

CAUSE NO. 199 596 97

DSC COMMUNICATIONS CORPORATION,

Plaintiff,

v.

EVAN BROWN,

Defendant.

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IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

219TH JUDICIAL DISTRICT

DSC'S ORIGINAL ANSWER TO PETITION IN INTERVENTION

DSC Communications Corporation ("DSC") respectfully files this its Original Answer to the Petition in Intervention filed by Lance Flores ("Intervenor").

I.

General Denial

DSC generally denies each and every, all and singular, of the allegations contained in Plaintiff's Original Petition as authorized by Texas Rule of Civil Procedure 92 and demands strict proof thereof.

II.

Affirmative Defenses

DSC, still urging and relying on matters already alleged in this Original Answer, further alleges by way of affirmative defense:

1. That Flores has failed to state a claim upon which relief can be granted;
2. That Flores' claims are barred by the equitable doctrine of waiver;
3. That Flores' claims are barred by the equitable doctrine of estoppel;
4. That Flores' claims are barred by the equitable doctrine of laches;

5. That Flores' claims are barred by the applicable statute of limitations; and

6. That Flores' claims are barred because he has not issued citation and perfected service on DSC as required under the Texas Rules of Civil Procedure.

7. Pursuant to Texas Rule of Civil Procedure 54, DSC specifically denies that the conditions precedent to recovery by Flores have been performed or have occurred.

WHEREFORE, PREMISES CONSIDERED, DSC respectfully prays judgment of the Court that Intervenor Lance Flores take nothing by his suit; that DSC recover its costs and reasonable and necessary attorneys' fees; and for such other and further relief, both at law and in equity, to which DSC may show itself to be justly entitled.

Respectfully submitted,

LYNN STODGHILL MELSHEIMER & TILLOTSON, L.L.P.

By: 

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**ATTORNEYS FOR PLAINTIFF
DSC COMMUNICATIONS CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served upon counsel for Defendant Evan Brown, as identified below, on this the 19th day of August, 1997:

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