

Electronically Filed

NO. 22-CI-001971

JEFFERSON CIRCUIT COURT
DIVISION TWO (2)
JUDGE ANNIE O'CONNELL

NOTTING HILL HOMEOWNERS ASSOCIATION, INC.

PLAINTIFF

VS.

REPLY TO COUNTERCLAIM

JAMES AND ELISHA FEGER

DEFENDANTS

Comes the Plaintiff/Counter-Defendant, Notting Hill Homeowners Association, Inc., by Counsel, and for its Answer to the Counterclaim of the Defendants/Counter-Plaintiffs, James and Elisha Feger, states as follows:

FIRST DEFENSE

The Defendants' Counterclaim fails to state a claim against the Plaintiff upon which relief can be granted.

SECOND DEFENSE

1. The Plaintiff admits the allegations contained in Paragraph 1 of the Counterclaim.
2. The Plaintiff states that the emails cited in Paragraph 2 of the Counterclaim speak for themselves and any allegations inconsistent with the content of the documents are denied.
3. The Plaintiff states that the email cited in Paragraph 3 of the Counterclaim speak for themselves and any allegations inconsistent with the content of the documents are denied.
4. The Plaintiff states that the email cited in Paragraph 4 of the Counterclaim speak for themselves and any allegations inconsistent with the content of the documents are denied.
5. The Plaintiff lacks sufficient knowledge as to the truth of the allegations contained in Paragraph 5 of the Counterclaim and therefore denies same.

6. The Plaintiff states that the email cited in Paragraph 6 of the Counterclaim speak for themselves and any allegations inconsistent with the content of the documents are denied. The Plaintiff specifically denies that Bill Hayley approved the Defendants' proposal.

7. The Plaintiff denies the allegations contained in Paragraph 7 of the Counterclaim.

8. The Plaintiff lacks sufficient knowledge as to the truth of the allegations contained in Paragraph 8 of the Counterclaim and therefore denies same.

9. The Plaintiff lacks sufficient knowledge as to the truth of the allegations contained in Paragraph 9 of the Counterclaim and therefore denies same.

10. The Plaintiff lacks sufficient knowledge as to the truth of the allegations contained in Paragraph 10 of the Counterclaim and therefore denies same.

11. The Plaintiff denies the allegation contained in Paragraph 11 of the Counterclaim.

12. The Plaintiff denies the allegations contained in Paragraph 12 of the Counterclaim.

THIRD DEFENSE

That Plaintiff assert the affirmative defenses of unclean hands, illegality, estoppel, failure of consideration, assumption of risk, release, contributory negligence and fraud..

FOURTH DEFENSE

The Plaintiff asserts all affirmative defenses arising from the applicable Declaration of Covenants, Conditions, and Restrictions, Articles of Incorporation, the By-Laws, any Rules and Regulations.

FOURTH DEFENSE

The Plaintiff reserves the right to raise additional affirmative defenses, claims and third-party claims, should discovery reveal said defenses or claims to be applicable.

WHEREFORE, the Plaintiff, Notting Hill Homeowners Association, Inc, demands as follows:

1. That the above referred Counterclaim be dismissed herein with prejudice;
2. For leave to amend this Reply as necessary;
3. For the relief set forth in its Complaint;
4. For recovery of its court costs herein incurred, including a reasonable attorney's fee;
5. For any and all other relief to which they may appear entitled.

Respectfully submitted,

/s/ William A. Merrifield
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was e-mailed this 16th day of May, 2022, to the following:

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/s/ William A. Merrifield
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