation contained therein.

13 20. Morrissey alleges that he is without information or belief sufficient to answer the
14 allegations contained in Paragraph 20 of the Complaint and, on that basis, denies each and every
15 allegation contained therein.

16 21. Morrissey denies each and every allegation contained in Paragraph 21 of the
17 Complaint.

18 22. Morrissey denies each and every allegation contained in Paragraph 22 of the
19 Complaint.

20 23. Morrissey denies each and every allegation contained in Paragraph 23 of the
21 Complaint.

22 24. Morrissey alleges that he is without information or belief sufficient to answer the
23 allegations contained in Paragraph 24 of the Complaint and, on that basis, denies each and every
24 allegation contained therein.

25 25. Morrissey denies each and every allegation contained in Paragraph 25 of the
26 Complaint.

FIRST CAUSE OF ACTION

26. Morrissey incorporates by reference his responses to the allegation of Paragraphs 1 through 25 of the Complaint.

27. Morrissey denies each and every allegation contained in Paragraph 27 of the Complaint.

28. Morrissey denies each and every allegation contained in Paragraph 28 of the Complaint.

29. Morrissey denies each and every allegation contained in Paragraph 29 of the Complaint.

30. Morrissey denies each and every allegation contained in Paragraph 30 of the Complaint.

SECOND CAUSE OF ACTION

31. Morrissey incorporates by reference his responses to the allegation of Paragraphs 1 through 30 of the Complaint.

32. Morrissey denies each and every allegation contained in Paragraph 32 of the Complaint.

33. Morrissey denies each and every allegation contained in Paragraph 33 of the Complaint.

34. Morrissey denies each and every allegation contained in Paragraph 34 of the Complaint.

35. Morrissey denies each and every allegation contained in Paragraph 35 of the Complaint.

THIRD CAUSE OF ACTION

36. Morrissey incorporates by reference his responses to the allegation of Paragraphs 1 through 35 of the Complaint.

37. Morrissey denies each and every allegation contained in Paragraph 37 of the Complaint.

1 38. Morrissey denies each and every allegation contained in Paragraph 38 of the
2 Complaint.

3 39. Morrissey denies each and every allegation contained in Paragraph 39 of the
4 Complaint.

5 40. Morrissey denies each and every allegation contained in Paragraph 40 of the
6 Complaint.

7 41. Morrissey denies each and every allegation contained in Paragraph 41 of the
8 Complaint.

9 42. Morrissey denies each and every allegation contained in Paragraph 42 of the
10 Complaint.

11 **FOURTH CAUSE OF ACTION**

12 43. Morrissey incorporates by reference his responses to the allegation of Paragraphs 1
13 through 42 of the Complaint.

14 44. Morrissey denies each and every allegation contained in Paragraph 44 of the
15 Complaint.

16 45. Morrissey denies each and every allegation contained in Paragraph 45 of the
17 Complaint.

18 46. Morrissey denies each and every allegation contained in Paragraph 46 of the
19 Complaint.

20 47. Morrissey denies each and every allegation contained in Paragraph 47 of the
21 Complaint.

22 48. Morrissey denies each and every allegation contained in Paragraph 49 of the
23 Complaint.

24 49. Morrissey denies each and every allegation contained in Paragraph 50 of the
25 Complaint.

26 50. Morrissey denies each and every allegation contained in Paragraph 50 of the
27 Complaint.
28

1 **AFFIRMATIVE DEFENSES**

2
3 **FIRST AFFIRMATIVE DEFENSE**

4 (Failure to State a Cause of Action)

5 1. As a separate and affirmative defense as to each and every cause of action,
6 Morrissey alleges that the Complaint fails to set forth sufficient facts in order to state a cause of
7 action against him.

8 **SECOND AFFIRMATIVE DEFENSE**

9 (Not the Contracting Party)

10 2. As a separate and affirmative defense to each and every cause of action, Morrissey
11 alleges that to the extent a purported contract was entered into, he, Morrissey, was not a party to
12 that contract and is not an obligor under that contract.

13
14 **THIRD AFFIRMATIVE DEFENSE**

15 (Offset)

16 3. As a separate and affirmative defense to each and every cause of action, Morrissey
17 alleges that Steyn's claims are barred, and/or offset, Steyn's own wrongful, unlawful, tortious or
18 improper conduct.

19
20 **FOURTH AFFIRMATIVE DEFENSE**

21 (Unclean Hands)

22 4. As a separate and affirmative defense to each and every cause of action, Morrissey
23 alleges that Steyn's claims are barred, and/or offset, by virtue of Steyn's unclean hands.

1 **FIFTH AFFIRMATIVE DEFENSE**

2 (Failure of Consideration)

3 5. As a separate and affirmative defense to each and every cause of action, Morrissey
4 alleges that Steyn's claims are barred, and/or offset, by virtue of a failure of consideration.

5
6 **SIXTH AFFIRMATIVE DEFENSE**

7 (Inadequacy of Consideration)

8 6. As a separate and affirmative defense to each and every cause of action, Morrissey
9 alleges that Steyn's claims are barred, and/or offset, by virtue of an inadequacy of consideration.

10
11 **SEVENTH AFFIRMATIVE DEFENSE**

12 (Mutual Mistake)

13 7. As a separate and affirmative defense to each and every cause of action, Morrissey
14 alleges that Steyn's claims are barred by virtue of the mutual mistake of the parties.

15
16 **EIGHTH AFFIRMATIVE DEFENSE**

17 (Unilateral Mistake)

18 8. As a separate and affirmative defense to each and every cause of action, Morrissey
19 alleges that Steyn's claims are barred by virtue of the unilateral mistake of one of the parties.

20
21 **NINTH AFFIRMATIVE DEFENSE**

22 (Doctrine of Estoppel)

23 9. As a separate and affirmative defense to each and every cause of action, Morrissey
24 alleges that Steyn is estopped from obtaining the relief requested in this action.

1 **TENTH AFFIRMATIVE DEFENSE**

2 (Doctrine of Waiver)

3 10. As a separate and affirmative defense to each and every cause of action, Morrissey
4 alleges that the Steyn's claims are barred by virtue of the doctrine of waiver.

5
6 Morrissey hereby reserves his right to assert additional affirmative defenses that become
7 available or apparent during the pendency of this action.

8
9 **ELEVENTH AFFIRMATIVE DEFENSE**

10 (Terminable at Will)

11 11. As a separate and affirmative defense to each and every cause of action, Morrissey
12 alleges that to the extent a purported contract was entered into, it was not a contract for a fixed term
13 and it was terminable at will under California law.

14
15 **PRAYER**

16 WHEREFORE, Morrissey prays for judgment as follows:

- 17 1. that Steyn take nothing by way of the Complaint;
18 2. that Morrissey be awarded his costs of suit;
19 4. that Morrissey be awarded attorneys' fees pursuant to statute and/or contract to the
20 extent permitted by law or contract; and
21 5. for such other and further relief as the Court deems just and proper.

22
23 DATED: April 10, 2015

DAVIS WRIGHT TREMAINE LLP

24
25
26 By: 

27 BRUCE ISAACS, ESQ.
28 Attorneys for Defendants STEVEN PATRICK MORRISSEY

VERIFICATION

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I have read the foregoing Answer to Verified Complaint and know its contents.

CHECK APPLICABLE PARAGRAPH

- ☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.
- ☐ I am the Managing Member of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated herein are true.
- ☒ I am one of the attorneys for STEVEN PATRICK MORRISSEY, a party to this action. Such party is absent from the aforesaid county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on April 10, 2015, at Los Angeles, California.



BRUCE ISAACS, ESQ.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

Pursuant to Section 1010.6 of the Code of Civil Procedure, Rule 2.253(b)(2) of the California Rules of Court, Orange County Superior Court Local Rule 352, and Local Rule 601.01, on **April 10, 2015**, I caused service of a true and correct copy of the attached:

ANSWER TO VERIFIED COMPLAINT OF DEFENDANT STEVEN PATRICK MORRISSEY

to be completed by:

- _____ personally delivering
_____ delivery via Nationwide Legal Services
_____ sending via Federal Express or other overnight delivery service
_____ depositing for mailing in the U.S. mail with sufficient postage affixed thereto
 X delivery via email
 X electronic filing, and thereby delivery via e-mail to:

Keith Davidson, Esq.
Keith Davidson & Associates, P.L.C.
8383 Wilshire Blvd., Suite 510
Beverly Hills, CA 90212
Email: keith@kmdlaw.com

Executed on **April 10, 2015**, Los Angeles, California.

- ☒ State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- ☐ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

LINA PEARMAIN

Print Name



Signature