

First Amended Petition for Damages was not caused or contributed to be caused by any act, conduct, negligence and/or fault on the part of Hawk Truck Leasing.

30. Hawk Truck Leasing affirmatively states that if Plaintiffs and/or Plaintiffs' Decedents sustained any injuries or damages as alleged, which Hawk Truck Leasing specifically denies, the same were caused or contributed to be caused, in whole or in part, by the contributory or comparative negligence or fault or other culpable conduct, of Plaintiffs, co-defendants MHTC, non-parties Brock McMichael and Adam Dowell, and/or other non-parties and not as a result of any negligence, or any culpable conduct on the part of Hawk Truck Leasing, to wit:

- a. Amy Morse failed to use that degree of care exercised by persons of the same or similar age, judgment or experience in her activities;
- b. Amy Morse negligently and carelessly lost control of her vehicle;
- c. Amy Morse negligently and carelessly failed to stop, swerve, or slow and swerve to avoid the alleged accident;
- d. Amy Morse negligently and carelessly drove too fast for the conditions;
- e. Amy Morse negligently and carelessly drove at an excessive speed;
- f. Amy Morse failed to keep a careful lookout;
- g. Amy Morse drove at an inattentive state;
- h. Amy Morse drove in a careless and imprudent manner;
- i. Amy Morse failed to properly maintain her vehicle;
- j. Amy Morse failed to properly inspect and/or observe her vehicle;
- k. Amy Morse failed to maintain her vehicle in a single lane of traffic;