

CAUSE NO. D-1-GN-16-002211

VIRGINIA DIANE LEWIS, Individually
and as Next Friend to C.J.L.; CLAUDIA
ELENA DE LEON, Individually and as
Next Friend to D.F.G. and P.E.G.;
JENNIFER RUTH RUMSEY,
Individually and as Next Friend to
K.L.O.; and JENNIFER TAYLOR,
Individually and as Next Friend to
C.M.T.,
Plaintiffs

v.

MIKE MORATH, in his official capacity
as Commissioner of the Texas Education
Agency,
Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98th JUDICIAL DISTRICT

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW Mike Morath, as Commissioner of the Texas Education Agency, (hereinafter, referred to as "Defendant"), and files this Answer and Affirmative Defenses in the above numbered and entitled cause, and would respectfully show the Court the following:

I. GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedures, Defendant denies each and every allegation contained within Plaintiffs' Original Petition for Declaratory Judgment and demands strict proof of all allegations, as required by law.

II. AFFIRMATIVE DEFENSES

1. Defendant asserts the affirmative defense of sovereign immunity to any and all claims against him to which that defense may apply;
2. Defendant asserts that Plaintiffs' claims, in whole or in part, are barred lack of subject

matter jurisdiction because Plaintiffs' lack standing;

3. Defendant asserts that Plaintiffs failed to exhaust their administrative remedies, to the extent applicable;
4. Defendant asserts that Plaintiffs have failed to state a legally cognizable claim; and
5. Defendant reserves the right to raise additional affirmative defenses as they become apparent during the development of the case.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, upon notice and hearing, Defendant prays that, after notice and hearing, the court deny all relief that the Plaintiffs request; that Plaintiffs take nothing by way of this suit; that all court costs be taxed against Plaintiffs; and for such other and further relief to which they may be entitled.

DATE: June 20, 2016

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

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/s/ Esteban Soto

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents has been served on this the 20th day of June, 2016 on the following:

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/s/ Esteban Soto
ESTEBAN SOTO



**Office of the Attorney General
Facsimile Cover Sheet**

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Pages (including cover page): 04

Comments: Re: Virginia Diane Lewis, individually and as next friend of
al. v Mike Morath, 98th Judicial District Court of Travis County,
Texas; Cause No.D-1-GN-16-002211

Please see attached in the above-referenced matter.
