

Cause No. 2022-78625

KEITH A. FERGUSON

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC
D/B/A MR. COOPER AND
PINGORA LOAN SERVICING, LLC
Defendants

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

80th JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER

Defendants, NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER AND PINGORA LOAN SERVICING, LLC, (“Defendants”) files this, their Original Answer, in response to the Plaintiff’s Original Petition, Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, and subsequent citation in this action and would respectfully show as follows:

**I.
GENERAL DENIAL**

NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER AND PINGORA LOAN SERVICING, LLC deny all and singular the allegations contained in Plaintiffs’ Petition and demands strict proof thereof.

**II.
ADDITIONAL DEFENSES**

Defendants plead the following matters in defense, should the same be necessary:

1. Defendants specifically deny that all conditions precedent to Plaintiff’s claims for recover have occurred or been met.

2. In addition to and/or alternatively, without waiting the foregoing, Plaintiff’s claims are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

3. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred, in whole or in part, by the doctrines of unclean hands.

4. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred in whole or in part, by the negligence and/or comparative responsibility of Plaintiff, persons acting on Plaintiff's behalf and/or third parties.

5. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred due to Defendants' Compliance with the terms of the Deed of Trust and Texas Law.

6. In addition to and/or alternatively, without waiting the foregoing, Defendants would assert any and all limitations on exemplary damages, additional damages and/or punitive damages prescribed by the Texas Rule of Civil Procedure and/or case law and/or Civil Practice and Remedies Code.

7. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred by the statute of limitations or laches.

8. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred by the statute of frauds.

9. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred by a lack of special duty.

10. In addition to and/or alternatively, without waiting the foregoing, Plaintiff's claims are barred by the economic loss doctrine.

11. In addition to and/or alternatively, without waiting the foregoing, Plaintiff fail to state a claim on which relief can be granted.

III.
DISCLOSURES – TRCP 194.2

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant requests that Plaintiffs disclose the information and material described in Rule 194.2 within 30 days of service.

IV.
NOTICE – TRCP 193.7

Defendant hereby puts Plaintiffs on notice that Defendants intend to use Plaintiff's discovery responses as evidence at trial in accordance with such rights and privileges established by Texas Rules of Civil Procedure 193.7.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff take nothing by this suit, that the Deed of Trust attached to the subject property be declared superior and enforceable and that Defendants goes hence and recovers costs in its behalf expended, as well as to such other and further relief as to which it may be justly entitled.

Respectfully submitted,

ROBERTSON, ANSCHUTZ, SCHNEID,
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By: /s/ JOHN R. LAWSON

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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been furnished to counsel of record as provided below in accordance with the Texas Rules of Civil Procedure.

Via E-Service

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Shari Vaughan on behalf of John Lawson
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Status as of 1/17/2023 10:14 AM CST

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