

Brockman Quayle Bennett
Attorneys at Law
Robert H. Quayle, IV, Esq. (SBN 156993)
D. Wilson Jordan, Esq. (SBN 279959)
12481 High Bluff Drive, Suite 301
San Diego, CA 92130
Telephone: (858) 788-3900
E-mail: rquayle@bqblaw.com
wjordan@bqblaw.com

Attorneys for Defendant
MAAC BAYVIEW HEIGHTS, L.L.C.,
MAAC VALENCIA POINTE MGP L.L.C.,
and CRP VALENCIA POINTE L.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KATIE ANN BARCELO and
JUSTIN ROBERTS,

Plaintiff,

v.

CITY OF SAN DIEGO, 51
STRATEGIES L.L.C. doing business
as S & STOWING, SEAN
GERMAINE METCALF,
SONYADEFREITAS- METCALF,
5471 BAYVIEW HEIGHTS, L.P.,
MAAC BAYVIEW HEIGHTS,
L.L.C., CRP VALENCIA POINTE
L.P., MAAC VALENCIA POINTE
MGP L.L.C. and DOES 1 through
10, INCLUSIVE,

Defendants.

Case No.: 3:25-cv-00329-BAS-AHG

**ANSWER OF MAAC BAYVIEW
HEIGHTS, L.L.C., MAAC
VALENCIA POINTE MGP L.L.C.,
AND CRP VALENCIA POINTE L.P.
TO PLAINTIFF KATIE BARCELO
AND JUSTIN ROBERTS' SECOND
AMENDED COMPLAINT**

Judge: Hon. Cynthia Bashant
Magistrate Judge: Hon. Allison H. Goddard
Courtroom: 12B (12th Floor)
Complaint filed: March 11, 2025
Trial Date: NOT YET SET

Defendants MAAC BAYVIEW HEIGHTS, L.L.C., MAAC VALENCIA
POINTE MGP L.L.C., and CRP VALENCIA POINTE L.P. ("Defendants")
responds to and Answers Plaintiff's Second Amended Complaint as follows.

JURISDICTIONAL ALLEGATION

1. With respect to Paragraph 1, Defendants contend that the referenced

1 statutes speak for themselves and are the best record of their contents. As to all
2 other allegations in this Paragraph, Defendants contend that the allegations and
3 assumptions therein contain argument, speculation and conclusions of law, rather
4 than statements of fact, and, therefore, do not require a response. To the extent that
5 a further response is required, Defendants deny generally and specifically each and
6 every allegation therein. Defendants are not disputing jurisdiction.

7 2. With respect to Paragraph 2, Defendants admit that the alleged
8 incidents occurred in and about the City of San Diego. As to all other allegations
9 in this Paragraph, Defendants contend that the referenced statutes speak for
10 themselves and are the best record of its contents. Defendants contend that the
11 allegations and assumptions therein contain argument, speculation and
12 conclusions of law, rather than statements of fact, and, therefore, do not require a
13 response. To the extent that a further response is required, Defendants deny
14 generally and specifically each and every allegation therein. Defendants are not
15 disputing jurisdiction.

16 3. With respect to Paragraph 3, Defendants contend that the referenced
17 statutes speak for themselves and are the best record of its contents. As to all other
18 allegations in this Paragraph, Defendants contend that the allegations and
19 assumptions therein contain argument, speculation and conclusions of law, rather
20 than statements of fact, and, therefore, do not require a response. To the extent that
21 a further response is required, Defendants deny generally and specifically each and
22 every allegation therein. Defendants are not disputing jurisdiction.

23 4. With respect to Paragraph 4, Defendants lack sufficient information
24 and belief to answer this paragraph and based thereon, deny generally and
25 specifically each and every allegation contained therein.

26 **III.**

27 **GENERAL ALLEGATIONS**

28 5. With respect to Paragraph 5, Defendants lack sufficient information

1 and belief to answer this paragraph and based thereon, deny generally and
2 specifically each and every allegation contained therein.

3 6. With respect to Paragraph 6, Defendants lack sufficient information
4 and belief to answer this paragraph and based thereon, deny generally and
5 specifically each and every allegation contained therein.

6 7. Defendants admit Paragraph 7.

7 8. With respect to Paragraph 8, Defendants admit that Defendant 51
8 Strategies LLC is a California Limited Liability Company doing business in the
9 City and County of San Diego. As to all other allegations in this Paragraph,
10 Defendants contend that the allegations and assumptions therein contain argument,
11 speculation and conclusions of law, rather than statements of fact, and, therefore,
12 do not require a response. To the extent that a further response is required, the
13 Defendants deny generally and specifically each and every allegation therein.

14 9. With respect to Paragraph 9, Defendants lack sufficient information
15 and belief to answer this paragraph and based thereon, deny generally and
16 specifically each and every allegation contained therein.

17 10. With respect to Paragraph 10, Defendants contend that the allegations
18 and assumptions therein contain argument, speculation and conclusions of law,
19 rather than statements of fact, and, therefore, do not require a response. To the
20 extent that a further response is required, the Defendants deny generally and
21 specifically each and every allegation therein.

22 11. With respect to Paragraph 11, Defendants lack sufficient information
23 and belief to answer this paragraph and based thereon, deny generally and
24 specifically each and every allegation contained therein.

25 12. With respect to Paragraph 12, Defendants contend that the allegations
26 and assumptions therein contain argument, speculation and conclusions of law,
27 rather than statements of fact, and, therefore, do not require a response. To the
28 extent that a further response is required, the Defendants deny generally and

1 specifically each and every allegation therein.

2 13. With respect to Paragraph 13, Defendants lack sufficient information
3 and belief to answer this paragraph and based thereon, deny generally and
4 specifically each and every allegation contained therein.

5 14. Defendants admit Paragraph 14.

6 15. With respect to Paragraph 15, Defendants lack sufficient information
7 and belief to answer this paragraph and based thereon, deny generally and
8 specifically each and every allegation contained therein.

9 16. Defendants admit Paragraph 16.

10 17. With respect to Paragraph 17, Defendants contend that the allegations
11 and assumptions therein contain argument, speculation and conclusions of law,
12 rather than statements of fact, and, therefore, do not require a response. To the
13 extent that a further response is required, the Defendants deny generally and
14 specifically each and every allegation therein.

15 18. With respect to Paragraph 18, Defendants contend that the allegations
16 and assumptions therein contain argument, speculation and conclusions of law,
17 rather than statements of fact, and, therefore, do not require a response. To the
18 extent that a further response is required, the Defendants deny generally and
19 specifically each and every allegation therein.

20 19. With respect to Paragraph 19, Defendants contend that the allegations
21 and assumptions therein contain argument, speculation and conclusions of law,
22 rather than statements of fact, and, therefore, do not require a response. To the
23 extent that a further response is required, the Defendants deny generally and
24 specifically each and every allegation therein.

25 20. With respect to Paragraph 20, Defendants contend that the allegations
26 and assumptions therein contain argument, speculation and conclusions of law,
27 rather than statements of fact, and, therefore, do not require a response. To the
28 extent that a further response is required, the Defendants deny generally and

1 specifically each and every allegation therein.

2 21. With respect to Paragraph 21, Defendants contend that the allegations
3 and assumptions therein contain argument, speculation and conclusions of law,
4 rather than statements of fact, and, therefore, do not require a response. To the
5 extent that a further response is required, the Defendants deny generally and
6 specifically each and every allegation therein.

7 22. With respect to Paragraph 22, Defendants contend that the allegations
8 and assumptions therein contain argument, speculation and conclusions of law,
9 rather than statements of fact, and, therefore, do not require a response. To the
10 extent that a further response is required, the Defendants deny generally and
11 specifically each and every allegation therein.

12 23. With respect to Paragraph 23, Defendants contend that the allegations
13 and assumptions therein contain argument, speculation and conclusions of law,
14 rather than statements of fact, and, therefore, do not require a response. To the
15 extent that a further response is required, the Defendants deny generally and
16 specifically each and every allegation therein.

17 24. With respect to Paragraph 24, Defendants contend that the allegations
18 and assumptions therein contain argument, speculation and conclusions of law,
19 rather than statements of fact, and, therefore, do not require a response. To the
20 extent that a further response is required, the Defendants deny generally and
21 specifically each and every allegation therein.

22 25. With respect to Paragraph 25, Defendants contend that the allegations
23 and assumptions therein contain argument, speculation and conclusions of law,
24 rather than statements of fact, and, therefore, do not require a response. To the
25 extent that a further response is required, the Defendants deny generally and
26 specifically each and every allegation therein.

27 26. With respect to Paragraph 26, Defendants contend that the allegations
28 and assumptions therein contain argument, speculation and conclusions of law,

1 rather than statements of fact, and, therefore, do not require a response. To the
2 extent that a further response is required, the Defendants deny generally and
3 specifically each and every allegation therein.

4 27. With respect to Paragraph 27, Defendants contend that the allegations
5 and assumptions therein contain argument, speculation and conclusions of law,
6 rather than statements of fact, and, therefore, do not require a response. To the
7 extent that a further response is required, the Defendants deny generally and
8 specifically each and every allegation therein.

9 28. With respect to Paragraph 28, Defendants contend that the allegations
10 and assumptions therein contain argument, speculation and conclusions of law,
11 rather than statements of fact, and, therefore, do not require a response. To the
12 extent that a further response is required, the Defendants deny generally and
13 specifically each and every allegation therein.

14 29. With respect to Paragraph 29, Defendants contend that the allegations
15 and assumptions therein contain argument, speculation and conclusions of law,
16 rather than statements of fact, and, therefore, do not require a response. To the
17 extent that a further response is required, the Defendants deny generally and
18 specifically each and every allegation therein.

19 **FIRST CAUSE OF ACTION**

20 30. With respect to Paragraph 30, Defendants contend that the allegations
21 and assumptions therein contain argument, speculation and conclusions of law,
22 rather than statements of fact, and, therefore, do not require a response and the
23 Defendants deny generally and specifically each and every allegation therein.

24 31. With respect to Paragraph 31, Defendants lack sufficient information
25 and belief to answer this paragraph and based thereon, deny generally and
26 specifically each and every allegation contained therein.

27 32. With respect to Paragraph 32, Defendants lack sufficient information
28 and belief to answer this paragraph and based thereon, deny generally and

1 specifically each and every allegation contained therein.

2 33. With respect to Paragraph 33, Defendants lack sufficient information
3 and belief to answer this paragraph and based thereon, deny generally and
4 specifically each and every allegation contained therein.

5 34. With respect to Paragraph 34, Defendants lack sufficient information
6 and belief to answer this paragraph and based thereon, deny generally and
7 specifically each and every allegation contained therein.

8 35. With respect to Paragraph 35, Defendants lack sufficient information
9 and belief to answer this paragraph and based thereon, deny generally and
10 specifically each and every allegation contained therein.

11 36. With respect to Paragraph 36, Defendants lack sufficient information
12 and belief to answer this paragraph and based thereon, deny generally and
13 specifically each and every allegation contained therein.

14 37. With respect to Paragraph 37, Defendants lack sufficient information
15 and belief to answer this paragraph and based thereon, deny generally and
16 specifically each and every allegation contained therein.

17 38. With respect to Paragraph 38, Defendants lack sufficient information
18 and belief to answer this paragraph and based thereon, deny generally and
19 specifically each and every allegation contained therein.

20 39. With respect to Paragraph 39, Defendants lack sufficient information
21 and belief to answer this paragraph and based thereon, deny generally and
22 specifically each and every allegation contained therein.

23 40. With respect to Paragraph 40, Defendants lack sufficient information
24 and belief to answer this paragraph and based thereon, deny generally and
25 specifically each and every allegation contained therein.

26 41. With respect to Paragraph 41, Defendants lack sufficient information
27 and belief to answer this paragraph and based thereon, deny generally and
28 specifically each and every allegation contained therein.

1 42. With respect to Paragraph 42, Defendants lack sufficient information
2 and belief to answer this paragraph and based thereon, deny generally and
3 specifically each and every allegation contained therein.

4 43. With respect to Paragraph 43, Defendants lack sufficient information
5 and belief to answer this paragraph and based thereon, deny generally and
6 specifically each and every allegation contained therein.

7 44. With respect to Paragraph 44, Defendants contend that the allegations
8 and assumptions therein contain argument, speculation and conclusions of law,
9 rather than statements of fact, and, therefore, do not require a response. To the
10 extent that a further response is required, Defendants deny generally and
11 specifically each and every allegation therein.

12 45. With respect to Paragraph 45, Defendants lack sufficient information
13 and belief to answer this paragraph and based thereon, deny generally and
14 specifically each and every allegation contained therein.

15 46. With respect to Paragraph 46, Defendants lack sufficient information
16 and belief to answer this paragraph and based thereon, deny generally and
17 specifically each and every allegation contained therein.

18 47. With respect to Paragraph 47, Defendants lack sufficient information
19 and belief to answer this paragraph and based thereon, deny generally and
20 specifically each and every allegation contained therein.

21 48. With respect to Paragraph 48, Defendants lack sufficient information
22 and belief to answer this paragraph and based thereon, deny generally and
23 specifically each and every allegation contained therein.

24 49. With respect to Paragraph 49, Defendants lack sufficient information
25 and belief to answer this paragraph and based thereon, deny generally and
26 specifically each and every allegation contained therein.

27 50. With respect to Paragraph 50, Defendants admit that 51 Strategies
28 LLC's current Statement of Information reflects Sean Metcalf and Sonya Defreitas

1 as Managers or Members of the LLC. As to all other factual allegations in this
2 Paragraph, Defendants lack sufficient information and belief to answer this
3 paragraph and based thereon, deny generally and specifically each and every
4 allegation contained therein.

5 51. With respect to Paragraph 51, Defendants lack sufficient information
6 and belief to answer this paragraph and based thereon, deny generally and
7 specifically each and every allegation contained therein.

8 52. With respect to Paragraph 52, Defendants lack sufficient information
9 and belief to answer this paragraph and based thereon, deny generally and
10 specifically each and every allegation contained therein.

11 53. With respect to the second Paragraph identified as 52, Defendants
12 contend that the allegations and assumptions therein contain argument, speculation
13 and conclusions of law, rather than statements of fact, and, therefore, do not require
14 a response. To the extent that a further response is required, Defendants deny
15 generally and specifically each and every allegation therein.

16 54. With respect to Paragraph 53, Defendants contend that the allegations
17 and assumptions therein contain argument, speculation and conclusions of law,
18 rather than statements of fact, and, therefore, do not require a response. To the
19 extent that a further response is required, Defendants deny generally and
20 specifically each and every allegation therein.

21 55. With respect to Paragraph 54, Defendants lack sufficient information
22 and belief to answer this paragraph and based thereon, deny generally and
23 specifically each and every allegation contained therein.

24 56. With respect to Paragraph 55, Defendants lack sufficient information
25 and belief to answer this paragraph and based thereon, deny generally and
26 specifically each and every allegation contained therein.

27 57. With respect to Paragraph 56, Defendants lack sufficient information
28 and belief to answer this paragraph and based thereon, deny generally and

1 specifically each and every allegation contained therein.

2 58. With respect to Paragraph 57, Defendants contend that the allegations
3 and assumptions therein contain argument, speculation and conclusions of law,
4 rather than statements of fact, and, therefore, do not require a response. To the
5 extent that a further response is required, Defendants deny generally and
6 specifically each and every allegation therein.

7 59. With respect to Paragraph 58, Defendants contend that the allegations
8 and assumptions therein contain argument, speculation and conclusions of law,
9 rather than statements of fact, and, therefore, do not require a response. To the
10 extent that a further response is required, Defendants deny generally and
11 specifically each and every allegation therein.

12 60. With respect to Paragraph 59, Defendants lack sufficient information
13 and belief to answer this paragraph and based thereon, deny generally and
14 specifically each and every allegation contained therein.

15 61. With respect to Paragraph 60, Defendants contend that the allegations
16 and assumptions therein contain argument, speculation and conclusions of law,
17 rather than statements of fact, and, therefore, do not require a response. To the
18 extent that a further response is required, Defendants deny generally and
19 specifically each and every allegation therein.

20 62. With respect to Paragraph 61, Defendants contend that the allegations
21 and assumptions therein contain argument, speculation and conclusions of law,
22 rather than statements of fact, and, therefore, do not require a response. To the
23 extent that a further response is required, Defendants deny generally and
24 specifically each and every allegation therein.

25 63. With respect to the second Paragraph 56, Defendants contend that the
26 allegations and assumptions therein contain argument, speculation and
27 conclusions of law, rather than statements of fact, and, therefore, do not require a
28 response. To the extent that a further response is required, Defendants deny

1 generally and specifically each and every allegation therein.

2 64. With respect to the second Paragraph 57, Defendants contend that the
3 allegations and assumptions therein contain argument, speculation and
4 conclusions of law, rather than statements of fact, and, therefore, do not require a
5 response. To the extent that a further response is required, Defendants deny
6 generally and specifically each and every allegation therein.

7 **SECOND CAUSE OF ACTION**

8 65. With respect to the second Paragraph 58, Defendants is not named to
9 this cause of action. Defendants contend that the allegations and assumptions
10 therein contain argument, speculation and conclusions of law, rather than
11 statements of fact, and, therefore, do not require a response. To the extent that a
12 further response is required, Defendants deny generally and specifically each and
13 every allegation therein.

14 66. With respect to the second Paragraph 59, Defendants is not named to
15 this cause of action. Defendants contend that the allegations and assumptions
16 therein contain argument, speculation and conclusions of law, rather than
17 statements of fact, and, therefore, do not require a response. To the extent that a
18 further response is required, Defendants deny generally and specifically each and
19 every allegation therein.

20 67. With respect to the second Paragraph 60, Defendants is not named to
21 this cause of action. Defendants contend that the allegations and assumptions
22 therein contain argument, speculation and conclusions of law, rather than
23 statements of fact, and, therefore, do not require a response. To the extent that a
24 further response is required, Defendants deny generally and specifically each and
25 every allegation therein.

26 68. With respect to the second Paragraph 61, Defendants is not named to
27 this cause of action. Defendants contend that the allegations and assumptions
28 therein contain argument, speculation and conclusions of law, rather than

1 statements of fact, and, therefore, do not require a response. To the extent that a
2 further response is required, Defendants deny generally and specifically each and
3 every allegation therein.

4 69. With respect to Paragraph 62, Defendants is not named to this cause
5 of action. Defendants contend that the allegations and assumptions therein contain
6 argument, speculation and conclusions of law, rather than statements of fact, and,
7 therefore, do not require a response. To the extent that a further response is
8 required, Defendants deny generally and specifically each and every allegation
9 therein.

10 70. With respect to Paragraph 63, Defendants is not named to this cause
11 of action. Defendants contend that the allegations and assumptions therein contain
12 argument, speculation and conclusions of law, rather than statements of fact, and,
13 therefore, do not require a response. To the extent that a further response is
14 required, Defendants deny generally and specifically each and every allegation
15 therein.

16 71. With respect to Paragraph 64, Defendants is not named to this cause
17 of action. Defendants contend that the allegations and assumptions therein contain
18 argument, speculation and conclusions of law, rather than statements of fact, and,
19 therefore, do not require a response. To the extent that a further response is
20 required, Defendants deny generally and specifically each and every allegation
21 therein.

22 **THIRD CAUSE OF ACTION**

23 72. With respect to Paragraph 65, Defendants contend that the allegations
24 and assumptions therein contain argument, speculation and conclusions of law,
25 rather than statements of fact, and, therefore, do not require a response. To the
26 extent that a further response is required, Defendants deny generally and
27 specifically each and every allegation therein.

28 73. With respect to Paragraph 66, Defendants contend that the allegations

1 and assumptions therein contain argument, speculation and conclusions of law,
2 rather than statements of fact, and, therefore, do not require a response. To the
3 extent that a further response is required, Defendants deny generally and
4 specifically each and every allegation therein.

5 74. With respect to Paragraph 67, Defendants contend that the allegations
6 and assumptions therein contain argument, speculation and conclusions of law,
7 rather than statements of fact, and, therefore, do not require a response. To the
8 extent that a further response is required, Defendants deny generally and
9 specifically each and every allegation therein.

10 75. With respect to Paragraph 68, Defendants contend that the allegations
11 and assumptions therein contain argument, speculation and conclusions of law,
12 rather than statements of fact, and, therefore, do not require a response. To the
13 extent that a further response is required, Defendants deny generally and
14 specifically each and every allegation therein.

15 76. With respect to Paragraph 69, Defendants contend that the allegations
16 and assumptions therein contain argument, speculation and conclusions of law,
17 rather than statements of fact, and, therefore, do not require a response. To the
18 extent that a further response is required, Defendants deny generally and
19 specifically each and every allegation therein.

20 77. With respect to Paragraph 70, Defendants contend that the allegations
21 and assumptions therein contain argument, speculation and conclusions of law,
22 rather than statements of fact, and, therefore, do not require a response. To the
23 extent that a further response is required, Defendants deny generally and
24 specifically each and every allegation therein.

25 78. With respect to Paragraph 71, Defendants contend that the allegations
26 and assumptions therein contain argument, speculation and conclusions of law,
27 rather than statements of fact, and, therefore, do not require a response. To the
28 extent that a further response is required, Defendants deny generally and

1 specifically each and every allegation therein.

2 79. With respect to Paragraph 72, Defendants contend that the allegations
3 and assumptions therein contain argument, speculation and conclusions of law,
4 rather than statements of fact, and, therefore, do not require a response. To the
5 extent that a further response is required, Defendants deny generally and
6 specifically each and every allegation therein.

7 80. With respect to Paragraph 73, Defendants lack sufficient information
8 and belief to answer this paragraph and based thereon, deny generally and
9 specifically each and every allegation contained therein.

10 81. With respect to Paragraph 74, Defendants contend that the allegations
11 and assumptions therein contain argument, speculation and conclusions of law,
12 rather than statements of fact, and, therefore, do not require a response. To the
13 extent that a further response is required, Defendants deny generally and
14 specifically each and every allegation therein.

15 82. With respect to Paragraph 75, Defendants contend that the allegations
16 and assumptions therein contain argument, speculation and conclusions of law,
17 rather than statements of fact, and, therefore, do not require a response. To the
18 extent that a further response is required, Defendants deny generally and
19 specifically each and every allegation therein.

20 83. With respect to Paragraph 76, Defendants contend that the allegations
21 and assumptions therein contain argument, speculation and conclusions of law,
22 rather than statements of fact, and, therefore, do not require a response. To the
23 extent that a further response is required, Defendants deny generally and
24 specifically each and every allegation therein.

25 84. With respect to Paragraph 77, Defendants contend that the allegations
26 and assumptions therein contain argument, speculation and conclusions of law,
27 rather than statements of fact, and, therefore, do not require a response. To the
28 extent that a further response is required, Defendants deny generally and

1 specifically each and every allegation therein.

2 85. With respect to Paragraph 78, Defendants contend that the allegations
3 and assumptions therein contain argument, speculation and conclusions of law,
4 rather than statements of fact, and, therefore, do not require a response. To the
5 extent that a further response is required, Defendants deny generally and
6 specifically each and every allegation therein.

7 86. With respect to Paragraph 79, Defendants contend that the allegations
8 and assumptions therein contain argument, speculation and conclusions of law,
9 rather than statements of fact, and, therefore, do not require a response. To the
10 extent that a further response is required, Defendants deny generally and
11 specifically each and every allegation therein.

12 87. With respect to Paragraph 80, Defendants contend that the allegations
13 and assumptions therein contain argument, speculation and conclusions of law,
14 rather than statements of fact, and, therefore, do not require a response. To the
15 extent that a further response is required, Defendants deny generally and
16 specifically each and every allegation therein.

17 **FOURTH CAUSE OF ACTION**

18 88. With respect to Paragraph 81, Defendants contend that the allegations
19 and assumptions therein contain argument, speculation and conclusions of law,
20 rather than statements of fact, and, therefore, do not require a response. To the
21 extent that a further response is required, Defendants deny generally and
22 specifically each and every allegation therein.

23 89. With respect to Paragraph 82, Defendants lack sufficient information
24 and belief to answer this paragraph and based thereon, deny generally and
25 specifically each and every allegation contained therein.

26 90. With respect to Paragraph 83, Defendants contend that the allegations
27 and assumptions therein contain argument, speculation and conclusions of law,
28 rather than statements of fact, and, therefore, do not require a response. To the

1 extent that a further response is required, Defendants deny generally and
2 specifically each and every allegation therein.

3 91. With respect to Paragraph 84, Defendants contend that the allegations
4 and assumptions therein contain argument, speculation and conclusions of law,
5 rather than statements of fact, and, therefore, do not require a response. To the
6 extent that a further response is required, Defendants deny generally and
7 specifically each and every allegation therein.

8 92. With respect to Paragraph 85, Defendants contend that the allegations
9 and assumptions therein contain argument, speculation and conclusions of law,
10 rather than statements of fact, and, therefore, do not require a response. To the
11 extent that a further response is required, Defendants deny generally and
12 specifically each and every allegation therein.

13 93. With respect to Paragraph 86, Defendants contend that the allegations
14 and assumptions therein contain argument, speculation and conclusions of law,
15 rather than statements of fact, and, therefore, do not require a response. To the
16 extent that a further response is required, Defendants deny generally and
17 specifically each and every allegation therein.

18 94. With respect to Paragraph 87, Defendants contend that the allegations
19 and assumptions therein contain argument, speculation and conclusions of law,
20 rather than statements of fact, and, therefore, do not require a response. To the
21 extent that a further response is required, Defendants deny generally and
22 specifically each and every allegation therein.

23 95. With respect to Paragraph 88, Defendants contend that the allegations
24 and assumptions therein contain argument, speculation and conclusions of law,
25 rather than statements of fact, and, therefore, do not require a response. To the
26 extent that a further response is required, Defendants deny generally and
27 specifically each and every allegation therein.

28 96. With respect to Paragraph 89, Defendants contend that the allegations

1 and assumptions therein contain argument, speculation and conclusions of law,
2 rather than statements of fact, and, therefore, do not require a response. To the
3 extent that a further response is required, Defendants deny generally and
4 specifically each and every allegation therein.

5 97. With respect to Paragraph 90, Defendants contend that the allegations
6 and assumptions therein contain argument, speculation and conclusions of law,
7 rather than statements of fact, and, therefore, do not require a response. To the
8 extent that a further response is required, Defendants deny generally and
9 specifically each and every allegation therein.

10 98. With respect to Paragraph 91, Defendants contend that the allegations
11 and assumptions therein contain argument, speculation and conclusions of law,
12 rather than statements of fact, and, therefore, do not require a response. To the
13 extent that a further response is required, Defendants deny generally and
14 specifically each and every allegation therein.

15 99. With respect to Paragraph 92, Defendants contend that the allegations
16 and assumptions therein contain argument, speculation and conclusions of law,
17 rather than statements of fact, and, therefore, do not require a response. To the
18 extent that a further response is required, Defendants deny generally and
19 specifically each and every allegation therein.

20 **FIFTH CAUSE OF ACTION**

21 100. With respect to Paragraph 93, Defendants contend that the allegations
22 and assumptions therein contain argument, speculation and conclusions of law,
23 rather than statements of fact, and, therefore, do not require a response. To the
24 extent that a further response is required, Defendants deny generally and
25 specifically each and every allegation therein.

26 101. With respect to Paragraph 94, Defendants contend that the allegations
27 and assumptions therein contain argument, speculation and conclusions of law,
28 rather than statements of fact, and, therefore, do not require a response. To the

1 extent that a further response is required, Defendants deny generally and
2 specifically each and every allegation therein.

3 102. With respect to Paragraph 95, Defendants contend that the allegations
4 and assumptions therein contain argument, speculation and conclusions of law,
5 rather than statements of fact, and, therefore, do not require a response. To the
6 extent that a further response is required, Defendants deny generally and
7 specifically each and every allegation therein.

8 103. With respect to Paragraph 96, Defendants contend that the allegations
9 and assumptions therein contain argument, speculation and conclusions of law,
10 rather than statements of fact, and, therefore, do not require a response. To the
11 extent that a further response is required, Defendants deny generally and
12 specifically each and every allegation therein.

13 104. With respect to Paragraph 97, Defendants contend that the allegations
14 and assumptions therein contain argument, speculation and conclusions of law,
15 rather than statements of fact, and, therefore, do not require a response. To the
16 extent that a further response is required, Defendants deny generally and
17 specifically each and every allegation therein.

18 105. With respect to Paragraph 98, Defendants contend that the allegations
19 and assumptions therein contain argument, speculation and conclusions of law,
20 rather than statements of fact, and, therefore, do not require a response. To the
21 extent that a further response is required, Defendants deny generally and
22 specifically each and every allegation therein.

23 106. With respect to Paragraph 99, Defendants contend that the allegations
24 and assumptions therein contain argument, speculation and conclusions of law,
25 rather than statements of fact, and, therefore, do not require a response. To the
26 extent that a further response is required, Defendants deny generally and
27 specifically each and every allegation therein.

28 107. With respect to Paragraph 100, Defendants contend that the

1 allegations and assumptions therein contain argument, speculation and
2 conclusions of law, rather than statements of fact, and, therefore, do not require a
3 response. To the extent that a further response is required, Defendants deny
4 generally and specifically each and every allegation therein.

5 108. With respect to Paragraph 101, Defendants contend that the
6 allegations and assumptions therein contain argument, speculation and
7 conclusions of law, rather than statements of fact, and, therefore, do not require a
8 response. To the extent that a further response is required, Defendants deny
9 generally and specifically each and every allegation therein.

10 109. With respect to Paragraph 102, Defendants contend that the
11 allegations and assumptions therein contain argument, speculation and
12 conclusions of law, rather than statements of fact, and, therefore, do not require a
13 response. To the extent that a further response is required, Defendants deny
14 generally and specifically each and every allegation therein.

15 110. With respect to Paragraph 103, Defendants contend that the
16 allegations and assumptions therein contain argument, speculation and
17 conclusions of law, rather than statements of fact, and, therefore, do not require a
18 response. To the extent that a further response is required, Defendants deny
19 generally and specifically each and every allegation therein.

20 111. With respect to Paragraph 104, Defendants contend that the
21 allegations and assumptions therein contain argument, speculation and
22 conclusions of law, rather than statements of fact, and, therefore, do not require a
23 response. To the extent that a further response is required, Defendants deny
24 generally and specifically each and every allegation therein.

25 112. With respect to Paragraph 105, Defendants contend that the
26 allegations and assumptions therein contain argument, speculation and
27 conclusions of law, rather than statements of fact, and, therefore, do not require a
28 response. To the extent that a further response is required, Defendants deny

1 generally and specifically each and every allegation therein.

2 113. With respect to Paragraph 106, Defendants contend that the
3 allegations and assumptions therein contain argument, speculation and
4 conclusions of law, rather than statements of fact, and, therefore, do not require a
5 response. To the extent that a further response is required, Defendants deny
6 generally and specifically each and every allegation therein.

7 114. With respect to Paragraph 107, Defendants contend that the
8 allegations and assumptions therein contain argument, speculation and
9 conclusions of law, rather than statements of fact, and, therefore, do not require a
10 response. To the extent that a further response is required, Defendants deny
11 generally and specifically each and every allegation therein.

12 115. With respect to Paragraph 108, Defendants contend that the
13 allegations and assumptions therein contain argument, speculation and
14 conclusions of law, rather than statements of fact, and, therefore, do not require a
15 response. To the extent that a further response is required, Defendants deny
16 generally and specifically each and every allegation therein.

17 116. With respect to Paragraph 109, Defendants contend that the
18 allegations and assumptions therein contain argument, speculation and
19 conclusions of law, rather than statements of fact, and, therefore, do not require a
20 response. To the extent that a further response is required, Defendants deny
21 generally and specifically each and every allegation therein.

22 117. With respect to Paragraph 110, Defendants contend that the
23 allegations and assumptions therein contain argument, speculation and
24 conclusions of law, rather than statements of fact, and, therefore, do not require a
25 response. To the extent that a further response is required, Defendants deny
26 generally and specifically each and every allegation therein.

27 118. With respect to Paragraph 111, Defendants contend that the
28 allegations and assumptions therein contain argument, speculation and

1 conclusions of law, rather than statements of fact, and, therefore, do not require a
2 response. To the extent that a further response is required, Defendants deny
3 generally and specifically each and every allegation therein.

4 119. With respect to Paragraph 112, Defendants contend that the
5 allegations and assumptions therein contain argument, speculation and
6 conclusions of law, rather than statements of fact, and, therefore, do not require a
7 response. To the extent that a further response is required, Defendants deny
8 generally and specifically each and every allegation therein.

9 120. With respect to Paragraph 113, Defendants contend that the
10 allegations and assumptions therein contain argument, speculation and
11 conclusions of law, rather than statements of fact, and, therefore, do not require a
12 response. To the extent that a further response is required, Defendants deny
13 generally and specifically each and every allegation therein.

14 121. With respect to Paragraph 114, Defendants contend that the
15 allegations and assumptions therein contain argument, speculation and
16 conclusions of law, rather than statements of fact, and, therefore, do not require a
17 response. To the extent that a further response is required, Defendants deny
18 generally and specifically each and every allegation therein.

19 122. With respect to Paragraph 115, Defendants contend that the
20 allegations and assumptions therein contain argument, speculation and
21 conclusions of law, rather than statements of fact, and, therefore, do not require a
22 response. To the extent that a further response is required, Defendants deny
23 generally and specifically each and every allegation therein.

24 123. With respect to Paragraph 116, Defendants contend that the
25 allegations and assumptions therein contain argument, speculation and
26 conclusions of law, rather than statements of fact, and, therefore, do not require a
27 response. To the extent that a further response is required, Defendants deny
28 generally and specifically each and every allegation therein.

SIXTH CAUSE OF ACTION

124. With respect to Paragraph 117, Defendants contend that the allegations and assumptions therein contain argument, speculation and conclusions of law, rather than statements of fact, and, therefore, do not require a response. To the extent that a further response is required, Defendants deny generally and specifically each and every allegation therein.

125. With respect to Paragraph 118, Defendants contend that the allegations and assumptions therein contain argument, speculation and conclusions of law, rather than statements of fact, and, therefore, do not require a response. To the extent that a further response is required, Defendants deny generally and specifically each and every allegation therein.

126. With respect to Paragraph 119, Defendants contend that the allegations and assumptions therein contain argument, speculation and conclusions of law, rather than statements of fact, and, therefore, do not require a response. To the extent that a further response is required, Defendants deny generally and specifically each and every allegation therein.

127. With respect to Paragraph 120, Defendants contend that the allegations and assumptions therein contain argument, speculation and conclusions of law, rather than statements of fact, and, therefore, do not require a response. To the extent that a further response is required, Defendants deny generally and specifically each and every allegation therein.

128. With respect to Paragraph 121, Defendants contend that the allegations and assumptions therein contain argument, speculation and conclusions of law, rather than statements of fact, and, therefore, do not require a response. To the extent that a further response is required, Defendants deny generally and specifically each and every allegation therein.

129. With respect to Paragraph 122, Defendants lack sufficient information and belief to answer this paragraph and based thereon, deny generally

1 and specifically each and every allegation contained therein.

2 130. With respect to Paragraph 123, Defendants contend that the
3 allegations and assumptions therein contain argument, speculation and
4 conclusions of law, rather than statements of fact, and, therefore, do not require a
5 response. To the extent that a further response is required, Defendants deny
6 generally and specifically each and every allegation therein.

7 131. With respect to Paragraph 124, Defendants contend that the
8 allegations and assumptions therein contain argument, speculation and
9 conclusions of law, rather than statements of fact, and, therefore, do not require a
10 response. To the extent that a further response is required, Defendants deny
11 generally and specifically each and every allegation therein.

12 132. With respect to Paragraph 125, Defendants contend that the
13 allegations and assumptions therein contain argument, speculation and
14 conclusions of law, rather than statements of fact, and, therefore, do not require a
15 response. To the extent that a further response is required, Defendants deny
16 generally and specifically each and every allegation therein.

17 **SEVENTH CAUSE OF ACTION**

18 133. With respect to Paragraph 126, Defendants contend that the
19 allegations and assumptions therein contain argument, speculation and
20 conclusions of law, rather than statements of fact, and, therefore, do not require a
21 response. To the extent that a further response is required, Defendants deny
22 generally and specifically each and every allegation therein.

23 134. With respect to Paragraph 127, Defendants lack sufficient
24 information and belief to answer this paragraph and based thereon, deny generally
25 and specifically each and every allegation contained therein.

26 135. With respect to Paragraph 128, Defendants contend that the
27 allegations and assumptions therein contain argument, speculation and
28 conclusions of law, rather than statements of fact, and, therefore, do not require a

1 response. To the extent that a further response is required, Defendants deny
2 generally and specifically each and every allegation therein.

3 136. With respect to Paragraph 129, Defendants contend that the
4 allegations and assumptions therein contain argument, speculation and
5 conclusions of law, rather than statements of fact, and, therefore, do not require a
6 response. To the extent that a further response is required, Defendants deny
7 generally and specifically each and every allegation therein.

8 137. With respect to Paragraph 130, Defendants contend that the
9 allegations and assumptions therein contain argument, speculation and
10 conclusions of law, rather than statements of fact, and, therefore, do not require a
11 response. To the extent that a further response is required, Defendants deny
12 generally and specifically each and every allegation therein.

13 138. With respect to Paragraph 131, Defendants lack sufficient
14 information and belief to answer this paragraph and based thereon, Denny
15 generally and specifically each and every allegation contained therein.

16 139. With respect to Paragraph 132, Defendants lack sufficient
17 information and belief to answer this paragraph and based thereon, deny generally
18 and specifically each and every allegation contained therein.

19 140. With respect to Paragraph 133, Defendants contend that the
20 allegations and assumptions therein contain argument, speculation and
21 conclusions of law, rather than statements of fact, and, therefore, do not require a
22 response. To the extent that a further response is required, Defendants deny
23 generally and specifically each and every allegation therein.

24 141. With respect to Paragraph 134, Defendants contend that the
25 allegations and assumptions therein contain argument, speculation and
26 conclusions of law, rather than statements of fact, and, therefore, do not require a
27 response. To the extent that a further response is required, Defendants deny
28 generally and specifically each and every allegation therein.

1 142. With respect to Paragraph 135, Defendants contend that the
2 allegations and assumptions therein contain argument, speculation and
3 conclusions of law, rather than statements of fact, and, therefore, do not require a
4 response. To the extent that a further response is required, Defendants deny
5 generally and specifically each and every allegation therein.

6 **EIGHTH CAUSE OF ACTION**

7 143. With respect to Paragraph 136, Defendants contend that the
8 allegations and assumptions therein contain argument, speculation and
9 conclusions of law, rather than statements of fact, and, therefore, do not require a
10 response. To the extent that a further response is required, Defendants deny
11 generally and specifically each and every allegation therein.

12 144. With respect to Paragraph 137, Defendants lack sufficient
13 information and belief to answer this paragraph and based thereon, deny generally
14 and specifically each and every allegation contained therein.

15 145. With respect to Paragraph 138, Defendants lack sufficient
16 information and belief to answer this paragraph and based thereon, deny generally
17 and specifically each and every allegation contained therein.

18 146. With respect to Paragraph 139, Defendants contend that the
19 allegations and assumptions therein contain argument, speculation and
20 conclusions of law, rather than statements of fact, and, therefore, do not require a
21 response. To the extent that a further response is required, Defendants deny
22 generally and specifically each and every allegation therein.

23 147. With respect to Paragraph 140, Defendants contend that the
24 allegations and assumptions therein contain argument, speculation and
25 conclusions of law, rather than statements of fact, and, therefore, do not require a
26 response. To the extent that a further response is required, Defendants deny
27 generally and specifically each and every allegation therein.

28 148. With respect to Paragraph 141, Defendants contend that the

1 allegations and assumptions therein contain argument, speculation and
2 conclusions of law, rather than statements of fact, and, therefore, do not require a
3 response. To the extent that a further response is required, Defendants deny
4 generally and specifically each and every allegation therein.

5 149. With respect to Paragraph 142, Defendants contend that the
6 allegations and assumptions therein contain argument, speculation and
7 conclusions of law, rather than statements of fact, and, therefore, do not require a
8 response. To the extent that a further response is required, Defendants deny
9 generally and specifically each and every allegation therein.

10 150. With respect to Paragraph 143, Defendants contend that the
11 allegations and assumptions therein contain argument, speculation and
12 conclusions of law, rather than statements of fact, and, therefore, do not require a
13 response. To the extent that a further response is required, Defendants deny
14 generally and specifically each and every allegation therein.

15 151. With respect to Paragraph 144, Defendants contend that the
16 allegations and assumptions therein contain argument, speculation and
17 conclusions of law, rather than statements of fact, and, therefore, do not require a
18 response. To the extent that a further response is required, Defendants deny
19 generally and specifically each and every allegation therein.

20 152. With respect to Paragraph 145, Defendants contend that the
21 allegations and assumptions therein contain argument, speculation and
22 conclusions of law, rather than statements of fact, and, therefore, do not require a
23 response. To the extent that a further response is required, Defendants deny
24 generally and specifically each and every allegation therein.

25 153. With respect to Paragraph 146, Defendants contend that the
26 allegations and assumptions therein contain argument, speculation and
27 conclusions of law, rather than statements of fact, and, therefore, do not require a
28 response. To the extent that a further response is required, Defendants deny

1 generally and specifically each and every allegation therein.

2 154. With respect to Paragraph 147, Defendants contend that the
3 allegations and assumptions therein contain argument, speculation and
4 conclusions of law, rather than statements of fact, and, therefore, do not require a
5 response. To the extent that a further response is required, Defendants deny
6 generally and specifically each and every allegation therein.

7 155. With respect to Paragraph 148, Defendants contend that the
8 allegations and assumptions therein contain argument, speculation and
9 conclusions of law, rather than statements of fact, and, therefore, do not require a
10 response. To the extent that a further response is required, Defendants deny
11 generally and specifically each and every allegation therein.

12 **NINTH CAUSE OF ACTION**

13 156. With respect to Paragraph 149, Defendants contend that the
14 allegations and assumptions therein contain argument, speculation and
15 conclusions of law, rather than statements of fact, and, therefore, do not require a
16 response. To the extent that a further response is required, Defendants deny
17 generally and specifically each and every allegation therein.

18 157. With respect to Paragraph 150, Defendants contend that the
19 allegations and assumptions therein contain argument, speculation and
20 conclusions of law, rather than statements of fact, and, therefore, do not require a
21 response. To the extent that a further response is required, Defendants deny
22 generally and specifically each and every allegation therein.

23 158. With respect to Paragraph 151, Defendants contend that the
24 allegations and assumptions therein contain argument, speculation and
25 conclusions of law, rather than statements of fact, and, therefore, do not require a
26 response. To the extent that a further response is required, Defendants deny
27 generally and specifically each and every allegation therein.

28 159. With respect to Paragraph 152, Defendants contend that the

1 allegations and assumptions therein contain argument, speculation and
2 conclusions of law, rather than statements of fact, and, therefore, do not require a
3 response. To the extent that a further response is required, Defendants deny
4 generally and specifically each and every allegation therein.

5 160. With respect to Paragraph 153, Defendants contend that the
6 allegations and assumptions therein contain argument, speculation and
7 conclusions of law, rather than statements of fact, and, therefore, do not require a
8 response. To the extent that a further response is required, Defendants deny
9 generally and specifically each and every allegation therein.

10 161. With respect to Paragraph 154, Defendants contend that the
11 allegations and assumptions therein contain argument, speculation and
12 conclusions of law, rather than statements of fact, and, therefore, do not require a
13 response. To the extent that a further response is required, Defendants deny
14 generally and specifically each and every allegation therein.

15 162. With respect to Paragraph 155, Defendants lack sufficient
16 information and belief to answer this paragraph and based thereon, deny generally
17 and specifically each and every allegation contained therein.

18 163. With respect to Paragraph 156, Defendants contend that the
19 allegations and assumptions therein contain argument, speculation and
20 conclusions of law, rather than statements of fact, and, therefore, do not require a
21 response. To the extent that a further response is required, Defendants deny
22 generally and specifically each and every allegation therein.

23 164. With respect to Paragraph 157, Defendants contend that the
24 allegations and assumptions therein contain argument, speculation and
25 conclusions of law, rather than statements of fact, and, therefore, do not require a
26 response. To the extent that a further response is required, Defendants deny
27 generally and specifically each and every allegation therein.

28 165. With respect to Paragraph 158, Defendants lack sufficient

1 information and belief to answer this paragraph and based thereon, deny generally
2 and specifically each and every allegation contained therein.

3 166. With respect to Paragraph 159, Defendants contend that the
4 allegations and assumptions therein contain argument, speculation and
5 conclusions of law, rather than statements of fact, and, therefore, do not require a
6 response. To the extent that a further response is required, Defendants deny
7 generally and specifically each and every allegation therein.

8 **TENTH CAUSE OF ACTION**

9 167. With respect to Paragraph 160, Defendants contend that the
10 allegations and assumptions therein contain argument, speculation and
11 conclusions of law, rather than statements of fact, and, therefore, do not require a
12 response. To the extent that a further response is required, Defendants deny
13 generally and specifically each and every allegation therein.

14 168. With respect to Paragraph 161, Defendants contend that the
15 allegations and assumptions therein contain argument, speculation and
16 conclusions of law, rather than statements of fact, and, therefore, do not require a
17 response. To the extent that a further response is required, Defendants deny
18 generally and specifically each and every allegation therein.

19 169. With respect to Paragraph 162, Defendants contend that the
20 allegations and assumptions therein contain argument, speculation and
21 conclusions of law, rather than statements of fact, and, therefore, do not require a
22 response. To the extent that a further response is required, Defendants deny
23 generally and specifically each and every allegation therein.

24 170. With respect to Paragraph 163, Defendants contend that the
25 allegations and assumptions therein contain argument, speculation and
26 conclusions of law, rather than statements of fact, and, therefore, do not require a
27 response. To the extent that a further response is required, Defendants deny
28 generally and specifically each and every allegation therein.

1 171. With respect to Paragraph 164, Defendants contend that the
2 allegations and assumptions therein contain argument, speculation and
3 conclusions of law, rather than statements of fact, and, therefore, do not require a
4 response. To the extent that a further response is required, Defendants deny
5 generally and specifically each and every allegation therein.

6 **ELEVENTH CAUSE OF ACTION**

7 172. With respect to Paragraph 165, Defendants contend that the
8 allegations and assumptions therein contain argument, speculation and
9 conclusions of law, rather than statements of fact, and, therefore, do not require a
10 response. To the extent that a further response is required, Defendants deny
11 generally and specifically each and every allegation therein.

12 173. With respect to Paragraph 166, Defendants lack sufficient
13 information and belief to answer this paragraph and based thereon, deny generally
14 and specifically each and every allegation contained therein.

15 174. With respect to Paragraph 167, Defendants contend that the
16 allegations and assumptions therein contain argument, speculation and
17 conclusions of law, rather than statements of fact, and, therefore, do not require a
18 response. To the extent that a further response is required, Defendants deny
19 generally and specifically each and every allegation therein.

20 175. With respect to Paragraph 168, Defendants contend that the
21 allegations and assumptions therein contain argument, speculation and
22 conclusions of law, rather than statements of fact, and, therefore, do not require a
23 response. To the extent that a further response is required, Defendants deny
24 generally and specifically each and every allegation therein.

25 176. With respect to Paragraph 169, Defendants lack sufficient
26 information and belief to answer this paragraph and based thereon, deny generally
27 and specifically each and every allegation contained therein.

28 177. With respect to Paragraph 170, Defendants contend that the

1 allegations and assumptions therein contain argument, speculation and
2 conclusions of law, rather than statements of fact, and, therefore, do not require a
3 response. To the extent that a further response is required, Defendants deny
4 generally and specifically each and every allegation therein.

5 178. With respect to Paragraph 171, Defendants contend that the
6 allegations and assumptions therein contain argument, speculation and
7 conclusions of law, rather than statements of fact, and, therefore, do not require a
8 response. To the extent that a further response is required, Defendants deny
9 generally and specifically each and every allegation therein.

10 **IV.**

11 **AFFIRMATIVE DEFENSES**

12 Defendants plead the following separate affirmative defenses to the
13 Complaint and to the purported causes of action set forth therein. Defendants
14 reserve the right to assert additional affirmative defenses uncovered during the
15 discovery process.

16 **FIRST AFFIRMATIVE DEFENSE**

17 **(Failure to State a Claim)**

18 As a first affirmative defense to the Complaint and to each and every cause
19 of action contained therein, Plaintiffs' claims are barred, in whole or in part, to the
20 extent that the Complaint fails to state a claim upon which relief may be granted
21 against Defendants.

22 **SECOND AFFIRMATIVE DEFENSE**

23 **(Insufficient Facts)**

24 As a second affirmative defense to the Complaint and to each and every
25 cause of action contained therein, Plaintiffs' claims are barred, in whole or in part,
26 to the extent that the Complaint fails to state sufficient facts to constitute a cause
27 of action upon which relief can be granted and should be dismissed pursuant to
28 Fed. R. Civ. P. 12(b)(6).

THIRD AFFIRMATIVE DEFENSE

(Statute of Limitations)

As a third affirmative defense to the Complaint and to each and every cause of action contained therein, Plaintiffs' claims are barred, in whole or in part, to the extent applicable statute of limitations, including California Code of Civil Procedure, have expired.

FOURTH AFFIRMATIVE DEFENSE

(Lack of Standing)

As a fourth affirmative defense to the Complaint and to each and every cause of action contained therein, Plaintiffs claims are barred, in whole or in part, to the extent that Plaintiffs lack standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

As a fifth affirmative defense to the Complaint and to each and every cause of action contained therein, Plaintiffs' claims are barred, in whole or in part, to the extent the plaintiffs and/or their agents has failed to exercise reasonable diligence to mitigate his damages.

SIXTH AFFIRMATIVE DEFENSE

(Lack of Control)

As a sixth affirmative defense to the Complaint and to each and every cause of action contained therein, Defendants asserts they lacked the ability or authority to control the person(s) who committed the wrongful act, and as such are not the party in the best position to prevent the alleged harm to Plaintiffs.

SEVENTH AFFIRMATIVE DEFENSE

(Waiver, Estoppel, Res Judicata, Latches and Unclean Hands)

As a seventh separate affirmative defense to the Complaint, and to each and every cause of action contained therein, Plaintiffs' claims are barred and whole or in part to the extent the doctrine of waiver, estoppel, res judicata,

1 latches and/or unclean hands apply.

2 ///

3 ///

4 **EIGHTH AFFIRMATIVE DEFENSE**

5 **(Comparative Fault)**

6 As an eighth affirmative defense to the Complaint and to each and every
7 cause of action contained therein, Plaintiffs' claims are barred, in whole or in part,
8 to the extent that the purported damages alleged by plaintiffs were the result of
9 plaintiffs' action and/or inactions. Any recovery against Defendants must be
10 reduced by that amount of comparative fault as ascribed to the plaintiffs.

11 **NINTH AFFIRMATIVE DEFENSE**

12 **(Additional Affirmative Defense)**

13 As a seventeenth separate affirmative defense to the Complaint, Defendants
14 presently have insufficient knowledge or information on which to form a belief as
15 to whether it has additional as yet unstated affirmative defenses available and thus
16 Defendants reserve their right to assert further and additional affirmative defenses
17 based on information that may be provided in discovery or other investigation in
18 the course of this litigation.

19 **V.**

20 **PRAYER**

21 **WHEREFORE**, Defendants prays as follows:

- 22 1. That plaintiffs take nothing by their complaint;
23 2. That defendants be awarded their costs of suit; and
24 3. For such further relief as the court deems proper.

1 Dated: November 21, 2025

Brockman Quayle Bennett

2
3 By:



4 Robert H. Quayle, IV
5 D. Wilson Jordan
6 Attorneys for Defendants
7 MAAC BAYVIEW HEIGHTS,
8 L.L.C., MAAC VALENCIA
9 POINTE MGP L.L.C., and CRP
10 VALENCIA POINTE L.P.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28