

BRIAN RODGERS,
Plaintiff,

v.

THE CITY OF AUSTIN,
Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98TH JUDICIAL DISTRICT COURT

DEFENDANT’S ORIGINAL ANSWER, AFFIRMATIVE DEFENSES, AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

The City of Austin (Defendant) files Defendant’s original answer, affirmative defenses, and request for disclosure in response to Plaintiff’s Original Petition pursuant to the Texas Rules of Civil Procedure, and would respectfully show the court as follows:

GENERAL DENIAL

Subject to such matters as may be admitted during discovery and upon trial of this cause, and in reliance upon its rights as provided by Rule 92 of the Texas Rules of Civil Procedure, Defendant denies generally the allegations of Plaintiff’s pleading, and request that Plaintiff prove his claims and allegations as required by law.

AFFIRMATIVE DEFENSES

Pleading further, Defendant asserts the following affirmative defenses:

1. Defendant asserts the affirmative defense of governmental immunity. Defendant City of Austin is a municipal corporation entitled to governmental immunity from Plaintiff’s claims, absent express waiver. Defendant asserts that it is entitled to governmental immunity from suit because it has not refused to provide all public records that are responsive to the public information requests identified in the petition.

2. Defendant City of Austin asserts that Plaintiff's claims are moot because it has voluntarily produced all public records that are responsive to the public information requests identified in the petition.

REQUEST FOR DISCLOSURES

Pursuant to the Rule 194 of the Texas Rules of Civil Procedure, Defendant requests that Plaintiff disclose the information and materials described in Rule 194.2.

PRAYER

Defendant prays that Plaintiff take nothing by his suit and that it be awarded its costs of court, and any other relief to which it may be entitled.

RESPECTFULLY SUBMITTED,

ANNE L. MORGAN, INTERIM CITY ATTORNEY
MEGHAN L. RILEY, CHIEF, LITIGATION

\s\ Christopher Coppola
Christopher Coppola
Assistant City Attorney
State Bar No. 24036401
City of Austin-Law Department
Post Office Box 1546
Austin, Texas 78767-1546
christopher.coppola@austintexas.gov
(512)974-2161
(512)974-1311 [FAX]

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing on all parties, or their attorneys of record, in compliance with the Texas Rules of Civil Procedure, this 6th day of July, 2015.

Via e-Service and facsimile to:

Bill Aleshire
AleshireLAW, P.C.
State Bar No. 24031810
Bill@AleshireLAW.com
700 Lavaca, Suite 1400
Austin, Texas 78701
(512) 320-9155
(512) 320-9156 [FAX]

ATTORNEYS FOR PLAINTIFF

\s\ Christopher Coppola _____
CHRISTOPHER COPPOLA