

*Vanmeter vs Crews, 148 877, 40
(Malpractice case)*

PERRY CIRCUIT COURT.

Lucile Kinner by her next
Friend, John G. Kinner,

Plaintiff.

Vs. ¶ AMENDED ANSWER.

Dr. Taylor Hurst,

Defendant.

The defendant, Dr. Taylor Hurst, now comes by leave of Court, and for further answer and defense to plaintiff's petition states that the plaintiff, Lucile Kinner, on the occasion of the alleged injuries and sufferings complained of, was in the eighth year of her age, and was a girl of good sense and intelligence, and possessed such discretion as is ordinarily possessed by children of the same age.

Defendant further states that at the time and upon the occasion complained of in plaintiff's petition, the plaintiff was in the care and custody of her parents, John G. Kinner, her father, and _____, Kinner, her mother; and that her parents had full control of her during the whole time that the defendant had any connection with said case, and on all occasions that defendant administered any treatment to the plaintiff.

Defendant further states that the injuries and sufferings complained of in the petition was caused and contributed to by the negligence of the plaintiff, Lucile Kinner, and the negligence of her parents, John G. Kinner and _____ Kinner; and but for said negligence on the part of the plaintiff, and the part of her parents