

CAUSE NO. 2018-20646

STEPHEN MILLER AND	§	IN THE DISTRICT COURT
KYLE MILLER,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
AFTON OAKS CIVIC CLUB, INC.,	§	
	§	
Defendant.	§	129TH JUDICIAL DISTRICT

**DEFENDANT AFTON OAKS CIVIC CLUB, INC.'S ORIGINAL ANSWER
TO PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, Afton Oaks Civic Club, Inc. (hereinafter referred to as "Defendant") and files this Original Answer to Plaintiffs' Original Petition, and respectfully shows the following:

**I.
GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant asserts a general denial and demands that Plaintiffs be required to prove their charges and allegations by a preponderance of the evidence as required by law.

**II.
AFFIRMATIVE DEFENSES**

As separate, additional, and/or alternative defenses, including affirmative defenses, to the Plaintiffs' Petition (and any subsequently filed, amended, or

supplemented petitions), each purported claim or cause of action contained therein, Defendant alleges the following:

1) Defendant asserts that Plaintiffs are precluded from recovery because said Defendant, as a non-profit corporation, is protected by the Business Judgment Rule for conduct/decisions made while acting as a non-profit corporation.

2) Pursuant to Section 8.7 of the First Amended and Restated Deed Restrictions for Afton Oaks, Defendant is not liable to Plaintiff for any acts or failure to act as it acted in good faith and without malice.

Defendant reserves the right to file and assert additional defenses as appropriate.

III. **REQUEST FOR DISCLOSURE**

Pursuant to Rule 194, Plaintiffs are requested to disclose, within 30 days of service of this request, the information or materials described in Rule 194.2 (a)-(l).

IV. **CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, Defendant Afton Oaks Civic Club, Inc., prays that Plaintiffs Stephen and Kyle Miller recover nothing of and from Defendant and that Defendant receives all costs of Court and such other and further relief, both at law and in equity, to which Defendant may show itself to be justly entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Laura M. Alaniz

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**ATTORNEY FOR DEFENDANT-
AFTON OAKS CIVIC CLUB, INC.**

CERTIFICATE OF SERVICE

I certify that on the 9th day of May, 2018, a true and correct copy of the foregoing document was served on all counsel of record in accordance with the Texas Rules of Civil Procedure.

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 /s/ Laura M. Alaniz

LAURA M. ALANIZ