

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**THOMAS L TAYLOR III, solely in his
capacity as Court-appointed Receiver for
Robert A. Helms, et al.,**

Plaintiff,

v.

GRADY H. VAUGHN III

Defendant.

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CAUSE NO. 15-cv-648

**DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF
RECEIVER’S ORIGINAL COMPLAINT AGAINST GRADY H. VAUGHN, III**

Defendant Grady H. Vaughn III (hereafter “Defendant” or “Mr. Vaughn”) files this Answer and Affirmative Defenses to Plaintiff Receiver’s Original Complaint Against Grady H. Vaughn (Docket No. 1 and hereafter the “Complaint”) as follows:

ANSWER

1. Mr. Vaughn admits that the Receiver has brought this action. Mr. Vaughn denies Paragraph 1’s remaining allegations.
2. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 2’s allegations and therefore denies the same.
3. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 3’s allegations and therefore denies the same.
4. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 4’s allegations and therefore denies the same.

5. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 5's allegations and therefore denies the same.

6. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 6's allegations and therefore denies the same.

7. Mr. Vaughn denies paragraph 7's allegations.

8. Mr. Vaughn denies paragraph 8's allegations.

9. Mr. Vaughn is without sufficient knowledge to admit or deny the allegations concerning the number of Iron Rock investors and therefore denies the same. Mr. Vaughn denies paragraph 9's remaining allegations.

10. Mr. Vaughn denies paragraph 10's allegations.

11. Mr. Vaughn denies paragraph 11's allegations.

12. Mr. Vaughn denies paragraph 12's allegations.

13. Mr. Vaughn denies paragraph 13's allegations.

14. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 14's allegations and therefore denies the same.

15. Mr. Vaughn admits that he is an individual and that he resides in the Colorado Springs, Colorado area. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 15's remaining allegations and therefore denies the same.

16. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 16's allegations and therefore denies the same.

17. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 17's allegations and therefore denies the same.

18. Mr. Vaughn does not contest personal jurisdiction for the causes of action

currently alleged. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 18's remaining allegations and therefore denies the same.

19. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 19's allegations and therefore denies the same.

20. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 20's allegations and therefore denies the same.

21. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 21's allegations and therefore denies the same.

22. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 22's allegations and therefore denies the same.

23. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 23's allegations and therefore denies the same.

24. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 24's allegations and therefore denies the same.

25. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 25's allegations and therefore denies the same.

26. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 26's allegations and therefore denies the same.

27. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 27's allegations and therefore denies the same.

28. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 28's allegations and therefore denies the same.

29. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 29's

allegations and therefore denies the same.

30. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 30's allegations and therefore denies the same.

31. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 31's allegations and therefore denies the same.

32. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 32's allegations and therefore denies the same.

33. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 33's allegations and therefore denies the same.

34. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 34's allegations and therefore denies the same.

35. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 35's allegations and therefore denies the same.

36. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 36's allegations and therefore denies the same.

37. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 37's allegations and therefore denies the same.

38. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 38's allegations and therefore denies the same.

39. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 39's allegations and therefore denies the same.

40. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 40's allegations and therefore denies the same.

41. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 41's allegations and therefore denies the same.

42. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 42's allegations and therefore denies the same.

43. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 43's allegations and therefore denies the same.

44. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 44's allegations and therefore denies the same.

45. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 45's allegations and therefore denies the same.

46. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 46's allegations and therefore denies the same.

47. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 47's allegations and therefore denies the same.

48. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 48's allegations and therefore denies the same.

49. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 49's allegations and therefore denies the same.

50. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 50's allegations and therefore denies the same.

51. Mr. Vaughn denies paragraph 51's allegations.

52. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 52's allegations and therefore denies the same.

53. Mr. Vaughn admits that he owns a controlling interest in Upland Energy Resources, LLC. Mr. Vaughn admits that investors in Upland Energy Partners, LP received marketing materials, including materials provided by Vendetta. Mr. Vaughn denies Paragraph 53's remaining allegations.

54. Mr. Vaughn denies paragraph 54's allegations.

55. Mr. Vaughn denies paragraph 55's allegations.

56. Mr. Vaughn admits that he was employed by Vendetta as an independent contractor. Mr. Vaughn further admits that he travelled to Austin, Texas for such work and that Vendetta paid certain related travel expenses. Mr. Vaughn denies paragraph 56's remaining allegations.

