

**CAUSE NO. 2023-51403**

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<b>VIRAGE SPV 1 LLC,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff</b>	§	
<b>v.</b>	§	<b>OF HARRIS COUNTY</b>
<b>F. KENNETH BAILEY, JR., P.C. and F.</b>	§	
<b>KENNETH BAILEY, JR.,</b>	§	<b>152<sup>nd</sup> JUDICIAL DISTRICT</b>
<b>Defendants.</b>	§	

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**ANSWER AND REQUEST FOR DISCLOSURE**

The Defendant F. Kenneth Bailey, Jr., P.C. (“Defendant”), hereby files its *Answer And Request For Disclosure*, and would respectfully show as follows:

**ANSWER**

1. Defendant generally denies all the allegations in Plaintiff’s Original Petition, and upon final trial or hearing will require strict proof in accordance with the laws of the State of Texas and the United States Constitution

**AFFIRMATIVE DEFENSES**

2. The affirmative defenses set forth below are pled in the alternative, to the extent required:
  - a. Plaintiff’s claims are barred by limitations.
  - b. Plaintiff’s claims are barred by prior material breach.
  - c. Plaintiff’s claims are barred by waiver, consent, and agreement.
  - d. Plaintiff’s claims are barred by or subject to rights of set-off or recoupment.
  - e. Plaintiff’s claims are barred by payment, release and/or discharge.

**REQUEST FOR DISCLOSURE**

3. Pursuant to TEX. R. CIV. P., Plaintiff is requested to disclose the materials in TEX. R. CIV. P. 194.2(a)-(1) within thirty (30) days of receipt of this *Original Answer and Request For Disclosure*.

**PRAYER**

**WHEREFORE**, Defendant requests that Plaintiff recover and take nothing in this lawsuit, and that Defendant be granted such other and further relief, at law or in equity, to which it may be justly entitled.

Dated: September 17, 2023

Respectfully submitted,

By: /s/Johnie Patterson

Johnie Patterson  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was delivered to Todd Mensing, Cameron Byrd and Justin Kenney via electronic delivery on September 17, 2023.

/s/ Johnie Patterson  
Johnie Patterson

### Automated Certificate of eService

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