

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT W. VAN KIRK,
Plaintiff,

v.

OFFICER M. HERNANDEZ, et al.
Defendants

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§

CIVIL ACTION NO. 4:26-cv-02517

Jury Trial Demanded

**DEFENDANT VALERIA M. CONTRERAS, MD’S ANSWER TO PLAINTIFF’S
FIRST AMENDED COMPLAINT**

Defendant Valeria M. Contreras (“Defendant”) files this Answer to Plaintiff’s Amended Complaint (Doc. No. 21) and would respectfully show this Court as follows:

ADMISSIONS AND DENIALS

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3.
4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 4.
5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 5.

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6.
7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7.
8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8.
9. Defendant denies that she violated any of Plaintiff's constitutional rights or that she violated the Americans with Disabilities Act.
10. Defendant denies Plaintiff has federal claims that may be asserted against them but admits that this Court has jurisdiction over federal claims through 28 U.S.C. §1331.
11. Defendant admits that venue is proper in this Court but denies that she is liable to Plaintiff under any of Plaintiff's causes of action.
12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 12.
13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13.
14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14.
15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15.
16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16.

17. Defendant denies that she is an employee, agent, or contractor of Harris Health and denies that she is a proper party to this lawsuit. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 17.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23.

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 24.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25.

26. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26.

27. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27.

28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28.

29. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29.

30. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30.

31. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31.

32. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33.

34. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34.

35. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37.

38. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38.

39. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41.

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44.

45. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 45.

46. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46.

47. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47.

48. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49.

50. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50.

51. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51.

52. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52.

53. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53.

54. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54.

55. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55.

56. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 56.

57. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 57.

58. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58.

59. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59.

60. Defendant cannot verify the quotes from Harris Health's Patient Bill of Rights but admits that Harris Health has a policy regarding Patient Rights and Responsibilities which states that patients "have the right to be free from restraint or seclusion, of any form, imposed as a means of coercion, discipline, convenience, or retaliation by staff. Restraint or seclusion may only be imposed to ensure the immediate physical safety of [the patient], a staff member, or others and must be stopped at the earliest time possible and may only be imposed by staff members trained in the safe implementation of restraint or seclusion." Defendant does not currently have access to Plaintiff's full medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 60.

61. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61.

62. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62.

63. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 63.

64. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 64.

65. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 65.

66. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66.

67. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67.

68. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 68.

69. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 69.

70. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 70.

71. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 71.

72. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72.

73. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 73.

74. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 74.

75. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 75.

76. Defendant denies that Section 576.023 of the Texas Health & Safety Code provides as alleged by Plaintiff. A similar statute, Section 573.023 of the Texas Health & Safety Code applies to facility administrators. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 76.

77. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77.

78. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 78.

79. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 79.

80. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 80.

81. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 81.

82. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 82.

83. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 83.

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85.

86. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 86.

87. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 87.

88. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 88.

89. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89.

90. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 90.

91. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 91.

92. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 92.

93. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 93.

94. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 94.

95. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 95.

96. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 96.

97. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 97.

98. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 98.

99. Defendant denies the allegations contained in Paragraph 99.

100. Defendant denies the allegations contained in Paragraph 100.

101. Defendant denies the allegations contained in Paragraph 101.

102. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 102.

103. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 103.

104. Defendant admits that Plaintiff accurately quoted a portion of the definition of delusion.

105. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105.

106. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106.

107. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107.

108. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 108.

109. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 109.

110. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 110.

111. Defendant admits that Plaintiff expressed paranoia about being kidnapped. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 111.

112. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112.

113. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 113.

114. Defendant denies the allegations contained in Paragraph 114.

115. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 115.

116. Defendant denies the allegations contained in Paragraph 116..

117. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 117.

118. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118.

119. Defendant admits that a physician's order is typically required to apply restraints. Defendant denies the remaining allegations in Paragraph 119.

120. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 120.

121. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 121.

122. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 122.

123. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123.

124. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 124.

125. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 125.

126. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 126.

127. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 127.

128. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 128.

129. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge

or information sufficient to form a belief about the truth of the allegations in Paragraph 129.

130. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 130.

131. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 131.

132. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 132.

133. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 132.

134. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 134.

135. Defendant denies that any of her medical records entries "reduced" or limited the information provided to her. However, Defendant does not currently have access to

Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 135.

136. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 136.

137. Plaintiff misquotes Section 574.011 of the Texas Health & Safety Code. For that reason, Defendant denies the allegations contained within Paragraph 137.

138. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138.

139. Defendant does not currently have access to Plaintiff's medical records and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 139.

140. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 140.

141. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 141.

142. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 142.

143. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 143.

144. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 144.

145. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 145.

146. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant

lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 146.

147. Defendant admits that Plaintiff kicked a nurse. Defendant denies the conditions in which Plaintiff alleges the kick took place. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 147.

148. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 148.

149. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149.

150. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149.