57. Mr. Vaughn denies paragraph 57's allegations.

58. Mr. Vaughn denies paragraph 58's allegations.

59. Mr. Vaughn denies paragraph 59's allegations.

60. Mr. Vaughn denies paragraph 60's allegations.

61. Mr. Vaughn denies paragraph 61's allegations.

62. Mr. Vaughn denies paragraph 62's allegations.

63. Mr. Vaughn denies paragraph 63's allegations.

64. Mr. Vaughn denies paragraph 64's allegations.

65. Mr. Vaughn denies paragraph 65's allegations.

66. Mr. Vaughn denies paragraph 66's allegations.

67. Mr. Vaughn denies paragraph 67's allegations.

68. Mr. Vaughn denies paragraph 68's allegations.

69. Mr. Vaughn denies paragraph 69's allegations.

70. Mr. Vaughn denies paragraph 70's allegations.

71. Mr. Vaughn denies paragraph 71's allegations.

72. Mr. Vaughn denies paragraph 72's allegations.

73. Mr. Vaughn denies paragraph 73's allegations.

74. Mr. Vaughn denies paragraph 74's allegations.

75. Mr. Vaughn denies paragraph 75's allegations.

76. Mr. Vaughn denies paragraph 76's allegations.

77. Paragraph 77 does not require a response by Mr. Vaughn. To the extent paragraph 77 incorporates prior statements, Mr. Vaughn incorporates by reference responses to said statements.

78. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 78's allegations and therefore denies the same.

79. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 79's allegations and therefore denies the same.

80. Mr. Vaughn denies paragraph 80's allegations.

81. Mr. Vaughn denies paragraph 81's allegations.

82. Mr. Vaughn denies paragraph 82's allegations.

83. Mr. Vaughn denies paragraph 83's allegations.

84. Mr. Vaughn denies paragraph 84's allegations.

85. Mr. Vaughn denies paragraph 85's allegations.

86. Mr. Vaughn denies paragraph 86's allegations.

87. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 87's allegations and therefore denies the same.

88. Mr. Vaughn denies paragraph 88's allegations.

89. Mr. Vaughn denies paragraph 89's allegations.

90. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 90's allegations and therefore denies the same.

91. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 91's allegations and therefore denies the same.

92. Mr. Vaughn denies paragraph 92's allegations.

93. Mr. Vaughn denies paragraph 93's allegations.

94. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 94's allegations and therefore denies the same.

95. Mr. Vaughn denies paragraph 95's allegations.

96. Mr. Vaughn denies paragraph 96's allegations.

97. Mr. Vaughn denies paragraph 97's allegations.

98. Mr. Vaughn denies paragraph 98's allegations.

99. Mr. Vaughn denies paragraph 99's allegations.

100. Mr. Vaughn denies paragraph 100's allegations.

101. Mr. Vaughn denies paragraph 101's allegations.

102. Mr. Vaughn is without sufficient knowledge to admit or deny paragraph 102's allegations and therefore denies the same.

103. Mr. Vaughn denies that the Receiver is entitled to any or all of the relief requested in the "Prayer".

AFFIRMATIVE DEFENSES

104. Plaintiff's claims are barred, in whole or in part because the Plaintiff failed to

mitigate its damages, if any.

105. Plaintiff's claims are barred, in whole or in part by the doctrines of estoppel and/or laches.

106. Plaintiff's claims are barred, in whole or in part by the doctrine of comparative and/or contributory fault.

107. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

108. Plaintiff's claims are barred, in whole or in part, because of wrongful acts of third parties.

JURY DEMAND

109. Defendant requests a trial by jury on all issues so triable.

PRAYER

Mr. Vaughn respectfully requests that the Court, on final trial or hearing, order that the Plaintiff takes nothing by his claim, award Mr. Vaughn his costs incurred and other such further relief as to which he may be entitled.

Respectfully submitted,

/s/ R. Ritch Roberts III

R. Ritch Roberts, III

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ATTORNEYS FOR GRADY VAUGHN

CERTIFICATE OF SERVICE

I hereby certify that, on September 8, 2015 I caused service of the above and foregoing instrument via filing with the Court's CM/ECF system

/s/ R. Ritch Roberts _____

R. Ritch Roberts