

NO. 2019-33415

ABEL AND NANCY VERA, et al, <i>Plaintiffs,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
FIGURE FOUR PARTNERS, LTD., PSWA, INC., and REBEL CONTRACTORS, INC. <i>Defendants</i>	§	
	§	
	§	234 TH JUDICIAL DISTRICT

**DEFENDANT LJA'S ORIGINAL ANSWER TO
PLAINTIFFS' FIFTH AMENDED PETITION AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant LJA Engineering, Inc., and files this its Original Answer to Plaintiffs' Fifth Amended Petition and would respectfully show the Court the following:

I.

The Plaintiffs' action should be dismissed for failure to comply with Chapter 150, Texas Civil Practice & Remedies Code.

II.

As provided in Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of matters pleaded by Plaintiffs and asks that these matters be properly decided by this Honorable Court and Jury.

III.

Plaintiffs' damages, if any, were solely caused by the negligence of third parties over whom this Defendant has no control.

IV.

Defendant owed no duty to Plaintiffs who was not a party to the professional services agreement.

V.

Pleading further, and in the alternative, and subject to the preceding Paragraphs herein, and without waiving same, Defendant alleges that, subsequent and precedent to any conduct on its part, whether active or passive, there was intervening and superseding conduct on the part of third parties or other parties, persons or entities, and that such conduct on the part of the other entities acts as a total bar to the claim that is being made or that could be made by Plaintiffs in this case, or were the product of a new and independent cause as that term is understood in law.

VI.

Pleading further, and in the alternative, Defendant alleges that Plaintiffs are not entitled to the recovery of attorneys' fees or expenses from this Defendant.

VII.

Defendant would submit to this Honorable Court that the incident in question was an Act of God, as that term is known and understood in the law.

VIII.

Plaintiffs' claims for punitive or exemplary damages are barred in whole or in part under both the Texas and the United States Constitutions. Permitting recovery of punitive or exemplary damages in this action would contravene Defendant's rights as reserved by the Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, Sections 9, 10, 13, 14, and 19 of the Texas Constitution. Further, Any claim for exemplary damages is limited under Texas Civil Practice & Remedies Code §41.008. Defendant asserts all defenses and limitation of punitive damages contained in Texas Civil Practice & Remedies Code Chapter 41.

IX.

Defendant is entitled to a credit for all monies paid or promised to be paid in settlement to Plaintiffs and, in addition, is entitled to submit the settled parties in the jury questions as allowed by Chapter 33, Texas Civil Practice & Remedies Code.

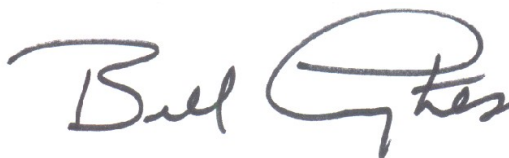
DEMAND FOR JURY TRIAL

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant hereby formally makes this demand for a trial by jury and pays the jury fee in the amount of \$40.00.

WHEREFORE, Defendant LJA Engineering, Inc. prays that Plaintiffs take nothing by this suit against this Defendant, and for such other and further relief, both general and special, at law and in equity, to which it may be justly entitled.

Respectfully submitted,

LORANCE THOMPSON



By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2020, a true and correct copy of the foregoing instrument was served electronically, in person, by mail, by commercial delivery service, by fax, or by email, to the following counsel of record:

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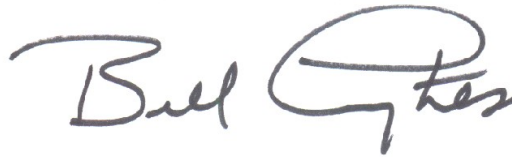
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