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CLERK OF DISTRICT COURT

**IN THE DISTRICT COURT OF TETON COUNTY, WYOMING
NINTH JUDICIAL DISTRICT**

RAFTER J RANCH HOMEOWNER'S
ASSOCIATION,
A Wyoming nonprofit corporation

Plaintiff,

vs.

STAGE STOP, INC.
A Wyoming profit corporation

Defendant.

Civil Action No. 18831

PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIM

COMES NOW Plaintiff the Rafter J Ranch Homeowner's Association ("Plaintiff"), by and through its undersigned counsel, and for its Answer to Defendant's Counterclaim, states and alleges as follows:

GENERAL DENIAL

Plaintiff generally denies the allegations of the Counterclaim and denies Defendant's entitlement to the relief requested therein against Plaintiff.

PARTIES

1. Admit.
2. Admit.

JURISDICTION AND VENUE

3. Admit.
4. Admit.
5. Admit.

FACTS COMMON TO ALL CLAIMS

6. Admit.
7. Admit.
8. At paragraph 8, the Declaration of Covenants, Conditions and Restrictions of the Rafter J Ranch Subdivision, as amended and restated (the “CCRs”) speak for themselves.
9. At paragraph 9, the CCRs speak for themselves.
10. Plaintiff admits that Lot 333 contains the “Legacy Lodge,” which operated as an assisted living center up until 2021, but Plaintiff is without information to admit or deny the square footage of Legacy Lodge with precision. Plaintiff denies that the facility contains fifty-seven “residential units,” as stated in paragraph 10.
11. Deny.
12. Admit.
13. Admit.
14. Paragraph 14 is an incorporative statement, and as such requires no response. Insofar a response is required, Plaintiff incorporates its responses to the preceding paragraphs herein.

15. Paragraph 15 contains a legal conclusion to which Plaintiff has no obligation to admit or deny. To the extent such an obligation is imposed upon Plaintiff, paragraph 15 is admitted.
16. Paragraph 16 contains a legal conclusion to which Plaintiff has no obligation to admit or deny. To the extent such an obligation is imposed upon Plaintiff, paragraph 16 is denied.
17. As to paragraph 17, the CCRs speak for themselves.
18. Paragraph 18 contains an argument as to the interpretation of the CCRs, which is fundamentally a legal conclusion to which Plaintiff has no obligation to admit or deny. To the extent such an obligation is imposed upon Plaintiff, paragraph 18 is denied. The term “commercial” is susceptible to a reasonable interpretation, particularly in light of the balance of defined terms and provisions contained within the CCRs, which when read together and in context do not permit “a broad range of meanings” as to the commercial designation of Lot 333.
19. Paragraph 19 contains a legal conclusion to which Plaintiff has no obligation to admit or deny. To the extent such an obligation is imposed upon Plaintiff, paragraph 19 is denied.
20. Plaintiff is without sufficient knowledge to either admit or deny paragraph 20, and therefore denies same.
21. Paragraph 21 appears to make a statement concerning Defendant’s goals for litigation and request for relief, as opposed to a factual allegation. Plaintiff denies that Defendant is entitled to such relief.
22. Paragraph 22 appears to make a statement concerning Defendant’s goals for litigation and request for relief, as opposed to a factual allegation. Plaintiff denies that Defendant is entitled to such relief.

AFFIRMATIVE DEFENSES

1. The Counterclaim fails to state a claim upon which relief can be granted against Plaintiff.

2. Defendant's purported claims are barred, precluded, and/or limited in whole or in part by the doctrines of waiver and/or estoppel.

3. Pursuant to the doctrine of unclean hands, equity bars Defendant from recovery on the claims asserted in its Counterclaim because of Defendant's own conduct.

4. Some or all of Defendant's claims are moot or will be rendered moot during the pendency of this matter.

5. Plaintiff reserves the right to assert such other defenses as may be determined as discovery in this case proceeds.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. Dismiss Defendant's Counterclaim and award it nothing therefrom;
2. For all attorney's fees and costs incurred in the pursuit and defense of this action as authorized by the CCRs;
3. For such other and further relief as the Court deems just and equitable.

DATED this 22nd day of March, 2023.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 22nd, 2023, a true and correct copy of the foregoing was served upon the following counsel of record via US postage prepaid mail and/or email and addressed as follows:

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