



2. Further, Defendants reserve the right to amend their answer to Plaintiff's allegations after having had an opportunity to fully investigate these claims as is their right and privilege under the Texas Rules of Civil Procedure and the laws of the State of Texas.

**II.**  
**AFFIRMATIVE DEFENSES**

3. In addition to and without waiving the foregoing, pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants assert the following affirmative defenses:
4. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff's claims are barred because Defendants are bona fide purchasers for value.
5. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff's damages, if any, which Defendants do not admit, were caused in whole or in part by Plaintiff's own acts or omissions, negligent or otherwise.
6. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff wholly failed to make any demand.
7. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff suffered no compensable damage or injury.
8. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff's claims are barred by the doctrine of consent.
9. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff's failed to mitigate its damages, if any.
10. In addition to and/or alternatively, without waiving the foregoing, Defendants plead that Plaintiff at all times could have taken action to avoid any damages alleged, which Defendants do not admit.
11. Defendants reserve the right to plead any additional defenses or affirmative defenses that

may be applicable based upon evidence revealed during discovery of this matter.

12. In addition to, or in the alternative, by way of further answer, if such be necessary, and without waiving any of the foregoing. Defendants assert, pursuant to Rule 94 of the Texas Rules of Civil Procedure, that the actions complained of were proximately caused solely, in whole, or in part, by the acts, omissions, or conduct of persons, companies, entities, and/or instrumentalities beyond the control of Defendants, including without limitation, the Plaintiff over whom Defendants possessed no right of control and for whose acts Defendants are not legally responsible.

**III.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants, REBECCA JEAN DUFFY and DUFFY MANAGEMENT SERVICES, LLC, respectfully request that the Court enter judgment against TEXAS REAL ESTATE DEVELOPMENTS, L.P., awarding all damages and requests for relief herein, pre-judgment and post-judgment interest on all sums awarded as allowed by Texas law, reasonable and necessary attorney's fees and costs, and for such other and further relief, both general and special, at law or in equity, to which Defendants may show themselves to be justly entitled.

Respectfully submitted,

**THE WEAVER LAW FIRM**

*/s/ Richard D. Weaver*

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all known parties or counsel of record according to the Texas Rules of Civil Procedure on the 26<sup>th</sup> day of October, 2023 as follows:

/s/ Len E. Walker  
Len E. Walker

Unofficial Copy Office of Marilyn Burgess District Clerk

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Nidia Chacon on behalf of Richard Weaver

Bar No. 24047083

nidian@weaverlawyers.com

Envelope ID: 81005984

Filing Code Description: Answer/ Response / Waiver

Filing Description: Rebecca Duffy and Duffy Management's Original Answer, General Denial, and Affirmative Defenses

Status as of 10/26/2023 3:10 PM CST

#### Case Contacts

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