

IN THE CIRCUIT COURT OF IZARD COUNTY, ARKANSAS

**NICOLE LONG, on behalf of Herself
AND ALL OTHERS
SIMILARLY SITUATED**

PLAINTIFF

V.

NO. 33CV-23-190

**DERIK JULIAN,
RYAN HAYDEN,
ALLIANCE HEMP COMPANY, LLC,
JORDAN'S KWIK STOP, INC.,
JOHN DOES 1-10**

DEFENDANTS

**DERIK JULIAN, RYAN HAYDEN, AND ALLIANCE HEMP COMPANY, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT**

Come now, Separate Defendants, Derik Julian, Ryan Hayden, and Alliance Hemp Company, LLC ("Separate Defendants"), by and through their attorneys of record, Hall Estill Attorneys at Law, for their Answer to Plaintiff's Complaint, and state:

1. The statement and allegations in paragraph 1 of Plaintiff's Complaint constitute legal conclusions to which no response is required. To the extent a response is deemed to be required, Separate Defendants deny the claims and allegations in paragraph 1 of Plaintiffs' Complaint.

2. Separate Defendants deny the allegations contained in paragraph 2 of Plaintiff's Complaint.

3. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 3 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

4. Separate Defendants deny the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 5 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

6. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 6 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

7. Separate Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Separate Defendants deny the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Separate Defendants deny the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 10 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

11. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 11 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

12. Separate Defendants admit the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. Separate Defendants deny the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Separate Defendants deny the allegations contained in paragraph 14 of Plaintiff's Complaint.

15. Separate Defendants deny the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Separate Defendants admit the allegations contained in paragraph 16 of Plaintiff's Complaint.

17. Separate Defendants admit the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Separate Defendants admit the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. Separate Defendants admit the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. Separate Defendants admit the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. Separate Defendants admit the allegations contained in paragraph 21 of Plaintiff's Complaint.

22. Separate Defendants admit the allegations contained in paragraph 22 of Plaintiff's Complaint.

23. Separate Defendants deny the allegations contained in paragraph 23 of Plaintiff's Complaint.

24. Separate Defendants deny the allegations contained in paragraph 24 of Plaintiff's Complaint.

25. Separate Defendants admit the allegations contained in paragraph 25 of Plaintiff's Complaint.

26. Separate Defendants admit the allegations contained in paragraph 26 of Plaintiff's Complaint.

27. Separate Defendants admit the allegations contained in paragraph 27 of Plaintiff's Complaint.

28. The statement and allegations in paragraph 28 of Plaintiff's Complaint constitute legal conclusions to which no response is required. To the extent a response is deemed to be required, Separate Defendants deny the claims and allegations in paragraph 28 of Plaintiff's Complaint.

29. Separate Defendants deny the allegations contained in paragraph 29 of Plaintiff's Complaint.

30. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 30 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

31. Separate Defendants deny the allegations contained in paragraph 31 of Plaintiff's Complaint.

32. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 32 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

33. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 33 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

34. Separate Defendants deny the allegations contained in paragraph 34 of Plaintiff's Complaint.

35. Separate Defendants admit the allegations contained in paragraph 35 of Plaintiff's Complaint.

36. Separate Defendants admit the allegations contained in paragraph 36 of Plaintiff's Complaint.

37. Separate Defendants deny the allegations contained in paragraph 37 of Plaintiff's Complaint.

38. Separate Defendants deny the allegations contained "**CLASS ALLEGATIONS**" in paragraphs 38, 39, 40, 41, 42, 43, 44, and 45, including all subparts of Plaintiff's Complaint.

39. Separate Defendants incorporate by reference each of their responses to paragraphs 1 through 45 in response to paragraph 46 of the Plaintiff's Complaint as if set forth fully herein.

40. Separate Defendants are without sufficient information to admit or deny the allegations contained in "**Count 1 §16-124-103,**" paragraphs 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

41. Separate Defendants deny the allegations contained in paragraph 58 of Plaintiff's Complaint.

42. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 59 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

43. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 60 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

44. Separate Defendants deny the remaining allegations contained in "**COUNT 1 §16-124-103**," paragraphs 61, 62, 63, 64, 65, 66, and 67 of Plaintiff's Complaint.

