

CAUSE NO. 2022-44525

DR. MARY TALLEY BOWDEN,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
THE METHODIST HOSPITAL d/b/a	§	HARRIS COUNTY, TEXAS
Houston Methodist Hospital	§	
-and-	§	
	§	
MARC L. BOOM,	§	
	§	
Defendants.	§	151ST JUDICIAL DISTRICT

DEFENDANTS THE METHODIST HOSPITAL AND MARC L. BOOM’S ANSWER TO PLAINTIFF’S ORIGINAL PETITION

By their counsel of record, defendants The Methodist Hospital and Marc L. Boom (“Defendants”) file this Answer to Plaintiff’s Original Petition and, based upon personal knowledge as to their own actions and upon information and belief as to all other persons and events, state as follows:

GENERAL DENIAL

1. Defendants generally deny the allegations contained in the Petition and request that the Court require Plaintiff to prove her allegations by a preponderance of the believable evidence, as required by the laws and Constitution of this State.
2. Defendants respectfully reserve their right to amend and supplement this answer during the course of proceedings and take all other appropriate steps to defend this lawsuit.

DEFENSES

1. Plaintiff’s own acts and/or omissions caused or contributed to her injury.
2. The alleged defamation involves matters of public concern and Defendants did not act with actual malice or negligence.

3. The alleged statements are substantially true.

4. Plaintiff consented to, authorized, or invited the publication.

5. Defendants are protected by common-law qualified privilege. The alleged statements were made without actual malice, concern a subject matter of interest to the author(s), and were communicated to others having a corresponding interest.

6. Defendants are entitled to mitigation of any actual damages and/or exemplary damages, based on (1) all material facts and circumstances surrounding the claim for damages and defenses to the claim; (2) all facts and circumstances under which the alleged publication was made; and (3) evidence of the intention with which the alleged publication was made. These facts, circumstances, and evidence include (1) Plaintiff's prior statements concerning COVID-19 and/or the Defendants; (2) Plaintiff's republication of the alleged statements; (3) Plaintiff's benefit from the publicity surrounding the alleged statements and/or her own republication of the alleged statements; and (4) Defendants' intention to correct and rebut Plaintiff's own prior false statements.

7. Plaintiff's claims are barred by estoppel and unclean hands.

8. Defendants invoke all rights, privileges, protections, and immunities contained within Chapter 33 of the Texas Civil Practice and Remedies Code.

PRAYER

Therefore, Defendants respectfully request that, after trial or final hearing, the Court enter judgment for Defendants and against Plaintiff, Plaintiff takes nothing on her claims, and Defendants be awarded their attorney fees and costs and all other relief to which they are justly entitled.

Dated: September 16, 2022

Respectfully submitted,

/s/ R. Paul Yetter

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 2022, the foregoing was served by email and/or by electronic filing service on all counsel of record.

/s/ Elizabeth A. Wyman

Elizabeth A. Wyman

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Courtney Smith on behalf of R. Yetter

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Status as of 9/16/2022 11:57 AM CST

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