

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Ashton Park Trace Apartments, LLC, )

Plaintiff, )

v. )

CIVIL ACTION NO.  
1:14-cv-04056-MHC

City of Decatur, Georgia; Urban )

Redevelopment Agency of the City of )

Decatur; The Potts Company, LLC; )

The Potts Company, Inc.; )

Reeves Contracting Company, Inc.; )

Silverman Construction Program )

Management, Inc.; Kimley-Horn and )

Associates, Inc.; Geo-Hydro )

Engineers, Inc.; and )

Stability Engineering, LLC )

Defendants. )

**DEFENDANT STABILITY ENGINEERING, LLC’S ANSWER TO  
PLAINTIFF ASHTON PARK TRACE APARTMENTS, LLC’S THIRD  
AMENDED COMPLAINT**

Defendant Stability Engineering, LLC (“Stability”) files its Answer to Plaintiff’s Third Amended Complaint as follows:

**FIRST DEFENSE**

Plaintiff’s Third Amended Complaint fails to state a claim upon which relief may be granted.

**SECOND DEFENSE**

Plaintiff's claims are barred or limited to the extent it failed to mitigate its damages.

**THIRD DEFENSE**

Plaintiff's damages, if any, were caused, in whole or in part, by Plaintiff's contributory negligence.

**FOURTH DEFENSE**

Plaintiff's damages, if any, were caused by the acts or omissions of others.

**FIFTH DEFENSE**

Plaintiff's claims are, or may be, barred by the applicable statute of limitations.

**SIXTH DEFENSE**

Plaintiff's damages, if any, are not the proximate result of any alleged act or omission of Stability.

**SEVENTH DEFENSE**

In response to the individually numbered paragraphs contained in Plaintiff's Third Amended Complaint, Stability responds as follows:<sup>1</sup>

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<sup>1</sup> In response to Plaintiff's "Statement of the Case," Stability denies any allegations to the extend they apply to Stability. Stability otherwise lacks sufficient

## **Parties**

1.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 1 and subsections 1(a) – 1(b) of Plaintiff’s Third Amended Complaint, thus, they are denied.

2.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 2 of Plaintiff’s Third Amended Complaint, thus, they are denied.

3.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 3 of Plaintiff’s Third Amended Complaint, thus, they are denied.

4.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 4 of Plaintiff’s Third Amended Complaint, thus, they are denied.

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knowledge or information to admit or deny the allegations contained in the “Statement of the Case,” and, thus, they are denied.

5.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of Plaintiff's Third Amended Complaint, thus, they are denied.

6.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 6 of Plaintiff's Third Amended Complaint, thus, they are denied.

7.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 7 of Plaintiff's Third Amended Complaint, thus, they are denied.

8.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 8 of Plaintiff's Third Amended Complaint, thus, they are denied.

9.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 9 of Plaintiff's Third Amended Complaint, thus, they are denied.

10.

Stability admits the allegations contained in the first sentence of Paragraph 10 of Plaintiff's Third Amended Complaint. Stability denies the remaining allegations contained in Paragraph 10 of Plaintiff's Third Amended Complaint.

### **Jurisdiction and Venue**

11.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 11 of Plaintiff's Third Amended Complaint, thus, they are denied.

12.

Stability states that the Court can exercise personal jurisdiction over it due to its involvement with the Beacon Municipal Complex Redevelopment Project. Stability denies that its services caused any damage to Plaintiff's building. Stability lacks sufficient knowledge or information to admit or deny the remaining

allegations contained in Paragraph 12 of Plaintiff's Third Amended Complaint, thus, they are denied.

13.

Stability admits the allegations contained in Paragraph 13 of Plaintiff's Third Amended Complaint.

### **General Allegations**

14.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 14 of Plaintiff's Third Amended Complaint, thus, they are denied.

15.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 15 of Plaintiff's Third Amended Complaint, thus, they are denied.

16.

Stability states that the City had a multimillion- dollar construction project on the referenced land. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 16 of Plaintiff's Third Amended Complaint, thus, they are denied.

