

CAUSE NO. 2021-34123

ME ALPHA III, LLC

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IN THE DISTRICT COURT

VS

151ST JUDICIAL DISTRICT

DAVID MURRAY

HARRIS COUNTY, TEXAS

DEFENDANT’S AMENDED ORIGINAL ANSWER

Defendant, David Murray, in the above styled and numbered cause files this Original Answer to Plaintiff’s Original Petition and in support thereof would respectfully represent and show unto the Court the following:

I. General Denial and Bar from Recovery

Defendant denies each and every, all and singular, the material allegations contained in Plaintiff’s Original Petition and demands strict proof thereof. Defendant would show that at the time and on the occasion in question, Defendant was protected from suit and liability as alleged in Plaintiff’s most recent Original Petition based on the operating agreement that binds the parties. Specifically, section 4.12 “Liability of Members and Managers” restricts the liability of Defendant from any claim by the Company or from any member or manager of the company in a negligence claim.

II. Chapter 33

The Defendant claims the benefits of Chapter 33 of the Texas Civil Practice and Remedies Code and asks the Court to submit to the Jury questions of negligence that proximately caused the accident and/or injuries to the Jury for determination as to all parties and to base judgment upon the jury’s findings. Should the evidence justify the submission of sudden emergency or unavoidable accident, then this Defendant asks that the Jury be instructed as to those doctrines.

III. Affidavits

In the event Plaintiff attempts to prove up costs through affidavits under the Texas Civil Practice and Remedies Code Sec. 18.001, Defendant files this Notice of Intent to Controvert and, in accordance with Section 18.001 of the Texas Civil Practices & Remedies Code (“CPRC”), provides notice of intent to controvert the claims in Plaintiff’s Billing Affidavits at trial.

IV. Rule 193.7 Notice

In accordance with Rule 193.7 of the Texas Rules of Civil Procedure, Defendant intends to use documents produced through discovery herein at the trial of this matter.

V. Jury Demand

Defendant would respectfully request this matter be placed on the active jury docket.

VI. Designated E-Service Email Address

The following is the undersigned attorney’s designated e-service email address for all e-served documents and notices, both filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: MartinEdocs@wbclawfirm.com. This is the undersigned’s only e-service email address and service through any other email address will be considered invalid.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final trial and hearing hereof, that no recovery be had from Defendant, but that Defendant go hence without delay and recover its costs, and for such other and further relief to which Defendant may be justly entitled and will ever pray.

Respectfully submitted,

WALTERS BALIDO & CRAIN, L.L.P.

By: *Jason A. Martin*
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State Bar No. 24083445

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Houston, Texas 77063
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MartinEdocs@wbclawfirm.com

**ATTORNEY FOR DEFENDANT
DAVID MURRAY**

CERTIFICATE OF CONFERENCE

Counsel for Defendants spoke to Counsel for Plaintiff on March 25, 2024 regarding the aforementioned Motion. Counsel for Plaintiff is unopposed to the filing of this Motion.



JASON A. MARTIN

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.

Lisa Escobar on behalf of Jason Martin
Bar No. 24083445
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Envelope ID: 85928830
Filing Code Description: Amended Filing
Filing Description: Defendant's Amended Original Answer
Status as of 3/25/2024 3:04 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DANIEL OKUSTOFF		SERVICE@SALEGAL.COM	3/25/2024 2:54:30 PM	SENT
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Jason A.Martin		MartinEdocs@wbclawfirm.com	3/25/2024 2:54:30 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk