

NO. 2017-36216

HOUSTON FIREFIGHTERS' RELIEF AND RETIREMENT FUND,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
CITY OF HOUSTON, ET AL.,	§	
	§	
Defendants.	§	190TH JUDICIAL DISTRICT

**DEFENDANTS KELLY DOWE AND CHRIS B. BROWN'S ORIGINAL ANSWER
SUBJECT TO THEIR PLEA TO THE JURISDICTION**

Subject to their plea to the jurisdiction, asserted separately, Defendants Kelly Dowe and Chris Brown (collectively, "Defendants") file this Original Answer to Plaintiff Houston Firefighters' Relief And Retirement Fund's ("Plaintiff") First Amended Petition And Application for Temporary And Permanent Injunction, and specifically reserve their rights to further amend as permitted by the Texas Rules of Civil Procedure.

GENERAL DENIAL

1. Defendants generally deny each and every allegation and matter pleaded and alleged by Plaintiff and demand strict proof thereof pursuant to Rule 92 of the Texas Rules of Civil Procedure.

SPECIAL EXCEPTIONS

2. Defendants specially except to Plaintiff's petition to the extent that it fails to apprise Defendants of the specific claims against them.

3. Defendants specially except to Plaintiff's petition to the extent that it seeks relief that would compel Defendants to take actions that are not within their official capacities, as defined by the City of Houston Code of Ordinances, Articles III and VIII.

AFFIRMATIVE DEFENSES

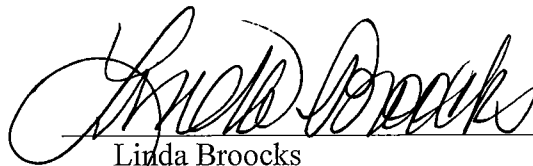
4. In the alternative, Defendants plead the following affirmative defenses:
- a. Defendants plead immunity from suit as a jurisdictional bar to all claims alleged by Plaintiff.
 - b. Defendants plead immunity from liability as an affirmative defense to all claims alleged by Plaintiff.
 - c. To the extent that Plaintiff sues any either Defendant in his individual or personal capacity, Defendants plead the doctrine of official immunity as an affirmative defense, as the alleged conduct (if true) was discretionary, within the scope of their authority, and undertaken in good faith.

PRAYER

Defendants pray that Plaintiff's application for injunctive relief be denied, for a take-nothing judgment, costs, and all other just relief.

Respectfully submitted,

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Unofficial Copy Office of Chris Daniel District Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded electronically through the electronic filing manager on June 20, 2017 to the following parties and counsel of record:

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/s/ Linda Brooks

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