17.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 17 of Plaintiff's Third Amended Complaint, thus, they are denied.

18.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 18 of Plaintiff's Third Amended Complaint, thus, they are denied.

19.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 19 of Plaintiff's Third Amended Complaint, thus, they are denied.

20.

Stability states the Project included an upgrade to the City's storm water system. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 20 of Plaintiff's Third Amended Complaint, thus, they are denied.

21.

Stability states that the project included a storm water management vault. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 21 of Plaintiff's Third Amended Complaint, thus, they are denied.

22.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 22 of Plaintiff's Third Amended Complaint, thus, they are denied.

23.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 23 of Plaintiff's Third Amended Complaint, thus, they are denied.

24.

Stability states that it entered into an agreement with American Shoring to provide certain engineering services. Stability denies the remaining allegations contained in Paragraph 24 of Plaintiff's Third Amended Complaint.



25.

Stability states that the project included excavation, shoring and dewatering activities. Stability denies the remaining allegations contained in Paragraph 25 of Plaintiff's Third Amended Complaint.

26.

Stability states that the project required excavation to install the storm water management vault. Stability denies the remaining allegations contained in Paragraph 26 of Plaintiff's Third Amended Complaint.

27.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 27 of Plaintiff's Third Amended Complaint, thus, they are denied.

28.

Stability denies the allegations as stated contained in Paragraph 28 of Plaintiff's Third Amended Complaint.

29.

Stability states that the temporary shoring wall consisted of steel soldier piles and wood lagging. Stability denies the remaining allegations contained in Paragraph 29 of Plaintiff's Third Amended Complaint.

30.

Stability denies the allegations as stated in Paragraph 30 of Plaintiff's Third Amended Complaint.

31.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 31 of Plaintiff's Third Amended Complaint, thus, they are denied.

32.

Stability denies the allegations to the extent they allege it caused any damage. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 32 of Plaintiff's Third Amended Complaint, thus, they are denied.

33.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 33 of Plaintiff's Third Amended Complaint, thus, they are denied.

34.

Stability denies the allegations to the extent they allege it caused any damage. Stability lacks sufficient knowledge or information to admit or deny the

remaining allegations contained in Paragraph 34 of Plaintiff's Third Amended Complaint, thus, they are denied.

35.

Stability denies the allegations to the extent they allege it caused any damage. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 35 of Plaintiff's Third Amended Complaint, thus, they are denied.

36.

Stability denies the allegations contained in Paragraph 36 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 36 of Plaintiff's Third Amended Complaint, thus, they are denied.

37.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 37 of Plaintiff's Third Amended Complaint, thus, they are denied.

38.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 38 of Plaintiff's Third Amended Complaint, thus, they are denied.

39.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 39 of Plaintiff's Third Amended Complaint, thus, they are denied.

40.

Stability denies the allegations contained in Paragraph 40 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 40 of Plaintiff's Third Amended Complaint, thus, they are denied.

41.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 41 of Plaintiff's Third Amended Complaint, thus, they are denied.

42.

Stability denies the allegations contained in Paragraph 42 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 42 of Plaintiff's Third Amended Complaint, thus, they are denied.

### **Causes of Action**

#### **Count One – Breach of Contract Against the City of Decatur**

43.

Stability incorporates by reference the answers to Paragraphs 1 through 42 as if fully set forth herein.

44.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 44 of Plaintiff's Third Amended Complaint, thus, they are denied.

45.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 45 of Plaintiff's Third Amended Complaint, thus, they are denied.

46.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 46 of Plaintiff's Third Amended Complaint, thus, they are denied.

47.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 47 of Plaintiff's Third Amended Complaint, thus, they are denied.

48.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 48 of Plaintiff's Third Amended Complaint, thus, they are denied.

49.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 49 of Plaintiff's Third Amended Complaint, thus, they are denied.

50.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 50 of Plaintiff's Third Amended Complaint, thus, they are denied.

51.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 51 of Plaintiff's Third Amended Complaint, thus, they are denied.

52.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 52 of Plaintiff's Third Amended Complaint, thus, they are denied.

53.

Stability denies the allegations contained in Paragraph 53 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 53 of Plaintiff's Third Amended Complaint, thus, they are denied.

54.

Stability denies the allegations contained in Paragraph 54 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 54 of Plaintiff's Third Amended Complaint, thus, they are denied.

55.

Stability denies the allegations contained in Paragraph 55 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 55 of Plaintiff's Third Amended Complaint, thus, they are denied.

56.

Stability denies the allegations contained in Paragraph 56 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 56 of Plaintiff's Third Amended Complaint, thus, they are denied.

57.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 57 of Plaintiff's Third Amended Complaint, thus, they are denied.



58.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 58 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Two – Violation of O.C.G.A. §44-9-3  
Against the City of Decatur and the URA**

59.

Stability incorporates by reference the answers to Paragraphs 1 through 58 as if fully set forth herein.

60.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 60 of Plaintiff's Third Amended Complaint, thus, they are denied.

61.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 61 of Plaintiff's Third Amended Complaint, thus, they are denied.

62.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 62 of Plaintiff's Third Amended Complaint, thus, they are denied.

63.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 63 of Plaintiff's Third Amended Complaint, thus, they are denied.

64.

Stability denies the allegations contained in Paragraph 64 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 64 of Plaintiff's Third Amended Complaint, thus, they are denied.

65.

Stability denies the allegations contained in Paragraph 65 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 65 of Plaintiff's Third Amended Complaint, thus, they are denied.

66.

Stability denies the allegations contained in Paragraph 66 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 66 of Plaintiff's Third Amended Complaint, thus, they are denied.

67.

Stability denies the allegations contained in Paragraph 67 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 67 of Plaintiff's Third Amended Complaint, thus, they are denied.

68.

Stability denies the allegations contained in Paragraph 68 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 68 of Plaintiff's Third Amended Complaint, thus, they are denied.

69.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 69 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Three – Negligence  
Against the City of Decatur**

70.

Stability incorporates by reference the answers to Paragraphs 1 through 70 as if fully set forth herein.

71.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 71 of Plaintiff's Third Amended Complaint, thus, they are denied.

72.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 72 of Plaintiff's Third Amended Complaint, thus, they are denied.

73.

Stability denies the allegations contained in Paragraph 73 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 73 of Plaintiff's Third Amended Complaint, thus, they are denied.

74.

Stability denies the allegations contained in Paragraph 74 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 74 of Plaintiff's Third Amended Complaint, thus, they are denied.

75.

Stability denies the allegations contained in Paragraph 75 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 75 of Plaintiff's Third Amended Complaint, thus, they are denied.

76.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 76 of Plaintiff's Third Amended Complaint, thus, they are denied.

77.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 77 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Four- Inverse Condemnation  
Against the City of Decatur**

78.

Stability incorporates by reference the answers to Paragraphs 1 through 77 as if fully set forth herein.

79.

Stability denies the allegations contained in Paragraph 79 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 79 of Plaintiff's Third Amended Complaint, thus, they are denied.

80.

Stability denies the allegations contained in Paragraph 80 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 80 of Plaintiff's Third Amended Complaint, thus, they are denied.

81.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 81 of Plaintiff's Third Amended Complaint, thus, they are denied.

82.

Stability denies the allegations contained in Paragraph 82 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 82 of Plaintiff's Third Amended Complaint, thus, they are denied.

83.

Stability denies the allegations contained in Paragraph 83 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 83 of Plaintiff's Third Amended Complaint, thus, they are denied.

84.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 84 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Five – Nuisance  
Against the City of Decatur**

85.

Stability incorporates by reference the answers to Paragraphs 1 through 84 as if fully set forth herein.

86.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 86 of Plaintiff's Third Amended Complaint, thus, they are denied.

87.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 87 of Plaintiff's Third Amended Complaint, thus, they are denied.

88.

Stability denies the allegations contained in Paragraph 88 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 88 of Plaintiff's Third Amended Complaint, thus, they are denied.

89.

Stability denies the allegations contained in Paragraph 89 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 89 of Plaintiff's Third Amended Complaint, thus, they are denied.



90.

Stability denies the allegations contained in Paragraph 90 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 90 of Plaintiff's Third Amended Complaint, thus, they are denied.

91.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 91 of Plaintiff's Third Amended Complaint, thus, they are denied.

92.

Stability denies the allegations contained in Paragraph 92 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 92 of Plaintiff's Third Amended Complaint, thus, they are denied.

93.

Stability denies the allegations contained in Paragraph 93 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 93 of Plaintiff's Third Amended Complaint, thus, they are denied.

94.

Stability denies the allegations contained in Paragraph 94 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 94 of Plaintiff's Third Amended Complaint, thus, they are denied.

95.

Stability denies the allegations contained in Paragraph 95 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 95 of Plaintiff's Third Amended Complaint, thus, they are denied.

96.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 96 of Plaintiff's Third Amended Complaint, thus, they are denied.

97.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 97 of Plaintiff's Third Amended Complaint, thus, they are denied.

98.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 98 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Six – Interfering with Enjoyment of Private Property  
(Violation of O.C.G.A. §51-9-1)  
Against All Defendants**

99.

Stability incorporates by reference the answers to Paragraphs 1 through 98 as if fully set forth herein.

100.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 100 of Plaintiff's Third Amended Complaint.

101.

The statements in Paragraph 101 of Plaintiff's Third Amended Complaint call for a legal conclusion and no response is required. Stability lacks sufficient knowledge or information to admit or deny any remaining allegations contained in Paragraph 101 of Plaintiff's Third Amended Complaint, thus, they are denied.

102.

Stability denies the allegations contained in Paragraph 102 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 102 of Plaintiff's Third Amended Complaint, thus, they are denied.

103.

Stability denies the allegations contained in Paragraph 103 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 103 of Plaintiff's Third Amended Complaint, thus, they are denied.

104.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 104 of Plaintiff's Third Amended Complaint, thus, they are denied.

105.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 105 of Plaintiff's Third Amended Complaint, thus, they are denied.

106.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 106 of Plaintiff's Third Amended Complaint, thus, they are denied.

107.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 107 of Plaintiff's Third Amended Complaint, thus, they are denied.

108.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 108 of Plaintiff's Third Amended Complaint, thus, they are denied.

109.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 109 of Plaintiff's Third Amended Complaint, thus, they are denied.

110.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 110 of Plaintiff's Third Amended Complaint, thus, they are denied.

111.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 111 of Plaintiff's Third Amended Complaint, thus, they are denied.

112.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 112 of Plaintiff's Third Amended Complaint, thus, they are denied.

113.

Stability denies the allegations contained in Paragraph 113 of Plaintiff's Third Amended Complaint.

114.

Stability denies the allegations contained in Paragraph 114 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 114 of Plaintiff's Third Amended Complaint, thus, they are denied.

115.

Stability denies the allegations contained in Paragraph 115 of Plaintiff's Third Amended Complaint.

116.

Stability denies the allegations contained in Paragraph 116 of Plaintiff's Third Amended Complaint.

**Count Seven - Negligent Construction  
Against Potts and Reeves**

117.

Stability incorporates by reference the answers to Paragraphs 1 through 116 as if fully set forth herein.

118.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 118 of Plaintiff's Third Amended Complaint, thus, they are denied.

119.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 119 of Plaintiff's Third Amended Complaint, thus, they are denied.

120.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 120 of Plaintiff's Third Amended Complaint, thus, they are denied.

121.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 121 of Plaintiff's Third Amended Complaint, thus, they are denied.



122.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 122 of Plaintiff's Third Amended Complaint, thus, they are denied.

123.

Stability denies the allegations contained in Paragraph 123 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 123 of Plaintiff's Third Amended Complaint, thus, they are denied.

124.

Stability denies the allegations contained in Paragraph 124 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 124 of Plaintiff's Third Amended Complaint, thus, they are denied.

125.

Stability denies the allegations contained in Paragraph 125 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks

sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 125 of Plaintiff's Third Amended Complaint, thus, they are denied.

126.

Stability denies the allegations contained in Paragraph 126 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 126 of Plaintiff's Third Amended Complaint, thus, they are denied.

127.

Stability denies the allegations contained in Paragraph 127 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 127 of Plaintiff's Third Amended Complaint, thus, they are denied.

128.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 128 of Plaintiff's Third Amended Complaint, thus, they are denied.

129.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 129 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Eight – Negligence  
Against Potts and Silverman**

130.

Stability incorporates by reference the answers to Paragraphs 1 through 129 as if fully set forth herein.

131.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 131 of Plaintiff's Third Amended Complaint, thus, they are denied.

132.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 132 of Plaintiff's Third Amended Complaint, thus, they are denied.

133.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 133 of Plaintiff's Third Amended Complaint, thus, they are denied.

134.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 134 of Plaintiff's Third Amended Complaint, thus, they are denied.

135.

Stability denies the allegations contained in Paragraph 135 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 135 of Plaintiff's Third Amended Complaint, thus, they are denied.

136.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 136 of Plaintiff's Third Amended Complaint, thus, they are denied.

137.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 137 of Plaintiff's Third Amended Complaint, thus, they are denied.

138.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 138 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Nine – Negligence Per Se  
Against the City of Decatur**

139.

Stability incorporates by reference the answers to Paragraphs 1 through 138 as if fully set forth herein.

140.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 140 of Plaintiff's Third Amended Complaint, thus, they are denied.

141.

Stability states that the referenced statutes speak for themselves. Stability denies any remaining allegations in Paragraph 141 of Plaintiff's Third Amended Complaint.

142.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 142 of Plaintiff's Third Amended Complaint, thus, they are denied.

143.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 143 of Plaintiff's Third Amended Complaint, thus, they are denied.

144.

Stability denies the allegations contained in Paragraph 144 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 144 of Plaintiff's Third Amended Complaint, thus, they are denied.

145.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 145 of Plaintiff's Third Amended Complaint, thus, they are denied.

146.

Stability denies the allegations contained in Paragraph 146 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 146 of Plaintiff's Third Amended Complaint, thus, they are denied.

147.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 147 of Plaintiff's Third Amended Complaint, thus, they are denied.

148.

Stability denies the allegations contained in Paragraph 148 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks

sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 148 of Plaintiff's Third Amended Complaint, thus, they are denied.

149.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 149 of Plaintiff's Third Amended Complaint.

150.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 150 of Plaintiff's Third Amended Complaint, thus, they are denied.

151.

Stability denies the allegations contained in Paragraph 151 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 151 of Plaintiff's Third Amended Complaint, thus, they are denied.



152.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 152 of Plaintiff's Third Amended Complaint, thus, they are denied.

153.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 153 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Ten - Negligence Per Se  
Against Potts and Reeves**

154.

Stability incorporates by reference the answers to Paragraphs 1 through 153 as if fully set forth herein.

155.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 155 of Plaintiff's Third Amended Complaint, thus, they are denied.

156.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 156 of Plaintiff's Third Amended Complaint, thus, they are denied.

157.

Stability denies the allegations contained in Paragraph 157 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 157 of Plaintiff's Third Amended Complaint, thus, they are denied.

158.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 158 of Plaintiff's Third Amended Complaint, thus, they are denied.

159.

Stability denies the allegations contained in Paragraph 159 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks

sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 159 of Plaintiff's Third Amended Complaint, thus, they are denied.

160.

Stability states the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 160 of Plaintiff's Third Amended Complaint.

161.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 161 of Plaintiff's Third Amended Complaint, thus, they are denied.

162.

Stability denies the allegations contained in Paragraph 162 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 162 of Plaintiff's Third Amended Complaint, thus, they are denied.

163.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 163 of Plaintiff's Third Amended Complaint, thus, they are denied.

164.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 164 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Eleven – Negligence Per Se  
Against Silverman**

165.

Stability incorporates by reference the answers to Paragraphs 1 through 164 as if fully set forth herein.

