

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,
Plaintiff,

v.

THE CITY OF AUSTIN,
Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98TH JUDICIAL DISTRICT COURT

DEFENDANT’S FIRST AMENDED ANSWER & AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

The City of Austin (Defendant) files Defendant’s First Amended Answer & Affirmative Defenses 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 defense:

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 any public records that are responsive to the public

information requests identified in the petition. Defendant asserts that it has or will voluntarily provide all records requested by Plaintiff in the original petition.

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
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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 17th day of August, 2015.

Via e-Service and facsimile to:

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ATTORNEYS FOR PLAINTIFF

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CHRISTOPHER COPPOLA