

ROSIE YANAS and CHRISTOPHER	§	COUNTY COURT AT LAW
STONE, individually and as the next	§	
friends of CHRISTOPHER JAKE STONE	§	
	§	
Plaintiffs.	§	
	§	
MARK MCLEOD and GAIL MCLEOD,	§	
Individually and as the next friends of	§	
AARON KYLE MCLEOD;	§	
	§	
PAMELA STANICH, Individually and	§	
as next friend of JARED CONRAD BLACK; and,	§	GALVESTON COUNTY, TEXAS
	§	
SHANNAN CLAUSSEN, Individually and	§	
as next friend of CHRISTIAN RILEY GARCIA,	§	
	§	
Intervenors.	§	
	§	
VS.	§	
	§	
ANTONIOS PAGOURTZIS and ROSE	§	
MARIE KOSMETATOS,	§	
	§	
Defendants.	§	COURT NO. 3

**DEFENDANTS’ ORIGINAL ANSWER, GENERAL DENIAL,
SPECIAL EXCEPTIONS TO
INTERVENORS ABDUL AZIZ’S AND FARAH NAZ’S
PETITION IN INTERVENTION AND REQUEST FOR DISCLOSURES**

TO THE HONORABLE JUDGE EWING:

COME NOW ANTONIO PAGOURTZIS and ROSE MARIE KOSMETATOS, Defendants, by and through their attorney of record, Ron J. Rodgers, and make and file this their Original Answer, General Denial, Affirmative Defenses, Special exceptions to the Petition in Intervention and Request for Disclosures filed by Intervenors Abdul Aziz and Farah Naz (hereinafter, “Plaintiffs”), and by way of such answer show:

1. GENERAL DENIAL

1.01 Pursuant to Tex. R. Civ. P. 92, Defendants assert a General Denial, denying each and every, all and singular, the allegations contained in said Plaintiffs' Petition and assert a General Denial, denying each and every, all and singular, the allegations contained in said Petition, and demand strict proof by a preponderance of the evidence. Defendants, without waiving any rights, specifically reserve the right to amend this answer as to all opposing Parties.

2. AFFIRMATIVE DEFENSES

2.01 Defendants still urging and relying on matters herein alleged, further allege, pursuant to Vernon's Ann. Rules Civ. Proc., Rule 94, the affirmative defense of no liability, for the actions of their son, Dimitrios Pagourtzis, based on the general rule of law that there is "no duty to control the conduct of others". See *Greater Houston Transp. Co. v. Phillips*, 801 S.W.2d 523, 525 (Tex. 1990).

2.02 Defendants still urging and relying on matters herein alleged, further allege, pursuant to Vernon's Ann. Rules Civ. Proc., Rule 94, the affirmative defense of no liability, for the actions of their son, Dimitrios Pagourtzis, that is based solely on the mere fact of a parent/child relationship. See *Newkumet v. Allen*, 230 S.W.2d 518, 521 (Tex. App. - Eastland, 2007; wherein the court stated "The mere fact of paternity or maternity does not make a parent liable to third parties for the torts of his or her minor child").

3. SPECIAL EXCEPTIONS

3.01. Defendants specially except and object to paragraphs 11, 27, 28, 51, 53, 54, 58, and 59 of Plaintiffs' Petition for the reason that said paragraph contains allegations and/or statements that are purely conclusory, speculative and unsupported by any factual proof. Inasmuch as Defendants cannot properly prepare their defenses, they respectfully request the

Court to order Plaintiffs to amend their pleadings, with specificity as to the factual basis and claimed acts and/or omissions of these Defendants, for contending these Defendants negligently and/or grossly negligently failed to properly secure their firearms and keep them out of the reach of their minor child, as claimed in the listed paragraphs 11, 27, 28, 51, 53, 54, 58, and 59 of Plaintiffs' Petition, the subject of this suit; otherwise, said allegations should be stricken in their entirety.

3.02 Defendants specially except and object to paragraphs 63, 65, 66, and 69 of Plaintiffs' Petition for the reason that said paragraph contains allegations and/or statements that are purely conclusory, speculative and unsupported by any factual proof. Inasmuch as Defendants cannot properly prepare their defenses, they respectfully request the Court to order Plaintiffs to amend their pleadings, with specificity as to the factual basis and claimed acts and/or omissions of these Defendants, for contending the Defendants entrusted guns to their son or consented to him taking the guns, as listed and claimed in their paragraphs 63, 65, 66, and 69 of Plaintiffs' Petition, the subject of this suit; otherwise, said allegations should be stricken in their entirety.

3.03 Defendants additionally specially except and object to the heading at the top of Page 8 of Plaintiffs' Petition for the reason that said heading contains additional allegations and/or statements that are purely conclusory, speculative and unsupported by any factual proof. Inasmuch as Defendants cannot properly prepare their defenses, they respectfully request the Court to order Plaintiffs to amend their pleadings, with specificity as to the factual basis and claimed acts and/or omissions of these Defendants, for Plaintiffs contending the firearms were "...Obtained from Defendants' Closet," as stated in the heading at the top of Page 8 of Plaintiffs' Petition, the subject of this suit; otherwise, said allegations should be stricken in their entirety.

4. Request for Disclosures

4.01 Pursuant to the Texas Rules of Civil Procedure 194.1, Plaintiffs/Intervenors Shannan Claussen and Pamela Stanich are requested to disclose, within 30 days of service of this request, the information or material described in Rule 194.2.

5. Request for Attorney's Fees and Expenses

5.01 It was necessary for Defendants to secure the services of Ron J. Rodgers, a licensed attorney, to defend against this claim as a result of Plaintiffs' actions in filing claims for damages in this matter. Plaintiffs should be ordered to pay reasonable attorney's fees and expenses through trial and appeal, and a judgment should be rendered in favor of that attorney and against Plaintiffs and Intervenors; or, in the alternative, Defendants request that reasonable attorney's fees and expenses through trial and appeal be taxed as costs and be ordered paid directly to Defendants' attorney, who may enforce the order for fees in the attorney's own name.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiffs and Intervenors be ordered to amend their pleadings as herein-above requested, that Plaintiffs and Intervenors take nothing by this suit, and that Defendants recover all costs, expenses and reasonable attorney's fees together with such other and further relief to which they may show themselves justly entitled.

Respectfully submitted,

RODGERS LAW GROUP
3027 Marina Bay Dr.
Suite 310
League City, TX 77573
Tel: (281) 884-3891
Fax: (281) 884-3992

By: /s/ Ron J. Rodgers

Ron J. Rodgers

State Bar No. 24070519

ron@rodgerslawgroup.com

Attorney for Antonios Pagourtzis and Rose
Marie Kosmetatos, Defendants.

CERTIFICATE OF SERVICE

This is to certify that I have complied with Tex. R. Civ. Pr. 191.4 and 191.5 and that a true and correct copy of the above and foregoing Original Answer, General Denial, Affirmative Defenses, and Request for Disclosures and any attachments has this day been electronically served on each adverse party or the attorney of record for each such adverse party this 4th day of January, 2019.

/s/ Ron J. Rodgers

Ron J. Rodgers

Attorney for Defendants