

- 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,

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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.

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