166.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 166 of Plaintiff's Third Amended Complaint, thus, they are denied.

167.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 167 of Plaintiff's Third Amended Complaint, thus, they are denied.

168.

Stability denies the allegations contained in Paragraph 168 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 168 of Plaintiff's Third Amended Complaint, thus, they are denied.

169.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 169 of Plaintiff's Third Amended Complaint, thus, they are denied.

170.

Stability denies the allegations contained in Paragraph 170 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks

sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 170 of Plaintiff's Third Amended Complaint, thus, they are denied.

171.

Stability states the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 171 of Plaintiff's Third Amended Complaint.

172.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 172 of Plaintiff's Third Amended Complaint, thus, they are denied.

173.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 173 of Plaintiff's Third Amended Complaint, thus, they are denied.

174.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 174 of Plaintiff's Third Amended Complaint, thus, they are denied.

175.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 175 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Twelve – Professional Malpractice  
Against Kimley-Horn**

176.

Stability incorporates by reference the answers to Paragraphs 1 through 175 as if fully set forth herein.

177.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 177 of Plaintiff's Third Amended Complaint, thus, they are denied.

178.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 178 of Plaintiff's Third Amended Complaint, thus, they are denied.

179.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 179 of Plaintiff's Third Amended Complaint, thus, they are denied.

180.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 180 of Plaintiff's Third Amended Complaint, thus, they are denied.

181.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 181 of Plaintiff's Third Amended Complaint, thus, they are denied.

182.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 182 of Plaintiff's Third Amended Complaint, thus, they are denied.



183.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 183 of Plaintiff's Third Amended Complaint, thus, they are denied.

184.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 184 of Plaintiff's Third Amended Complaint, thus, they are denied.

185.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 185 of Plaintiff's Third Amended Complaint, thus, they are denied.

186.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 186 of Plaintiff's Third Amended Complaint, thus, they are denied.

187.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 187 of Plaintiff's Third Amended Complaint, thus, they are denied.

188.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 188 of Plaintiff's Third Amended Complaint, thus, they are denied.

189.

Stability denies the allegations contained in Paragraph 189 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 189 of Plaintiff's Third Amended Complaint, thus, they are denied.

190.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 190 of Plaintiff's Third Amended Complaint, thus, they are denied.

191.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 191 of Plaintiff's Third Amended Complaint, thus, they are denied.

192.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 192 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Thirteen – Professional Malpractice  
Against Geo-Hydro**

193.

Stability incorporates by reference the answers to Paragraphs 1 through 192 as if fully set forth herein.

194.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 194 of Plaintiff's Third Amended Complaint, thus, they are denied.

195.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 195 of Plaintiff's Third Amended Complaint, thus, they are denied.

196.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 196 of Plaintiff's Third Amended Complaint, thus, they are denied.

197.

Stability states that the information contained in the June 13, 2013 report speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 197 of Plaintiff's Third Amended Complaint, thus, they are denied.

198.

Stability states that the information contained in the June 13, 2013 report speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 198 of Plaintiff's Third Amended Complaint, thus, they are denied.

199.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 199 of Plaintiff's Third Amended Complaint, thus, they are denied.

200.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 200 of Plaintiff's Third Amended Complaint, thus, they are denied.

201.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 201 of Plaintiff's Third Amended Complaint, thus, they are denied.

202.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 202 of Plaintiff's Third Amended Complaint, thus, they are denied.

203.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 203 of Plaintiff's Third Amended Complaint, thus, they are denied.

204.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 204 of Plaintiff's Third Amended Complaint, thus, they are denied.

205.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 205 of Plaintiff's Third Amended Complaint, thus, they are denied.

206.

Stability denies the allegations contained in Paragraph 206 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 206 of Plaintiff's Third Amended Complaint, thus, they are denied.

207.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 207 of Plaintiff's Third Amended Complaint, thus, they are denied.

208.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 208 of Plaintiff's Third Amended Complaint, thus, they are denied.

209.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 209 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Fourteen – Negligence Per Se  
Against Kimley-Horn**

210.

