

CAUSE NO. 2018-67325

MARIA GALVEZ,
Plaintiff,

v.

CITY OF KATY,
CHARLES A. "CHUCK" BRAWNER, and
RUSSELL WILSON,
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

189TH JUDICIAL DISTRICT

DEFENDANTS' FIRST AMENDED ANSWER

Defendants, the City of Katy, Texas (the "City"), its Mayor, Charles A. "Chuck" Brawner ("Brawner"), and its Fire Chief, Russell Wilson ("Wilson") appear to file their first amended answer to Plaintiff's first amended petition and would respectfully show the Court the following:

1. Defendants generally deny Plaintiff's allegations under Rule 92 of the Texas Rules of Civil Procedure and demand that Plaintiff prove her allegations by a preponderance of the credible evidence, as is required by the Constitution and the laws of the State of Texas.
2. Texas governmental immunity is a bar to Plaintiff's state law claims against the City and is a defense to the liability of the City under Texas law.
3. The election of remedies provision of the Tort Claims Act, Tex. Civ. Prac. & Rem. Code Section 101.106, bars Plaintiff's state law claims against Brawner and Wilson.
4. Official immunity bars Plaintiff's state law claims against and state law liability of Brawner and Wilson.
5. Federal qualified immunity bars Plaintiff's federal claims against Brawner and Wilson.

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For the foregoing reasons, Defendants respectfully request that the Court, upon dispositive motion or trial on the merits, enter a final take-nothing judgment in their favor and order Plaintiff to pay Defendants' costs of court. Defendants also request any other and further relief as the law and equity may allow.

Respectfully submitted,

VIADA & STRAYER

By: /s/ Ramon G. Viada III
Ramón G. Viada III
State Bar No. 20559350
Stefanie S. Strayer
State Bar No. 24013273
17 Swallow Tail Court
The Woodlands, Texas 77381
(281) 419-6338
(281) 661-8887 (Fax)
Email: rayviada@viadastrayer.com

ATTORNEYS FOR DEFENDANTS
CITY OF KATY, CHARLES A. "CHUCK" BRAWNER,
AND RUSSELL WILSON

CERTIFICATE OF SERVICE

I certify that all counsel of record listed below have been served a true and correct copy of the foregoing document in accordance with Tex. R. Civ. Proc. 21a by electronic submission for filing and service through the Texas Online Efilings for Courts on November 7, 2018.

Kaladnra N. Wheeler
Robert J. Wiley
Law Office of Rob Wiley, P.C.
1651 Richmond Avenue
Houston, Texas 77006
Email: kwheeler@robwiley.com

/s/ Ramon G. Viada III
Ramon G. Viada III