

CAUSE NO. 11-10797

FILED
11 DEC 13 PM 2:46
CLERK OF DISTRICT COURT
DALLAS COUNTY TEXAS
Allison Lamarr

MARY KAY, INC.,

Plaintiff,

vs.

ALLISON LEE LAMARR and
DRIVEN, INC.,

Defendants.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

193rd JUDICIAL DISTRICT

**ALLISON LEE LAMARR AND DRIVEN, INC.'S
AMENDED ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendants Allison Lee LaMarr ("Ms. LaMarr") and Driven, Inc. ("Driven")(collectively "Defendants"), file this Amended Answer and for good cause show this Court as follows:

I.

GENERAL DENIAL

Defendants deny each and every allegation contained in Plaintiff's Original Petition and demand strict proof thereof by a preponderance of the evidence.

II.

VERIFIED DENIAL

Pursuant to Rule 93, Defendant Driven denies it entered into a written contract or oral contract with Mary Kay. See Affidavit of Allison LaMarr, attached hereto as Exhibit A. Accordingly, Driven cannot be liable for breach of contract as alleged in ¶35 of the Petition.

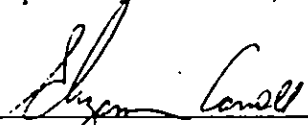
III.

AFFIRMATIVE DEFENSES

Pleading further, if same be necessary, Defendants plead waiver as to Mary Kay's complaints and causes of action arising from or related to Ms. LaMarr's actions while she was an independent national sales director. Mary Kay had full knowledge of Ms. LaMarr's actions and knowingly and intentionally waived any cause of action that allegedly arose from those actions.

WHEREFORE, PREMISES CONSIDERED, Defendants Allison Lee LaMarr and Driven, Inc. respectfully request that upon a hearing of this matter that Plaintiff take nothing by its suit herein, that Defendants recover their costs of Court and be granted such other and further relief to which it may show itself justly entitled.

Respectfully submitted,



ELIZANN CARROLL
State Bar No. 00787209
RICHARD LAW GROUP, INC.
8411 Preston Road, Suite 890
Dallas, Texas 75225
(214) 206-4300
(214) 206-4330 fax

*Counsel for Allison Lee LaMarr and
Driven, Inc.*

CERTIFICATE OF SERVICE

This is to certify that a true copy of the above and foregoing document has been forwarded to all known counsel of record pursuant to the Texas Rules of Civil Procedure on this the 12th day of December 2011.



ELIZANN CARROLL

STATE OF ARIZONA §
 §
COUNTY OF Maricopa §

AFFIDAVIT OF ALLISON LEE LAMARR

BEFORE ME, on this day personally appeared Allison Lee LaMarr, who first, being duly sworn by me, stated the following:

1. I, Allison Lee LaMarr, am over the age of 18 years, of sound mind and am competent to make this affidavit. I am the owner of Driven, Inc. I am authorized to make this affidavit. The statements contained in this affidavit are within my personal knowledge and are true and correct.

2. Driven, Inc. has not entered into an oral or written contract with Mary Kay, Inc.

FURTHER AFFIANT SAYETH NOT.


ALLISON LEE LAMARR



STATE OF ARIZONA §
 §
COUNTY OF Maricopa §

SUBSCRIBED AND SWORN TO BEFORE ME by the said ALLISON LEE LAMARR,
on this the 9 day of December, 2011, to certify which witness my hand and
seal of office.

Colton Mayes
Notary Public

My Commission Expires:

Jan 25, 2015



**RICHARD
LAW GROUP**

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CASSIE HINES
DISTRICT CLERK
DALLAS COUNTY TEXAS
DEPUTY

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December 12, 2011

Via U.S. Mail

Carolyn Taylor, Chief Clerk
193rd District Court
George L. Allen, Sr. Courts Bldg.
600 Commerce Street, Box 822
Dallas, Texas 75202


Re: *Mary Kay, Inc. v. Allison Lee LaMarr and Driven, Inc.*;
Cause No. 11-10797

Dear Ms. Taylor:

Enclosed herein is an original and one (1) copy of *Allison Lee LaMarr and Driven, Inc.'s Amended Answer to Plaintiff's Original Petition* for filing in the above-referenced matter. Please return a file-stamped copy to me in the enclosed envelope.

Should you have any questions or wish to discuss, please do not hesitate to contact me.

Sincerely,



M.K. Kassie Hines,
Paralegal to Elizann Carroll

kh/
enclosures

cc: John T. Cox, III (via facsimile w/ attachment)