

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FADOICE TUNSTLE, Individually and	§	
On Behalf of All Others Similarly	§	
Situated,	§	Civil Action No. 2:15-cv-00808-JRG
	§	
PLAINTIFF,	§	
	§	
V.	§	
	§	Jury Demanded
HIDE-A-WAY LAKE CLUB, INC.,	§	
	§	
DEFENDANT.	§	

DEFENDANT’S ORIGINAL ANSWER
TO PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Hide-A-Way Lake Club, Inc., files this its Original Response to the Original Complaint of Plaintiff Fadoice Tunstle, individually and on behalf of all others similarly situated, and in support thereof would respectfully show the Court the following:

I.

ANSWER

1. The allegations contained within paragraph 1 are legal conclusions that do not call for a response by Defendant.
2. The allegations contained within paragraph 2 are legal conclusions that do not call for a response by Defendant.
3. Defendant denies the allegation in the first sentence of paragraph 3. The allegation contained in the second sentence of paragraph 3 is a legal conclusion that does not call for a response by Defendant.

4. Defendant admits that Plaintiff was employed by Defendant within the three (3) year period preceding the filing of Plaintiff's Complaint herein. The allegation contained in the second sentence of paragraph 4 is a legal conclusion that does not call for a response by Defendant.
5. The allegations contained within paragraph 5 are legal conclusions that do not call for a response by Defendant, except that Defendant denies an "invalid tip pooling arrangement."
6. Defendant admits the allegations contained in paragraph 6.
7. The allegations contained within paragraph 7 are legal conclusions that do not call for a response by Defendant.
8. The allegations contained within paragraph 8 are legal conclusions that do not call for a response by Defendant.
9. The allegations contained within paragraph 9 are legal conclusions that do not call for a response by Defendant, although Defendant admits to having employed the Plaintiff.
10. The allegations contained within paragraph 10 are legal conclusions that do not call for a response by Defendant.
11. The allegations contained within paragraph 11 are legal conclusions that do not call for a response by Defendant.
12. The allegations contained within paragraph 12 are legal conclusions that do not call for a response by Defendant.
13. The allegations contained within paragraph 13 are legal conclusions that do not call for a response by Defendant.
14. Defendant admits the allegation contained within paragraph 14.
15. Defendant admits the allegation contained within the first two sentences of paragraph 15.

- Defendant denies the allegations contained within the remainder of paragraph 15.
16. Defendant admits the allegations contained within paragraph 16.
 17. Defendant denies the allegations contained within paragraph 17.
 18. Defendant denies the allegations contained within paragraph 18.
 19. Defendant denies the allegations contained within paragraph 19.
 20. Defendant denies the allegations contained within paragraph 20.
 21. Defendant denies the allegations contained within paragraph 21.
 22. Defendant denies the allegations contained within paragraph 22.
 23. Defendant denies the allegations contained within paragraph 23.
 24. Defendant denies the allegations contained within paragraph 24.
 25. Defendant denies the allegations contained within paragraph 25.
 26. The allegations contained within paragraph 26 are legal conclusions that do not call for a response by Defendant.
 27. Defendant denies the allegations contained within paragraph 27.
 28. The allegations contained within the prayer, paragraph 28, are legal conclusions that do not call for a response by Defendant, although Defendant denies all such conclusions and requests for relief.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon trial of this matter the Court find for Defendant, dismiss the Plaintiff's claims with prejudice, and for such other and further relief, at law or in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

GREGORY A. FRASER, P.C.,

/s/ Gregory A. Fraser

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ATTORNEY FOR DEFENDANT
HIDE-A-WAY LAKE CLUB, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing instrument was served upon all lead counsel in the above entitled and numbered cause this the 18th day of September, 2015, via the electronic filing manager.

/s/ Gregory A. Fraser

Gregory A. Fraser