

3. Defendants lack sufficient information to admit or deny the allegations in Paragraph 3 of Plaintiffs' First Amended Complaint, and thus, deny the same.

4. Defendants admit the allegations in Paragraph 4 of Plaintiffs' First Amended Complaint.

5. Defendants admit the allegations in Paragraph 5 of Plaintiffs' First Amended Complaint.

PERSONAL JURISDICTION

6. Defendants admit to having systemic and continuous contacts with the State of Texas; however, Defendants deny that they engaged in conduct giving rise to Plaintiffs' allegations or damages at issue, and therefore deny the remaining allegations in Paragraph 6 of Plaintiffs' First Amended Complaint.

SUBJECT MATTER JURISDICTION

7. Defendants deny the allegation giving rise to the purported claims listed in Paragraph 7 of Plaintiffs' First Amended Complaint.

SUMMARY OF FACTS

8. Defendants deny the allegations in Paragraph 8 of Plaintiffs' First Amended Complaint; Albert J. Turk, M.D., is an employee of Glen Rose Healthcare, Inc..

9. Defendants deny the allegations in Paragraph 9 of Plaintiffs' First Amended Complaint; Shelley Turk is an employee of Glen Rose Medical Center Employee Corp.

10. Defendants deny the allegations in Paragraph 10 of Plaintiffs' First Amended Complaint.

11. Defendants deny the allegations as characterized in Paragraph 11 of Plaintiffs' First Amended Complaint.

12. Defendants deny the allegations in Paragraph 12 of Plaintiffs' First Amended Complaint.

13. Defendants admit that an agenda item was posted as quoted in Paragraph 13 of Plaintiffs' First Amended Complaint.

14. Defendants deny the allegations in Paragraph 14 of Plaintiffs' First Amended Complaint.
15. Defendants deny the allegations in Paragraph 15 of Plaintiffs' First Amended Complaint.
16. Defendants deny the allegations in Paragraph 16 of Plaintiffs' First Amended Complaint.
17. Defendants deny the allegations in Paragraph 17 of Plaintiffs' First Amended Complaint.
18. Defendants deny the allegations in Paragraph 18 of Plaintiffs' First Amended Complaint.
19. Defendants deny the allegation in Paragraph 19 of Plaintiffs' First Amended Complaint.
20. Defendants deny the allegations in Paragraph 20 of Plaintiffs' First Amended Complaint.
21. Defendants deny the allegations in Paragraph 21 of Plaintiffs' First Amended Complaint.
22. Defendants deny the allegations in Paragraph 22 of Plaintiffs' First Amended Complaint.
23. Defendants admit that Plaintiffs' incorporated an affidavit of Justus Peters, M.D., but deny the remaining allegations in Paragraph 23 of Plaintiffs' First Amended Complaint.
24. Defendants deny the allegations in Paragraph 24 of Plaintiff's First Amended Complaint.

CLAIMS

FIRST AMENDMENT (Freedom of Speech)

25. Defendants deny the allegations in Paragraph 25 of Plaintiffs' First Amended Complaint.

SECOND CLAIM FOR RELIEF

(Due Process of Law and Due Course of Law)

26. Defendants deny the allegations in Paragraph 26 of Plaintiffs' First Amended Complaint.

THIRD CLAIM FOR RELIEF

(Violation of the Texas Open Meetings Act)

27. Defendants deny the allegations in Paragraph 27 of Plaintiffs' First Amended Complaint.

**FOURTH CLAIM FOR RELIEF (Systematically Denying Plaintiffs
the Right to Petition the Government Redress for Grievances)**

28. Defendants deny the allegations in Paragraph 28 of Plaintiffs' First Amended Complaint.

JURY DEMAND

Defendants admit that Plaintiffs requested a trial by jury in this action but deny they are entitled to any relief sought in Plaintiffs' First Amended Complaint.

DEMAND FOR JUDGMENT- PRAYER FOR RELIEF

Defendants deny that Plaintiffs are entitled to any relief sought in this paragraph of Plaintiffs' First Amended Complaint.

Defendants are continuing their investigation and study of all facts and circumstances of the subject matter of the Complaint, and accordingly, reserve the right to amend, modify, revise or supplement their Answer, and to plead such further defenses and take such further actions as it may deem proper and necessary in its defense upon the completion of such investigation and study.

AFFIRMATIVE DEFENSES

29. Plaintiffs' First Amended Complaint fails, in whole or in part, to state a cause of action against Defendants upon which relief can be granted and should therefore be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

30. Defendants would show that Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

31. Subject to further discovery, Defendants assert that Plaintiffs have not fulfilled all conditions precedent to the institution of this lawsuit, administrative prerequisites, statutory

prerequisites, and applicable statute of limitation. Plaintiffs' claims are thus barred, either in whole or in part, and should be dismissed.

32. At all times, Defendants acted in good faith at all relevant times and had reasonable grounds to believe its actions did not violate any statutory provisions as alleged in Plaintiffs' First Amended Complaint. No act or omission was made with negligent, grossly negligent, willful, wanton, and/or malicious disregard of Plaintiffs' rights.

33. Subject to further discovery, Defendants assert that Plaintiffs have failed to mitigate their damages, if any.

34. Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, estoppel, or laches.

35. Defendants deny the allegations contained in Plaintiffs' First Amended Complaint and deny that it engaged in any unlawful conduct. However, Defendants affirmatively plead that to the extent Plaintiffs have alleged any unlawful conduct by Defendants, Defendants exercised reasonable care to prevent and properly correct such alleged behavior or conduct.

36. Plaintiffs' claims are barred, in whole or in part, because any action Defendants took regarding Plaintiffs was based on reasonable factors, made in good faith and for good cause, were essential and necessary to the operation of Defendants' business, and were at all times motivated and required by legitimate, non-discriminatory and non-retaliatory business considerations.

37. All actions taken by Defendants with respect to Plaintiffs were justified, in good faith, and without malice.

38. Plaintiffs' alleged losses and damages, if any, are the result of , and directly related to, Plaintiffs' own conduct, actions and/or failure to act, and not of Defendants' conduct, actions, or failure to act.

39. Plaintiffs' own acts or omissions were the sole and proximate cause or a proximate cause of their damages, if any.

40. Plaintiffs' claims for damages are capped or limited in accordance with applicable law.

41. Subject to further discovery, Defendants assert that Plaintiffs' damages are limited by the doctrine of after-acquired evidence.

42. Defendants' actions are protected by the business judgment rule.

43. Plaintiffs' allegations as against Ray Reynolds are barred, in whole or in part, by the doctrines of sovereign immunity, qualified immunity, and/or official immunity.

44. Plaintiffs' allegations as against Ray Reynolds, which Defendants deny in their entirety, are barred as arising out of conduct in the course and scope of his employment.

WHEREFORE, Defendants Somervell County Hospital District and Ray Reynolds, individually and in his official capacity, respectfully request that this Court:

- (i) Enter judgment dismissing Plaintiffs' Complaint with prejudice;
- (ii) Award Defendants their attorneys' fees, costs and disbursements incurred; and
- (iii) Award Defendants any and all other relief that the Court deems just and equitable.

Respectfully submitted,

/s/ Shafeeqa Watkins Giarratani
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CENTER-SOMERVELL COUNTY
HOSPITAL DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to all counsel of record on
November 25, 2015 via electronic mail:

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