Cause No. DC-18-06835

Fee, Smith, Sharp & Vitullo, LLP	§	In The District Court
And Anthony Vitullo	§	
•	§	
Plaintiffs,	§	
	§	
v.	§	
	§	95 th Judicial District
Block Garden & McNeill, LLP, f/k/a	§	
Block & Garden, LLP, Christopher	§	
McNeill and Steven Block	§	
	§	
Defendants.	§	Dallas County, Texas

Defendants' Original Answer

Defendants file this Answer in defense of the above styled-lawsuit.

General Denial

1. Under Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every allegation in Plaintiffs' Original Petition and demands strict proof thereof.

Special Denials and Affirmative Defenses

- 2. Plaintiffs' claims against Defendants should be compelled to binding arbitration.
- 3. In the alternative, this case should be stayed pending the completion of Arbitration Number 1310023697, styled *Block, Garden &McNeil, LLP, f/k/a Block & Garden, LLP, Claimant v. Laura Wassmer, Dr. Stephen Hopper, Fee, Smith, Sharp & Vitullo, LLP and Anthony L. Vitullo, Respondents,* before JAMS Arbitration Tribunal (the "Arbitration").

Prayer

Defendants, pray:

1. That Plaintiffs' Original Petition be dismissed, and that Plaintiffs go hence with

their costs without day;

2. That Plaintiffs' claims against Defendants be compelled to binding arbitration;

3. In the alternative that this case be stayed pending the completion of the Arbitration;

4. That Defendants recover their costs and reasonable attorneys' fees for defending

this case; and

5. For such other and further relief at law or in equity to which Defendants may show

themselves to be justly entitled.

Respectfully submitted,

Johnston Tobey Baruch, P.C.

By: <u>/s/ Robert L. Tobey</u> Robert L. Tobey

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Attorneys for Defendants

Certificate of Service

I hereby certify that on June 22, 2018, a true and correct copy of the foregoing document has been served electronically through the Court's electronic filing service provider upon all parties and counsel of record.

/s/Robert L. Tobey