151. Defendant denies the allegations contained in Paragraph 151.

152. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant

lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 152.

153. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 153.

154. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 154.

155. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 155.

156. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 156.

157. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 157.

158. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 158.

159. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 159.

160. Paragraph 160 contains legal conclusions which do not require a responsive pleading.

161. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 161.

162. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 162.

163. Defendant denies that any evaluation or treatment of Plaintiff was limited due to missing records. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 163.

164. Defendant denies that Plaintiff was inappropriately detained or committed. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 164.

165. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 165.

166. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 166.

167. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 167.

168. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 168.

169. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 169.

170. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 170.

171. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 171.

172. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 172.

173. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 173.

174. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 174.

175. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 175.

176. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 176.

177. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 177.

178. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 178.

179. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 179.

180. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 180.

181. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 181.

182. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 182.

183. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 183.

184. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 184.

185. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 185.

186. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 186.

187. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 187.

188. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 188.

189. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 189.

190. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 190.

191. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 191.

192. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 192.

193. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 193.

194. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 194.

195. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 195.

196. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 196.

197. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 197.

198. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 198.

199. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 199.

200. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 200.

201. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 201.

202. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202.

203. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 203.

204. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 204.

205. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 205.

206. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 206.

207. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 207.

208. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 208.

209. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 209.

210. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 210.

211. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 211.

212. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 212.

213. Defendant denies the allegations contained in Paragraph 213.

214. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 214.

215. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 215.

216. Defendant denies the allegations contained in Paragraph 216.

217. Defendant denies the allegations contained in Paragraph 217.

218. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 218.

219. Defendant denies the allegations contained in Paragraph 219.

220. Defendant denies the allegations contained in Paragraph 220.

221. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 221.

222. Defendant denies the allegations contained in Paragraph 222.

223. Defendant asserts that Plaintiff's claims against her are healthcare liability claims and are improperly brought as claims under Section 1983.

224. Defendant asserts that Plaintiff's claims against her are healthcare liability claims and are improperly brought as claims under Section 1983.

225. Paragraph 225 is an incorporation paragraph.

226. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 226.

227. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 227.

228. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 228.

229. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 229.

230. Paragraph 230 is an incorporation paragraph.

231. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 231.

232. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 232.

233. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 233.

234. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 234.

235. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 235.

236. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 236.

237. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 237.

238. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 238.

239. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 239.

240. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 240.

241. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 241.

242. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 242.

243. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 243.

244. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 244.

245. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 245.

246. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 246.

247. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 247.

248. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 248.

249. Paragraph 249 is an incorporation paragraph. Defendant asserts that Plaintiff's claims against her are healthcare liability claims and are improperly brought as claims under Section 1983.

250. Defendant denies that her care and treatment of Plaintiff was a substantial departure from accepted professional judgment or that she violated Plaintiff's Fourteenth Amendment liberty interest. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 250.

251. Defendant denies that she denied Plaintiff procedural safeguards, hearing, or legal process or that she extinguished Plaintiff's procedural and substantive due process rights.

252. Paragraph 252 is an incorporation paragraph.

253. Defendant denies that she intentionally fabricated evidence or knowingly used it to initiate or maintain a judicial proceeding against Plaintiff.

254. Defendant denies that she intentionally fabricated evidence or knowingly used it to initiate or maintain a judicial proceeding against Plaintiff. Defendant does not currently have access to Plaintiff's medical records or any court filings and cannot verify the allegations regarding those records. For that reason, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 254.

255. Defendant denies the allegations in Paragraph 255.

256. Paragraph 256 is an incorporation paragraph.

257. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 256.

258. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 257.

259. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 259.

260. Defendant denies the existence of any customs.

261. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 261.

262. Paragraph 262 is an incorporation paragraph.

263. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 263.

264. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 264.

265. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 265.

266. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 266.

267. Defendant denies that Plaintiff is entitled to the recovery of any damages due to any action or omission by Defendant.

DEFENSES

268. Defendant does not admit any liability by asserting her defenses. Defendant specifically denies all allegations of liability in Plaintiff's Complaint. Plaintiff has the burden to prove facts to support his causes of action. The burden of proof does not shift to Defendant because she pled defenses.

269. Plaintiff has failed to state any claim against Defendant within this Court's jurisdiction as he improperly recasts his medical negligence claims as constitutional violations.

270. Plaintiff has failed to state any claim against Defendant under 42 U.S.C. § 1983 as Defendant is not a state actor.

271. Defendant asserts that if she is found to be a state actor, which she denies, then she enjoys qualified immunity from this lawsuit.

272. Defendant avails herself of the protections and limitations provided by Chapter 74 of the Texas Civil Practice and Remedies Code and Texas law.

273. Defendant affirmatively pleads the provisions of Chapter 74, Subchapter G of the Texas Civil Practice & Remedies Code, limiting the liability of Defendant.

