

Exhibit D

CAUSE NO. 2021CI24114

ASCENTIUM CAPITAL LLC,

Plaintiff,

v.

**POLICY SERVICES, INC. and
ROBERT J. MUELLER,**

Defendants.

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IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**DEFENDANT ROBERT J. MUELLER'S ORIGINAL ANSWER TO PLAINTIFF'S
ORIGINAL PETITION**

TO THE HONORABLE COURT

Defendants Robert J. Mueller ("**Defendant**") files this Answer to Plaintiff's Original Petition, and in support would show as follows:

I. GENERAL DENIAL

1. In accordance with Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every allegation in Plaintiff's Original Petition and demands strict proof thereof by a preponderance of the evidence.

II. DEFENSES

2. Without assuming the burden of proof as to the following (other than any burden imposed by law), Defendant asserts each of the following defenses independently and/or in the alternative where applicable:

3. Plaintiff's claims are barred, in whole or in part, because they fail to state a claim for which relief can be granted and/or have no basis in fact or law.

4. Plaintiff's claims are barred, in whole or in part, because Plaintiff's own acts or omissions caused or contributed to Plaintiff's injury, if any.

5. Plaintiff's claims are barred, in whole or in part, by the doctrine of fraud.

6. Plaintiff's claims, to the extent based in equity, are barred, in whole or in part, by the doctrine of unclean hands.

7. Plaintiff's claims are barred, in whole or in part, by the doctrine of impossibility.

8. Plaintiff's claims are barred, in whole or in part, by failure to perform a condition precedent.

9. Plaintiff's claims are barred, in whole or in part, by the doctrine of mitigation.

PRAYER

WHEREFORE, Defendant prays:

- (1) That Plaintiff take nothing by this action,
- (2) That the Court enter judgment in favor of Defendant, and
- (3) For all other relief at law or in equity to which Defendant may be justly entitled.

DATED: April 18, 2022.

Respectfully submitted,

DAVIS & SANTOS, PLLC

By: /s/ Jay Hulings
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Attorneys for Defendant Robert J. Mueller

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2022, a true and correct copy of this document will be sent to the following counsel of record by the following means:

Ms. Valerie Henderson	_____	Regular Mail
Mr. Judson Mahan	_____	Certified Mail, RRR
Baker, Donelson, Bearman,	_____	Hand Delivery
Caldwell & Berkowitz, P.C.	_____	Facsimile
1301 McKinney Street, Suite 3700	<u> X </u>	E-Mail/E-File
Houston, Texas 77010		
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Attorneys for Plaintiff

/s/ Jay Hulings
Jay Hulings

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Jasmine Capetillo-Vasquez on behalf of Jay Hulings
 Bar No. 24104573
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 Envelope ID: 63629920
 Status as of 4/19/2022 1:54 PM CST

Associated Case Party: Ascentium Capital LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Valerie Henderson		vhenderson@bakerdonelson.com	4/18/2022 8:41:13 AM	SENT
Judson Mahan		jmahan@bakerdonelson.com	4/18/2022 8:41:13 AM	SENT

Associated Case Party: RobertJ.Mueller

Name	BarNumber	Email	TimestampSubmitted	Status
Jason M.Davis		jdavis@dslawpc.com	4/18/2022 8:41:13 AM	SENT
Jasmine Capetillo-Vasquez		jvasquez@dslawpc.com	4/18/2022 8:41:13 AM	SENT
Jay Hulings		jhulings@dslawpc.com	4/18/2022 8:41:13 AM	SENT