

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2008 MAR 3 PM 4:27
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY

CHICO'S TACOS, INC.,

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Plaintiff,

v.

Civil Action No. EP-07-CA-0429- KC

CHUCOS MANAGEMENT GROUP, LLC,

Defendant.

**DEFENDANT CHUCOS MANAGEMENT GROUP, LLC'S
ORIGINAL ANSWER**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Chucos Management Group, LLC files this Answer to Plaintiff Chico's Taco, Inc.'s Complaint and in support thereof shows as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint, and therefore denies the same.
2. Defendant denies that its principal office is in El Paso, Texas but otherwise admits the allegations in Paragraph 2 of the Complaint.
3. Defendant admits the allegations in Paragraph 3 of the Complaint.
4. Defendant denies that it maintains its principal office in the El Paso Division but otherwise admits the allegations in Paragraph 4 of the Complaint.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint, and therefore denies the same.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint, and therefore denies the same.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint, and therefore denies the same.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint, and therefore denies the same.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint, and therefore denies the same.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint, and therefore denies the same.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint, and therefore denies the same.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Defendant admits the allegations contained in the first sentence of Paragraph 13 of the Complaint. Defendant admits that the managers have heard of Chico's Tacos, that one of the managers is acquainted with a member of the Mora family, and that the Assumed Name Certificate For Limited Liability Company executed by Jose Luis Ortega

filed with the Secretary of State of Texas on August 10, 2007 by Defendant states "The initial county where business services are or are to be conducted under such assumed name is El Paso County, Texas, but such services may be provided in all Texas counties.". Defendant denies the remaining allegations of Paragraph 13 of the Complaint.

14. Defendant admits that it opened a restaurant under the name Chucos Tacos in Austin, Texas in November, 2007. Defendant admits that the pages attached as Exhibit D show in black and white portions of Defendant's website, restaurant, and menu including the items depicted therein. Defendant denies the remaining allegations of Paragraph 14 of the Complaint.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 15 of the Complaint, and therefore denies the same. Defendant denies the remaining allegations contained in Paragraph 15 of the Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. Defendant denies the allegations contained in Paragraph 17 of the Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of the Complaint.

20. See Defendant's responses to Paragraphs 1-19 of the Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of the Complaint.

22. Defendant denies the allegations contained in Paragraph 22 of the Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of the Complaint.

24. See Defendant's responses to Paragraphs 1-23 of the Complaint.

25. Defendant denies the allegations contained in Paragraph 25 of the Complaint.

26. Defendant denies the allegations contained in Paragraph 26 of the Complaint.

27. Defendant denies the allegations contained in Paragraph 27 of the Complaint.

28. See Defendant's responses to Paragraphs 1-27 of the Complaint.

29. Defendant denies the allegations contained in the first sentence of Paragraph 29 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the other allegations in Paragraph 29 of the Complaint, and therefore denies the same.

30. Defendant denies the allegations contained in Paragraph 30 of the Complaint.

31. Defendant denies the allegations contained in Paragraph 31 of the Complaint.

32. See Defendant's responses to Paragraphs 1-31 of the Complaint.

33. Defendant denies the allegations contained in Paragraph 33 of the Complaint.

34. Defendant denies the allegations contained in Paragraph 34 of the Complaint.

35. Defendant denies the allegations contained in Paragraph 35 of the Complaint.

36. Defendant denies the allegations contained in Paragraph 36 of the Complaint.

37. See Defendant's responses to Paragraphs 1-36 of the Complaint.

38. Defendant denies the allegations contained in Paragraph 38 of the Complaint.

39. Defendant denies the allegations contained in Paragraph 39 of the Complaint.

40. To the extent required, Defendant denies the matters set in out in the Prayer For Relief in the Complaint.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit, and for such other and further relief to which it may be justly entitled.

Respectfully Submitted,

KEMP SMITH LLP
221 N. Kansas St., Ste. 1700
El Paso, Texas 79901
(915) 533-4424
(915) 546-5360 Facsimile

By: 

Mark N. Osborn
State Bar No. 15326700
Jeanne C. Collins
State Bar No. 04611750

ATTORNEYS FOR DEFENDANT
CHUCOS MANAGEMENT
GROUP, LLC

Certificate of Service

I certify that a copy of the foregoing was mailed by certified mail, return receipt requested to Rene Ordonez, Blanco Ordonez & Wallace, P.C., 5715 Cromo Drive, El Paso, Texas 79912 and Hilda C. Galvan, Jones Day, 2727 North Harwood Street, Dallas, Texas 75201-1515 on this 3rd day of March, 2008.


MARK N. OSBORN