Filed: 1/3/2023 4:07 PM

#### CAUSE NO. 2022-77260

HEART REAL ESTATE INVESTMENT GROUP, LLC	§ IN THE DISTRICT COURT OF §
V.	§ HARRIS COUNTY, TEXAS
WAN CHEN HUANG AND TIFFANY ZHENG	§ 269 <sup>th</sup> JUDICIAL DISTRICT

## **DEFENDANTS' ORIGINAL ANSWER**

# TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Wan Chen Huang and Tiffany Zheng, Defendants in the above styled and numbered cause, filing their Original Answer and would respectfully show this Court the following:

## **GENERAL DENIAL**

1. Subject to such stipulations and affirmative defenses as may hereafter be made, Defendants assert a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure. Defendants respectfully request that Plaintiff be required to prove the charges and allegations against Defendants by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

## AFFIRMATIVE DEFENSES

- 2. Even if Plaintiff proves the allegations set forth in its Original Petition, Defendants are not liable to Plaintiff for the following reasons:
  - A. No legal binding contract exists between the parties.
  - B. If in fact a legally binding contract exists between the parties, Defendants have made all of the payments that they were required to make pursuant to the terms and conditions of the contract.

- C. If in fact a legally binding contract exists between the parties, Plaintiff was required to provide a habitable premises in which Defendants could work with quiet enjoyment Plaintiff failed to do so. In particular, the subject premises became a target of hate crime against the Asian community Plaintiff had the affirmative duty to ramp up security to protect Defendants and their customers; instead, turned a blind eye to the detriment of Defendants and their customers in Plaintiff's never-ending pursuant of saving an extra buck.
- D. If in fact a legally binding contract exists between the parties, Defendants made improvements to the subject property which more than offsets the amount of rent being sought by Plaintiff.
- E. Plaintiff failed to mitigate its damages. In particular, the property which is the subject of this lawsuit is a commercial leased space. Accordingly, Plaintiff has the legal duty to actively market the property for lease to a new tenant; however, Plaintiff has taken no action to do so.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants pray that, upon final hearing or trial on this matter, that the Court render a take-nothing judgment against Plaintiff, assess cost against Plaintiff, and award Defendants such other and further relief, both in equity and in law, that Defendants may show themselves entitled.

# Respectfully submitted,

VILT LAW, P.C.

By: /s/ Robert C. Vilt ROBERT C. VILT

> Texas Bar Number 00788586 Email: clay@viltlaw.com

5177 Richmond Avenue, Suite 1142

Houston, Texas 77056

Telephone: 713.840.7570 Facsimile: 713.877.1827 ATTORNEYS FOR DEFENDANTS

# **CERTIFICATE OF SERVICE**

I certify that the above foregoing document was served upon all counsel and/or parties of record in accordance with the Texas Rules of Civil Procedure via electronic and/or hand delivery on the 3rd day of January, 2023.

Daniel S. Edmunds Hoover Slovacek LLP 5051 Westheimer, Suite 1200 Houston, Texas 77056

> /s/ Robert C. Vilt ROBERT C. VILT

# **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.

Joshua Bailey on behalf of Robert Vilt Bar No. 788586 josh@viltlaw.com Envelope ID: 71445824

Status as of 1/3/2023 4:16 PM CST

Associated Case Party: HEART REAL ESTATE INVESTMENT GROUP, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel S.Edumunds		edmunds@hooverslovacek.com	1/3/2023 4:07:51 PM	SENT

## **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel S.Edumunds		edmunds@hooverslovacek.com	1/3/2023 4:07:51 PM	SENT
Robert C. Vilt		clay@viltlaw.com	1/3/2023 4:07:51 PM	SENT