Stability incorporates by reference the answers to Paragraphs 1 through 209 as if fully set forth herein.

211.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 211 of Plaintiff's Third Amended Complaint, thus, they are denied.

212.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 212 of Plaintiff's Third Amended Complaint, thus, they are denied.

213.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 213 of Plaintiff's Third Amended Complaint, thus, they are denied.

214.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 214 of Plaintiff's Third Amended Complaint, thus, they are denied.

215.

Stability denies the allegations contained in Paragraph 215 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks



sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 215 of Plaintiff's Third Amended Complaint, thus, they are denied.

216.

Stability states the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 216 of Plaintiff's Third Amended Complaint.

217.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 217 of Plaintiff's Third Amended Complaint, thus, they are denied.

218.

Stability denies the allegations contained in Paragraph 218 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 218 of Plaintiff's Third Amended Complaint, thus, they are denied.

219.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 219 of Plaintiff's Third Amended Complaint, thus, they are denied.

220.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 220 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Fifteen – Negligence Per Se Against Geo-Hydro**

221.

Stability incorporates by reference the answers to Paragraphs 1 through 220 as if fully set forth herein.

222.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 222 of Plaintiff's Third Amended Complaint, thus, they are denied.

223.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations

contained in Paragraph 223 of Plaintiff's Third Amended Complaint, thus, they are denied.

224.

Stability denies the allegations contained in Paragraph 224 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 224 of Plaintiff's Third Amended Complaint, thus, they are denied.

225.

Stability states the referenced statute speaks for itself. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 225 of Plaintiff's Third Amended Complaint, thus, they are denied.

226.

Stability denies the allegations contained in Paragraph 226 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 226 of Plaintiff's Third Amended Complaint, thus, they are denied.

227.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 227 of Plaintiff's Third Amended Complaint.

228.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 228 of Plaintiff's Third Amended Complaint, thus, they are denied.

229.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 229 of Plaintiff's Third Amended Complaint, thus, they are denied.

230.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 230 of Plaintiff's Third Amended Complaint, thus, they are denied.

231.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 231 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Sixteen – Attorney's Fees and Expenses of Litigation Against the City, URA, Potts, Reeves, Silverman, Kimley-Horn, and Geo-Hyrdo Under O.C.G.A. 13-6-11**

232.

Stability incorporates by reference the answers to Paragraphs 1 through 231 as if fully set forth herein.

233.

Stability denies the allegations contained in Paragraph 233 of Plaintiff's Third Amended Complaint to the extent they apply to Stability. Stability lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 233 of Plaintiff's Third Amended Complaint, thus, they are denied.

234.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 234 of Plaintiff's Third Amended Complaint, thus, they are denied.

235.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 235 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Seventeen – Punitive Damages Against The Potts Company, LLC; The Potts Company, Inc.; Reeves Contracting Company, Inc.; Silverman Construction Program Management, Inc.; Kimley-Horn and Associates, Inc.; and Geo-Hydro Engineers, Inc. Under O.C.G.A. 51-12-5.1**

236.

Stability incorporates by reference the answers to Paragraphs 1 through 235 as if fully set forth herein.

237.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 237 of Plaintiff's Third Amended Complaint, thus, they are denied.

238.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 238 of Plaintiff's Third Amended Complaint, thus, they are denied.

239.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 239 of Plaintiff's Third Amended Complaint, thus, they are denied.

**Count Eighteen – Professional Malpractice Against Stability Engineering**

240.

Stability incorporates by reference the answers to Paragraphs 1 through 239 as if fully set forth herein.

241.

Stability states that it entered into an agreement with American Shoring to provide certain engineering services. Any drawings that were prepared by Stability related to this project speak for themselves. Stability denies the remaining allegations contained in Paragraph 241 of Plaintiff's Third Amended Complaint.

242.

Stability states that it entered into an agreement with American Shoring to provide certain engineering services. Any drawings that were prepared by Stability related to this project speak for themselves. Stability denies the

remaining allegations contained in Paragraph 242 of Plaintiff's Third Amended Complaint.

