

CAUSE NO. 2013-59098

XS CAPITAL INVESTMENTS, LP and	§	IN THE DISTRICT COURT
RURAL ROUTE 3 HOLDINGS, LP,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
ORCA ICI DEVELOPMENT JV,	§	
ORCA ASSETS G.P., LLC,	§	
and MRC ENERGY CORPORATION	§	
f/k/a MATADOR RESOURCES	§	
COMPANY,	§	
	§	
Defendants.	§	234 th JUDICIAL DISTRICT

ORCA DEFENDANTS' FIRST AMENDED ORIGINAL ANSWER

COME NOW Defendants, Orca ICI Development JV (“Orca ICI”) and Orca Assets, GP, LLC (“Orca Assets”), collectively referred to as “Orca Defendants”, in the above-captioned cause, and file their First Amended Original Answer to Plaintiffs’ Petition and would respectfully show this Honorable Court as follows:

I.
GENERAL DENIAL

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Orca ICI Development JV and Orca Assets, GP, LLC deny each and every allegation and cause of action set forth in Plaintiffs’ Petition, and demands strict proof of the charges and allegations contained therein as required by the Constitution and the laws of the State of Texas.

II.
AFFIRMATIVE DEFENSES

2. Orca Defendants will further show, by way of affirmative defense, and without waiver of the foregoing, the following:

- a. Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to mitigate damages.
- b. Plaintiffs' claims are barred, in whole or in part, by payment.
- c. Plaintiffs' claims are barred, in whole or in part, by release.
- d. Plaintiff's claims are barred, in whole or in part, by legal justification.

Respectfully submitted,

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By: _____

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**ATTORNEYS FOR ORCA ICI
DEVELOPMENT JV AND ORCA
ASSETS, GP, LLC**

CERTIFICATE OF SERVICE

I hereby certify that, on the 10th day of December 2013, a true and correct copy of the above and foregoing was served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on the following:

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