

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

TOWANDA R. FUTRELL

*Plaintiff*

v.

Civil Action No.: 4:23-cv-00118-JKE-DEM

DANIEL L. CRAMER,

AV LEASING, LLC,

TRITON LOGISTICS, INC.,

WDTC, LLC,

and

DANIEL L. CRAMER

*Defendants.*

**AV LEASING, LLC AND TRITON LOGISTICS, INC.'S ANSWER  
TO PLAINTIFF'S AMENDED COMPLAINT**

AV Leasing, LLC (“AV Leasing”) and Triton, Logistics, Inc. (“Triton”) (collectively, the “Defendants”), by counsel, state the following in response to Plaintiff Towanda Futrell’s Amended Complaint:

**PARTIES**

1. Defendants have insufficient information and/or knowledge to admit or deny the allegations in Paragraph 1.
2. Defendants have insufficient information and/or knowledge to admit or deny the allegations in Paragraph 2.

3. With respect to Paragraph 3, Defendants admit only that AV Leasing is an Illinois corporation and that AV Leasing leased the truck involved in the alleged incident to Triton. The remainder of the allegations in Paragraph 3 are denied.

4. Defendants admit the allegations in Paragraph 4.

5. The allegations in Paragraph 5 are not directed at these Defendants and therefore require no response. To the extent that a response is necessary, the allegations are denied.

### **JURISDICTION AND VENUE**

6. Defendants admit the allegations in Paragraph 6.

7. Defendants admit the allegations in Paragraph 7.

### **FACTS**

8. With respect to Paragraph 8, Defendants admit only that Defendant Cramer was operating a tractor trailer on December 16, 2021 going eastbound on Interstate 64 in York County, Virginia. Defendants deny the truthfulness of the remainder of the allegations contained in Paragraph 8.

9. Defendants deny the truthfulness of the allegations contained in Paragraph 9.

10. With respect to Paragraph 10, Defendants admit, based upon information and belief, that Plaintiff was a passenger in a party bus traveling eastbound on Interstate 64 at the time of the alleged accident. Defendants deny the remainder of the allegations in Paragraph 10.

11. With respect to Paragraph 11, Defendants admit only that an impact occurred. Defendants deny the remainder of the allegations in Paragraph 11.

12. Based upon information and belief, Defendants admit only that the tractor trailer operated by Defendant Cramer crossed the center median of Interstate 64 and struck the westbound side of the guard rail. Defendants deny the remainder of the allegations in Paragraph 12.

13. With respect to Paragraph 13, Defendants admit only that Defendant Cramer was operating a tractor trailer owned by AV Leasing and leased by Triton at the time of the alleged accident. Defendants deny the remainder of the allegations in Paragraph 13.

14. With respect to Paragraph 14, Triton denies that it employed Defendant Cramer, and thus denies liability under the doctrine of Respondeat Superior for any actions alleged against Cramer in Plaintiff's Amended Complaint. The allegations pertaining to WDTC, LLC are not directed at these Defendants and therefore require no response. To the extent that a response is required, the allegations are denied. All other allegations contained in Paragraph 14 that are not admitted are hereby denied.

### **COUNT I – NEGLIGENCE**

Defendants repeat and restate their answers to the allegations in Paragraphs 1 to 14 above.

15. The allegations in Paragraph 15(a)–(n) are not directed at these Defendants and therefore require no response. To the extent that a response is necessary, the allegations are denied.

### **DAMAGES AND AD DAMNUM**

16. Defendants deny the allegations contained in Paragraph 16 (incorrectly numbered as a duplicate Paragraph 13 on page 5 of the Plaintiff's Amended Complaint).

17. Defendants deny the allegations contained in Paragraph 17 (incorrectly numbered as a duplicate Paragraph 14 on page 6 of Plaintiff's Amended Complaint).

18. Defendants deny the allegations in the “WHEREFORE” paragraph of Plaintiff’s Amended Complaint and that they are indebted to the Plaintiff in any amount or on any account.

**AFFIRMATIVE DEFENSES**

19. Defendants aver that the incident complained of was the result of individuals or entities that they are not responsible or liable for under the laws of the Commonwealth of Virginia.

20. Defendants aver that the Plaintiff was contributorily negligent and that her contributory negligence was a proximate cause of any injuries and damages being claimed in this matter.

21. Defendants reserve the right to rely upon the doctrine of sudden emergency/unavoidable accident, if the evidence should support that defense.

22. Defendants aver that the incident complained of did not occur in the manner alleged.

23. Defendants reserve the right to rely upon the defense that the Plaintiff has failed to mitigate or minimize her damages to the extent the evidence should support that defense.

24. Defendants reserve the right to amend its responsive pleadings in this matter.

WHEREFORE, Defendants AV Leasing, LLC and Triton Logistics, Inc. demand judgment on their behalf along with their costs expended herein and for such other relief as justice may require.

TRIAL BY JURY IS DEMANDED.

Dated: June 17, 2024

Respectfully submitted,

**AV LEASING, LLC**

**And**

**TRITON LOGISTICS, INC.**

By Counsel

*/s/ Terrence L. Graves*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served by e-mail this 17th day of June 2024 to the following:

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