243.

Stability states that in the performance of its engineering services that it had those obligations as required by Georgia law. Stability denies the remaining allegations contained in Paragraph 243 of Plaintiff's Third Amended Complaint.

244.

Stability denies the allegations contained in Paragraph 244 of Plaintiff's Third Amended Complaint.

245.

Stability denies the allegations contained in Paragraph 245 of Plaintiff's Third Amended Complaint.

246.

Stability denies the allegations contained in Paragraph 246 of Plaintiff's Third Amended Complaint.

247.

Stability denies the allegations contained in Paragraph 247 of Plaintiff's Third Amended Complaint.



248.

Stability denies the allegations contained in Paragraph 248 of Plaintiff's Third Amended Complaint.

249.

Stability denies the allegations contained in Paragraph 249 of Plaintiff's Third Amended Complaint.

250.

Stability denies the allegations contained in Paragraph 250 of Plaintiff's Third Amended Complaint.

251.

Stability denies the allegations contained in Paragraph 251 of Plaintiff's Third Amended Complaint.

252.

Stability denies the allegations contained in Paragraph 252 of Plaintiff's Third Amended Complaint.

253.

Stability denies the allegations contained in Paragraph 253 of Plaintiff's Third Amended Complaint.

**Count Nineteen – Negligence Per Se Against Stability Engineering**

254.

Stability incorporates by reference the answers to Paragraphs 1 through 253 as if fully set forth herein.

255.

Stability denies the allegations contained in Paragraph 255 of Plaintiff's Third Amended Complaint.

256.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 256 of Plaintiff's Third Amended Complaint.

257.

Stability denies the allegations contained in Paragraph 257 of Plaintiff's Third Amended Complaint.

258.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 258 of Plaintiff's Third Amended Complaint.

259.

Stability denies the allegations contained in Paragraph 259 of Plaintiff's Third Amended Complaint.

260.

Stability states that the referenced statute speaks for itself. Stability denies the remaining allegations contained in Paragraph 260 of Plaintiff's Third Amended Complaint.

261.

Stability lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 261 of Plaintiff's Third Amended Complaint, thus, they are denied.

262.

Stability denies the allegations contained in Paragraph 262 of Plaintiff's Third Amended Complaint.

263.

Stability denies the allegations contained in Paragraph 263 of Plaintiff's Third Amended Complaint.

264.

Stability denies the allegations contained in Paragraph 264 of Plaintiff's Third Amended Complaint.

265.

Stability denies all allegations in Plaintiff's Third Amended Complaint that it has not admitted, denied, or otherwise addressed above.

WHEREFORE, having fully answered Plaintiff's Third Amended Complaint, Stability prays that the Court dismiss Plaintiff's Third Amended Complaint with all costs being case against Plaintiff, including reasonable attorney's fees and costs, and that Stability receive such other relief as the Court deems appropriate.

### **DEMAND FOR JURY TRIAL**

Stability demands a jury trial for all claims and issues so triable.

This 29<sup>th</sup> day of June, 2015.

CARLOCK, COPELAND & STAIR, LLP

By: /s/William P. Jones  
KENT T. STAIR  
State Bar No. 674025  
WILLIAM P. JONES  
State Bar No. 398228  
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404-522-8220

.....  
P.O. Box 56887  
Atlanta, Georgia 30343-0887

**CERTIFICATE OF COMPLIANCE WITH RULE 7.1D**

I hereby certify that the foregoing Answer to Plaintiff's Third Amended Complaint was prepared in accordance with LR 7.1D and typed using 14 point Times New Roman, which is approved by the Court.

This 29<sup>th</sup> day of June, 2015.

/s/William P. Jones  
William P. Jones,  
Georgia Bar No. 398228

**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2015, I electronically filed the foregoing Answer to Plaintiff's Third Amended Complaint with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 29<sup>th</sup> day of June, 2015.

CARLOCK, COPELAND & STAIR, LLP

By: /s/William P. Jones  
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WILLIAM P. JONES  
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