

CAUSE NO. 202278816

**ASTRO TECH SERVICES, LLC,
Plaintiff,**

v.

**HARTMAN INCOME REIT
MANAGEMENT, INC.
Defendant.**

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

113TH JUDICIAL DISTRICT

**DEFENDANT HARTMAN INCOME REIT MANAGEMENT, INC.'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Hartman Income REIT Management, Inc. (“Defendant”) in the above-styled cause, and files this Original Answer to Plaintiff’s Original Petition and would respectfully show unto the Court the following:

I. GENERAL DENIAL

8. Subject to the stipulations and admissions as may be hereafter made and reserving the right to file other and further pleadings, exceptions, and denials, Defendants generally deny each and every—all and singular—allegation contained in Plaintiff’s petition pursuant to TEX. R. CIV. P. 92 and demands strict proof thereof.

II. AFFIRMATIVE DEFENSES

9. Pursuant to TEX. R. CIV. P. 94 and without waiving the above and foregoing answer, Defendants would further plead as follows:

10. Defendant affirmatively alleges that Plaintiff’s claim(s) are barred in whole or in part because of Plaintiff’s failure to fulfill all conditions precedent.

11. Defendant affirmatively alleges that Plaintiff's claim(s) are barred in whole or in part because of unjust enrichment. In the interest of equity and justice, sums tendered to Plaintiff must be offset from the amounts alleged in Plaintiff's petition, or else Plaintiff would be unjustly enriched for payments Defendants already tendered to Plaintiff.

12. Defendant may have other defenses which are unknown at this time and reserves the right to amend this answer if and as such information becomes available.

III. RULE 193.7 NOTICE

13. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant gives notice that all documents produced by Plaintiff may be used at any pre-trial proceeding and at the trial of this cause.

IV. REQUEST FOR DISCLOSURES

14. Pursuant to Tex. R. Civ. P. 194, Defendant requests that Plaintiff disclose the information and material described in Rule 194.2 within thirty (30) days of being served this Original Answer.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests judgment of the Court as follows:

- a. Plaintiff replead its Petition in accordance with the special exceptions herein;
- b. Plaintiff take nothing by way of its Petition against Defendant;
- c. Judgment be rendered in favor of Defendant; and
- d. Defendant has such other and further relief, both general and special, at law and equity, to which it may show itself justly entitled, or which the Court deems proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this February 17, 2023, a true and correct copy of the foregoing pleading has been served on all counsel of record and/or joined parties via efile.txcourts.gov.

Justin McGee
Justin McGee

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.

Justin McGee on behalf of Justin McGee
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Status as of 2/20/2023 8:23 AM CST

Case Contacts

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