274. Defendant states that recovery is limited in accordance with section 74.301 of the Texas Civil Practice and Remedies Code or, pleading in the alternative, section 74.302 of the Texas Civil Practice and Remedies Code or other statutes of this State restricting the amount of recovery in this cause.

275. Pleading further, Defendant invokes section 74.303 of the Texas Civil Practice and Remedies Code and its limitations on damages and/or restrictions of the amount of recovery in this cause.

276. Defendant pleads sections 74.401, 74.402 and 74.403 of the Texas Civil Practice and Remedies Code pertaining to qualifications of expert witnesses.

277. Defendant invokes the provisions of Chapter 304 of the Texas Finance Code and Chapter 41 of the Texas Civil Practices and Remedies Code regarding the limitations and restrictions on recovery of prejudgment and post-judgment interest, including but not limited to the restriction that prejudgment interest may not be assessed or recovered on an award of exemplary damages.

278. Defendant specifically pleads the limitation on amount of recovery of exemplary damages provided by sections 41.007 and 41.008 of the Texas Civil Practice and Remedies Code.

279. Defendant specifically pleads that any award of punitive damages in favor of Plaintiff would deprive Defendant of her constitutional right of due process guaranteed by Article I, Section 19, of the Constitution of the State of Texas and the Fourteenth Amendment to the Constitution of the United States of America.

280. Defendant specifically pleads that any award of punitive damages in favor of Plaintiff would violate Article XVI, Section 26, of the Constitution of the State of Texas and would deprive Defendant of her rights guaranteed by the Constitution of the State of Texas and the Constitution of the United States of America.

281. Defendant further affirmatively pleads provisions of § 74 et seq. of the Texas Civil Practice & Remedies Code and hereby requests that should liability be found, which Defendant expressly denies, any award of future damages, including but not limited to damages for medical, healthcare, custodial services, physical pain, mental anguish, disfigurement, physical impairment, loss of consortium, and loss of earnings, which equal or exceed \$100,000, be paid in periodic payments as authorized by the above provisions.

282. Defendant further affirmatively pleads the provisions of § 41.0105 of the Texas Civil Practice & Remedies Code, which limit the amount of recoverable medical or health care expenses to those actually paid by or incurred on behalf of the claimant.

283. For further answer, Defendant invokes her legal right to a reduction of any dollar verdict, which may be rendered in this cause by percentage reductions to which Defendant would be entitled as a result of jury findings against other persons or entities. In this connection, Defendant reserves the right to submit issues against parties who may be present in the case or absent from the case at the time the matter is submitted to the jury for fact determinations.

284. Pursuant to § 18.091 of the Texas Civil Practice & Remedies Code, Plaintiff is required to prove any loss of earnings, loss of earning capacity, or loss of contributions of pecuniary value in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law. Pleading further, Defendant requests the Court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal and/or state income and estate taxes.

285. To the extent that any medical expenses secured by, including but not limited to, insurance, pre-payment plan, loan, and/or on credit and said expenses have been satisfied by a third-party, forgiven, discharged, written off, and/or reduced in connection with the injuries made the basis of this suit, in the unlikely event that Plaintiff obtains a final judgment against Defendant, she would respectfully show that she is entitled to a credit and/or offset for the total amount of such write-offs and/or expenditures incurred and paid by others and accruing to Plaintiff.

286. Defendant further pleads that Plaintiff's injuries were caused by a superseding, intervening cause or a new and independent cause not reasonably foreseeable by Defendant, which broke the chain of causation, if any, such that any negligence on the part of Defendant, which is denied, could not have been the legal cause, actual cause, or proximate cause of the injuries or damage allegedly sustained by Plaintiff.

287. Answering further, Defendant would show that the injuries and damages alleged by Plaintiff, if in fact they are true, were not caused by Defendant, but were caused by an unavoidable accident, were medically unavoidable, or were caused by the acts of Plaintiff or the acts of third parties over whom Defendant has no right of control and for whom Defendant were and are not responsible. Thus, Defendant affirmatively pleads the provisions of § 33.001 et seq. of Chapter 33 of the Texas Civil Practice & Remedies Code which sets forth the procedures for determining and asserting proportionate responsibility and contribution for any cause of action based on tort.

288. Defendant invokes Sections 26.01(a) and 26.01(b)(8) of the Texas Business and Commerce Code.

JURY DEMAND

Defendant requests a jury trial.

PRAYER

Defendant Valeria M. Contreras, MD respectfully asks the Court to deny Plaintiff any and all relief demanded in his Complaint, dismiss Plaintiff's claims with prejudice, award Defendant attorney fees and costs, and grant Defendant all other and further relief to which she may be entitled.

Respectfully submitted,

SPENCER FANE, LLP

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ATTORNEYS FOR DEFENDANT
VALERIA M. CONTRERAS, MD

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June 2026, a true and correct copy of the foregoing was served on all counsel of record in accordance with the Federal Rules of Civil Procedure.

A handwritten signature in black ink, appearing to read 'E. Dale Burrus', is positioned above a horizontal line.

E. Dale Burrus