

1. Plaintiff fails to state a claim upon which relief can be granted and therefore, Plaintiff's claims should be dismissed with prejudice.

2. Plaintiff's claims fail, in whole or in part, because Plaintiff failed to mitigate his damages, if any.

3. Plaintiff's claims fail, in whole or in part, because Defendant complied with all statute(s) and provision(s) of law.

4. Plaintiff's claims fail, in whole or in part, because Defendant complied with all relevant contract(s) and agreement(s).

5. Plaintiff's claims fail, in whole or in part, because Defendant satisfied all conditions precedent to recovery.

6. Plaintiff's claims fail, in whole or in part, because Plaintiff failed to plead facts sufficient to recovery.

7. Defendant claims all offsets, setoffs, and/or credits available to it.

8. Plaintiff's claims fail, in whole or in part, because Plaintiff failed to allege and prove all conditions precedent to recovery.

9. Plaintiff's claims fail, in whole or in part, because Defendant's acts and/or omissions were not the cause of Plaintiff's damages, if any. Rather, Plaintiff's damages, if any, were proximately caused by the acts, omissions, or breaches of other persons and/or entities, including Plaintiff himself, and the act, omissions, or breaches were intervening and superseding causes of Plaintiff's damages, if any.

10. Defendant strictly denies all damages asserted by Plaintiff.

III. RESERVATION OF RIGHTS

As authorized by the Texas Rules of Civil Procedure, Defendant reserves the right to amend this pleading and assert additional defenses before the trial of this cause on the merits.

IV. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by his claims against it. Defendant further prays that the Court grant Defendant such other and further relief, at law and in equity, to which it may be justly entitled.

Respectfully Submitted,

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

/s/ Shawnika L. Brooks

Shawnika L. Brooks

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

On January 9, 2024, I hereby certify that a copy of the foregoing instrument was delivered to the following pursuant to the Texas Rules of Civil Procedure:

Via E-service:

rhonda@rhondarossattorney.com

Rhonda S. Ross

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Attorney for Plaintiff

/s/ Shawnika L. Brooks

Shawnika L. Brooks

Unofficial Copy Office of Marilyn Burgess District Clerk

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Angela Brennan on behalf of Shawnika Brooks

Bar No. 24106058

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Filing Description: DEFENDANT'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

Status as of 1/9/2024 3:53 PM CST

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