

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO 1437 Bannock St. Denver, CO 80202	DATE FILED: July 7, 2022 5:45 PM FILING ID: 62B1FA6A8FC74 CASE NUMBER: 2022CV31451
<b>Plaintiffs:</b> UNIVERSAL HERBS, LLC, by and through GARY SCHWART in his capacity as Court-Appointed Receiver  v.  <b>Defendant:</b> TITAN HEALTH, LLC	
Attorneys for Titan Health, LLC: Jamie N. Cotter, #40309 Jacob Hollars, #50352 Spencer Fane LLP 1700 Lincoln Street, Suite 2000 Denver, CO 80203 Phone: (303) 839-3800   FAX: (303) 839-3838 E-mail: <a href="mailto:jcotter@spencerfane.com">jcotter@spencerfane.com</a>   <a href="mailto:jhollars@spencerfane.com">jhollars@spencerfane.com</a>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <p style="text-align: center;">Case No.: 2022CV31451</p> <p style="text-align: center;">Div.:</p>
<b>ANSWER</b>	

Defendant Titan Health, LLC (“Titan”), for its Answer, states:

1. Titan is without information sufficient to admit or deny the allegations in this paragraph and therefore denies the same.
2. Titan is without information sufficient to admit or deny the allegations in this paragraph. Further, the matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan denies the same.
3. The matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan denies the same.
4. Admit.
5. Admit.

6. The matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan does not contest personal jurisdiction.

7. The matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan disputes that venue is proper in this Court under C.R.C.P. 98(c).

8. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

9. Titan is without information sufficient to admit or deny the allegations in this paragraph and therefore denies the same.

10. Admit.

11. Admit.

12. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

13. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

14. Admit.

15. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

16. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

17. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

18. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

19. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

20. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

21. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

22. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

23. The matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan denies the same.

24. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

25. The matters asserted in this paragraph state a legal conclusion to which no response is required. To the extent a response is required, Titan denies the same.

26. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

27. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.

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59. Titan is without information sufficient to admit or deny the allegations in this paragraph and therefore denies the same.

60. The matters asserted in this paragraph state a legal conclusion and concern legal documents that speak for themselves and to which no response is required. To the extent a response is required, Titan denies the same.



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73. The matters asserted in this paragraph state a legal to which no response is required. To the extent a response is required, Titan denies the same.

74. Titan's answers to all preceding paragraphs are incorporated herein by reference.

75. Admit.

76. The matters asserted in this paragraph state a legal to which no response is required. To the extent a response is required, Titan denies the same.

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To the extent a response is required, Titan denies the same.

80. The matters asserted in this paragraph state a legal to which no response is required.

To the extent a response is required, Titan denies the same.

81. Deny.

82. Titan's answers to all preceding paragraphs are incorporated herein by reference.

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To the extent a response is required, Titan denies the same.

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132. The matters asserted in this paragraph state a legal to which no response is required. To the extent a response is required, Titan denies the same.

#### **Affirmative Defenses**

- A. The Complaint may fail to state a claim for which relief may be granted.
- B. Plaintiff failed to perform and/or substantial perform under the contracts at issue in this case, thereby excusing Titan's performance.
- C. Plaintiff breached its duty of good faith and fair dealing thereby excusing Titan's performance.
- D. Plaintiff failed to meet conditions precedent under the contracts at issue here, thereby excusing Titan's performance.
- E. Plaintiff's claims may be barred in whole or in part by the doctrines of unclean hands, laches, and/or estoppel.
- F. Plaintiff may have failed to mitigate its damages.
- G. As discovery is ongoing, Titan reserves the right to amend and/or supplement these defenses.

Dated this 7th day of July, 2022.

Respectfully submitted,

**Spencer Fane LLP**

*s/Jacob F. Hollars*  
Jacob F. Hollars  
Jamie N. Cotter

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 7th day of July, 2022, a true and correct copy of the foregoing was served electronically via the Integrated Colorado Courts E-Filing System to the following:

/s/Jacob F. Hollars  
Jacob F. Hollars