45. Separate Defendants deny the allegations contained in "**COUNT II BREACHES OF EXPRESS WARRANTY, IMPLIED WARRANTY OF MERCHANTABILITY**," paragraphs 68, 69, 70, 71, 72, 73, and 74 of Plaintiff's Complaint.

46. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 75 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

47. Separate Defendants deny the allegations contained in "**COUNT III FRAUD VIOLATION OF ARKANSAS DECEPTIVE TRADE PRACTICES ACT**," paragraphs 76 and 77 of Plaintiff's Complaint.

48. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 78 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

49. Separate Defendants deny the allegations contained in paragraph 79 of Plaintiff's Complaint.

50. Separate Defendants are without sufficient information to admit or deny the allegations contained in paragraph 80 of Plaintiff's Complaint; therefore, those allegations are denied at this time.

51. Separate Defendants deny the allegations contained in paragraph 81 of Plaintiff's Complaint.

52. Separate Defendants deny the allegations contained in "**COUNT IV UNJUST ENRICHMENT/DISGORGEMENT**," paragraph 82 of Plaintiff's Complaint.

53. Separate Defendants join the Plaintiff's request for a trial by jury on all contested issues of fact.

54. Separate Defendants deny Plaintiff is entitled to certification of a class action, and deny Plaintiff is entitled to any relief requested in her "**PRAYER FOR RELIEF**", and further requests this Court dismiss this action and all claims against them, and award Separate Defendants their costs and attorneys' fees and all such further relief to which they are entitled.

55. Pleading affirmatively, Separate Defendants state any damages allegedly incurred by Plaintiff were caused partially or completely by acts and omissions of Plaintiff, who is wholly or comparatively at fault.

56. For the sake of avoiding waiver, Defendants reserve the right to plead further and reserve objections on the basis of failure to join a party under Rule 19, if any, pendency of another action between the same parties arising out of the same transaction or occurrence and the affirmative defenses available under Rule 8 of the Arkansas Rules of Civil Procedure, including but not necessarily limited to, failure to exhaust administrative remedies, assumption of risk, arbitration and award, ratification, discharge in bankruptcy, duress, fraud, illegality, license, res judicata, unclean hands, accord and satisfaction, laches, payment, release, set-off, estoppel, failure of consideration, statute of limitations, waiver and any other matter constituting an avoidance or affirmative defense.

57. Separate Defendants affirmatively plead each and every additional defense available to them pursuant to Ark. R. Civ. P. 12(b), including but not limited to, insufficiency of process, insufficiency of service of process, and failure to state facts upon which relief may be granted.

58. Separate Defendants affirmatively plead Plaintiff lacks standing to assert the causes of action stated in Plaintiff's Complaint.

59. Separate Defendants affirmatively plead Plaintiff has not sustained actual damages.

60. Separate Defendants affirmatively plead Plaintiff failed to mitigate her damages.

61. Separate Defendants affirmatively plead the doctrine of independent intervening proximate cause.

62. Separate Defendants affirmatively plead the tacit agreement doctrine so as to bar any claim for consequential damages.

63. Separate Defendants affirmatively plead they had no knowledge whatsoever of any potential illegal conduct and to that end, punitive damages would be unavailable against them.

64. Separate Defendants affirmatively plead the cause of action alleged herein sounds in contract, and as a result, Defendants affirmatively plead they are entitled to recover their reasonable attorneys' fees and costs pursuant to Ark. Code Ann. § 16-22-308.

65. Separate Defendants affirmatively adopt as pled each and every applicable affirmative defense asserted by any other defendant to this action.

66. Separate Defendants reserve the right to amend their Answer and file such other pleadings as are necessary, including a potential Third-Party Complaint, Counterclaim or Cross-Claim, as warranted by Separate Defendants' ongoing investigations and discovery.

WHEREFORE, having fully answered, Separate Defendants, Derik Julian, Ryan Hayden and Alliance Hemp Company, LLC respectfully request that the Plaintiff's Complaint be dismissed, and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

By: /s/ Grace K. Johnson
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*Attorneys for Derik Julian, Ryan
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2024, I electronically filed the foregoing with the Clerk of the Court by using the electronic filing system which shall send notification of such to the following:

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/s/ Grace K. Johnson _____

Grace K. Johnson