

D-1-GN-11-003517

TEXAS DISPOSAL SYSTEMS, INC.,	§	IN THE DISTRICT COURT OF
and TEXAS DISPOSAL SYSTEMS	§	
LANDFILL, INC.	§	
Plaintiff	§	
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
CITY OF AUSTIN, TEXAS	§	
Defendant	§	345 TH JUDICIAL DISTRICT

**DEFENDANT CITY OF AUSTIN'S
ORIGINAL ANSWER & AFFIRMATIVE DEFENSES**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

Defendant City of Austin, Texas (the “City”) files its Original Answer to Plaintiffs’ Original Petition herein. In support thereof, the City 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, the City denies generally the allegations of Plaintiffs’ pleading and requests that Plaintiffs prove their claims and allegations as required by law.

AFFIRMATIVE DEFENSES

Pleading further, the City asserts the following affirmative defenses:

1. The City is a home-rule municipality. Accordingly, the City is entitled to sovereign or governmental immunity from suit and from liability with respect to Plaintiffs’ claims against it.

2. The City asserts that Plaintiffs have failed to mitigate any alleged damages by failing to respond to City RFP’s as described in paragraphs 33-39 of Plaintiffs’ Original Petition.

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of *Defendant City of Austin's Original Answer & Affirmative Defenses* on all parties, or their attorneys of record, in compliance with the Texas Rules of Civil Procedure, this 9th day of December, 2011.

James Hemphill
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401 Congress Avenue, Suite 2200
Austin, Texas 78701

COUNSEL FOR PLAINTIFFS

 /s\ Christopher Coppola
CHRISTOPHER COPPOLA