

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

AUG 27 1999 TC

CHRISTINE N. MILBY, CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CLAUDIA NAVARRO PINEDA, *et al.*, §  
Plaintiffs, §  
v. §  
CITY OF HOUSTON, *et al.*, §  
Defendants. §

Civil Action No. H-98-3877  
JURY DEMANDED

**ANSWER OF DEFENDANT, CITY OF HOUSTON, TO  
CROSS-CLAIM OF DEFENDANTS, BARRERA, HERRADA, TILLERY, AND WILLIS**

Defendant, City of Houston, files its answer to the cross claim of defendants, Barrera, Herrada, Tillery, and Willis:

**ANSWER**

1. Defendant, City of Houston, admits it has refused to provide representation to defendant, D.R. Barrera, P.A. Herrada, L.E. Tillery, and J.R. Willis. Defendant, City of Houston, denies all other allegations of paragraph 91 of the answer to plaintiffs' second amended complaint and cross-claim of defendants Barrera, Herrada, Tillery, and Willis.

**AFFIRMATIVE DEFENSES**

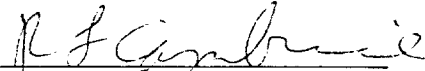
2. The City of Houston asserts that defendants, Barrera, Herrada, Tillery, and Willis have not tendered a proper request that the City pay for their defense of this lawsuit. Defendants Barrera, Herrada, Tillery, and Willis have never requested the City of Houston to provide them legal representation. Texas Local Government Code section 180.002 requires an employee to request representation and section 2305 of the Code of Ordinances of the City of Houston requires employees seeking legal representation to make such requests within five days of service of suit.

**PRAYER**

3. For these reasons, defendant, City of Houston, requests this Court to enter judgment that defendant, D.R. Barrera, P.A. Herrada, L.E. Tillery, and J.R. Willis, take nothing from defendant, City of Houston, dismiss plaintiffs' suit with prejudice, and award defendant, City of Houston, all other relief to which it is entitled.

Respectfully submitted,

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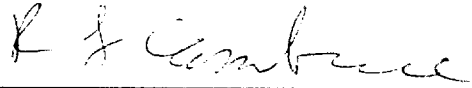
713/247-2000

713/247-1017 (fax)

ATTORNEYS FOR DEFENDANT,  
CITY OF HOUSTON

CERTIFICATE OF SERVICE

I certify I mailed a copy of the ANSWER OF DEFENDANT, CITY OF HOUSTON, TO CROSS-CLAIM OF DEFENDANTS, BARRERA, HERRADA, TILLERY, AND WILLIS to all counsel of record listed below on August 27, 1999, pursuant to the Federal Rules of Civil Procedure.



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