

1 BRIGGS LAW CORPORATION [FILE: 2059.00]
Cory J. Briggs (SBN 176284)
2 Janna M. Ferraro (SBN 328921)
99 East "C" Street, Suite 111
3 Upland, CA 91786
Telephone: 909-949-7115

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
06/01/2021 at 01:58:00 PM
Clerk of the Superior Court
By Melinda McClure, Deputy Clerk

4 Attorneys for Plaintiff and Cross-Defendant
5 Joshua Billauer

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10
11 JOSHUA BILLAUER,

12 Plaintiff,

13 vs.

14 OLGA MARCELA ESCOBAR-ECK *et al.*,

15 Defendants;

16 OLGA MARCELA ESCOBAR-ECK,

17 Cross-Complainant,

18 vs.

19 JOSHUA BILLAUER *et al.*,

20 Cross-Defendants.

CASE NO. 37-2021-00006367-CU-DF-CTL

**PLAINTIFF AND CROSS-DEFENDANT
JOSHUA BILLAUER'S ANSWER TO
CROSS-COMPLAINT**

Action Filed: February 16, 2021
X-Action Filed: April 28, 2021
Department: C-66 (Medel)

21
22
23 Plaintiff and Cross-Defendant Joshua Billauer ("Cross-Defendant") answers the Cross-
24 Complaint of Defendant and Cross-Complainant Olga Marcela Escobar-Eck ("Cross-Complainant")
25 as follows:

26 **DENIAL OF ALLEGATIONS**

27 1. Under the provisions of Section 431.30 of the Code of Civil Procedure, and as authorized
28 by law, Cross-Defendant denies all material allegations in Cross-Complaint.

1 AFFIRMATIVE DEFENSES

2 2. Cross-Defendant is informed and believes and on that basis alleges that Cross-
3 Complainant's claims are barred by Cross-Complainant's consent, and/or the common-interest doctrine.

4 3. Cross-Defendant is informed and believes and on that basis alleges that Cross-
5 Complainant has failed to mitigate damages, if any.

6 4. Cross-Complainant's claims are barred by the substantial-truth doctrine.

7 5. Cross-Complainant's claims are barred by the common-law right of fair comment.

8 6. Cross-Defendant reserves the right to assert additional defenses, including affirmative
9 defenses, based upon further investigation and/or discovery. Cross-Defendant also reserves the right
10 to amend or supplement this Answer based on further formal or informal discovery and/or in response
11 to any amendments or supplements to the Cross-Complaint made by Cross-Complainant, and for any
12 such amendments or supplements to this Answer to relate back to the filing of this Answer.

13 FOR ALL THESE REASONS, Cross-Defendant prays for the following relief against Cross-
14 Complainant:

15 A. For judgment in favor of Cross-Defendant and against Cross-Complainant, with Cross-
16 Complainant taking nothing;

17 B. For any and all attorney fees and other costs incurred by Cross-Defendant in defending
18 against the Cross-Complaint; and

19 C. Any further relief that this Court deems appropriate.

20 Date: June 2, 2021.

Respectfully submitted,

21 BRIGGS LAW CORPORATION

22 By: Cory J. Briggs
23 Cory J. Briggs

24 Attorneys for Plaintiff and Cross-Defendant Joshua
25 Billauer
26
27
28

PROOF OF SERVICE

1. My name is Ruth Flores . I am over the age of eighteen. I am employed in the State of California, County of San Bernardino .

2. My business _____ residence address is 99 E "C" Street, Suite 111, Upland, CA 91786

3. On June 1, 2021 , I served _____ an original copy a true and correct copy of the following documents: PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S ANSWER TO CROSS-COMPLAINT

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of Upland, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws _____ of the United States of the State of California that the foregoing is true and correct.

Date: June 1, 2021

Signature: 

SERVICE LIST

Joshua Billauer v. Olga Marcela Escobar-Eck et al.; and related cross-action
San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL

Craig J. Mariam
Scott W. McCaskill
Gordon Rees Scully Mansukhani, LLP
101 West Broadway, Suite 2000
San Diego, CA 92101
T: (619) 696-6700
F: (619) 696-7124
E-mail: cmariam@grsm.com
E-mail: smccaskill@grsm.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck

Gina M. Austin
Tamara M. Leetham
Austin Legal Group, APC
3990 Old Town Avenue, Suite A-101
San Diego, CA 92110
T: (619) 924-9600
F: (619) 881-0045
E-mail: gaustin@austinlegalgroup.com
E-mail: tamara@austinlegalgroup.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck