

CAUSE NO. 2018-06752

FREE AND SOVEREIGN STATE OF §  
VERACRUZ DE IGNACIO DE LA LLAVE, §

*Plaintiff,* §

v. §

JAIME REVERTE, JMA REVERTE §  
PROPERTIES LLC, AZULGRANA §  
MANAGEMENT, LLC, GIMAL REVERTE §  
PROPERTIES, LLC, REVERTE FAMILY §  
LIVING TRUST and JAVIER DUARTE DE §  
OCHOA, §

*Defendants.* §

IN THE DISTRICT COURT OF

HARRIS COUNTY, TX

127<sup>th</sup> JUDICIAL DISTRICT

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**DEFENDANT TERRAVENTURA DEVELOPMENTS, LLC'S  
ORIGINAL ANSWER AND SPECIAL EXCEPTIONS  
TO PLAINTIFF'S FIRST AMENDED PETITION**

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Defendant Terraventura Developments, LLC ("Terraventura" or "Defendant") files this original answer and special exceptions to Plaintiff's, the Free and Sovereign State of Veracruz De Ignacio De La Llave ("Plaintiff"), First Amended Petition, and respectfully shows the court as follows:

**I. GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure Terraventura generally denies the allegations contained in Plaintiff's First Amended Petition and demands strict proof thereof by requisite legal standards. Terraventura further hereby reserves the right to amend this answer and assert other and further defenses and claims as the facts of this case warrant.

**II. AFFIRMATIVE DEFENSES**

Subject to and without waiving the foregoing, Terraventura asserts and raises the following affirmative defenses:

- a. Plaintiff's claims are barred pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Citizens' Participation Act ("TCPA" or "Anti-SLAPP");
- b. Alternatively, Plaintiff's claims are barred because they are unreasonable, frivolous, vexatious, and brought to harass Defendant;
- c. Alternatively, Plaintiff's claims are barred in whole or in part because Plaintiff comes into the Court with unclean hands;
- d. Alternatively, Plaintiff's claims are barred in whole or in part by the doctrine of estoppels, including but not limited to, collateral estoppel, promissory estoppel, and equitable estoppel;
- e. Alternatively, Plaintiff's claims are barred in whole or in part due to Plaintiff's own acts or omissions which caused damage complained of by Plaintiff;
- f. Alternatively, Plaintiff's claims are barred in whole or in part because Plaintiff intentionally relinquished Plaintiff's known rights or engaged in intentional conduct inconsistent with claiming those rights;
- g. Alternatively, Plaintiff's claims are barred in whole or in part because Plaintiff failed to mitigate its damages;
- h. Alternatively, Plaintiff's claims are barred in whole or in part by Defendant's good faith;
- i. Alternatively, Plaintiff's claims are barred in whole or in part under the doctrine of proportionate responsibility;
- j. Alternatively, Plaintiff's claims are barred in whole or in part by Defendant's right to offset and/or set off;

k. Alternatively, Plaintiff's claims are barred in whole or in part by fraud.

### III. SPECIAL EXCEPTIONS

Terraventura specially excepts to Plaintiff's First Amended Petition and asks the Court to order Plaintiff to replead and cure the following pleading defects:

- a. Plaintiff's claims are barred pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Citizens' Participation Act ("TCPA" or "Anti-SLAPP"), and Plaintiff should be required to produce clear and specific evidence of each required element of its claims against Terraventura before its claims may proceed;
- b. Plaintiff's First Amended Petition does not give fair notice to Terraventura of the facts and legal grounds for its claims as pled against Terraventura. Rather, all that is said of Terraventura is to allege it is a "local limited liability company that owns property in Harris County" (p. 4), identify its registered agent (pp. 4-5), and allege it ostensibly is the "record owner" of several property units located at 25219 Kuykendahl Road, Tomball, Texas and then conclusively, that the "funds used to purchase [these] property[s] were stolen from Veracruz" (pp. 7-8). Texas follows the "fair notice" standard for pleading, and where a plaintiff pleads a cause of action only in general terms, the defendant may file special exceptions to require the plaintiff to plead specifically. TEX. R. CIV. P. 45(b) (action must be stated in plain and concise language); TEX. R. CIV. P. 47(a) (action must be sufficient to give fair notice of claim); *Horizon/CMS Healthcare Corp. v. Auld*, 34 S.W.3d 887, 896 (Tex. 2000); *Subia v. Texas Dept. of Human Servs.*, 750 S.W.2d 827-829 (Tex. App.—El Paso 1988, no writ.).

IV. PRAYER

Terraventura prays the Court enters judgment in its favor and awards it the costs of court, attorney's fees, and such other and further relief as Terraventura may be entitled to in law or in equity.

Respectfully submitted,

**THE STRONG FIRM, P.C.**

By: *Laura F. Dumas*

**Bret L. Strong**

Texas Bar No. 00795671

[bstrong@thefirm.com](mailto:bstrong@thefirm.com)

**Laura F. Dumas**

Texas Bar No. 24103763

[ldumas@thefirm.com](mailto:ldumas@thefirm.com)

**Kristen Bates**

Texas Bar No. 24073881

[kbates@thefirm.com](mailto:kbates@thefirm.com)

1790 Hughes Landing Blvd, Ste. 200

The Woodlands, TX 77380

Tel. (281) 3671222

Fax (281) 210-1361

**ATTORNEYS FOR DEFENDANT,  
TERRAVENTURA DEVELOPMENTS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July 2018, a true and correct copy of the foregoing instrument was served upon the following counsel of record in accordance with the Texas Rules of Civil Procedure.

Anthony G. Buzbee  
Christopher J. Leavitt  
THE BUZBEE LAW FIRM  
JP Morgan Chase Tower  
600 Travis, Suite 6850  
Houston, Texas 77002  
[tbuzbee@txattorneys.com](mailto:tbuzbee@txattorneys.com)  
ATTORNEYS FOR PLAINTIFF,  
FREE AND SOVEREIGN STATE OF VERACRUZ  
DE IGNACIO DE LA LLAVE

James H. Stilwell  
MARTIN, EARL & STILWELL, LLP  
1400 Woodloch Forest Drive, Suite 590  
The Woodlands, Texas 77380  
[james@meslawfirm.com](mailto:james@meslawfirm.com)  
ATTORNEYS FOR DEFENDANTS,  
JAIME REVERTE, JMA REVERTE PROPERTIES, LLC,  
AZULGRANA MANAGEMENT, LLC, GIMAL REVERTE  
PROPERTIES, LLC AND REVERTE FAMILY LIVING TRUST

Murray Fogler  
Jas Brar  
FOGLER, BRAR, FORD, O'NEIL & GRAY, LLP  
909 Fannin Street, Suite 1640  
Houston, Texas 77010  
[mfogler@fbfog.com](mailto:mfogler@fbfog.com)  
[jbrar@fbfog.com](mailto:jbrar@fbfog.com)  
ATTORNEYS FOR DEFENDANTS,  
JOSE ANTONIO BANDIN RUIZ  
(INCORRECTLY NAMED JOSE RUIZ) AND  
MONICA BABAYAN CANAL  
(INCORRECTLY NAMED MONICA B. CANAL)

  
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Laura F. Dumas