

**EXHIBIT J**



Original Petition are based on Texas common-law. Defendants' complaints that Plaintiffs fail to state cognizable theories of recovery for negligence, gross negligence, fraud, fraud by nondisclosure and negligent misrepresentation are erroneous and unsupported and therefore should be denied.

**The Communications Decency Act ("CDA") Does Not Apply to Plaintiffs' Claims**

2. The CDA does not immunize Defendants from any of Plaintiffs' claims. The factual and legal claims asserted by Plaintiffs in Plaintiffs' First Amended Original Petition, taken as true, defeat any argument by Defendants to the contrary. Furthermore, the Defendants have not presented any evidence or case law to support their claim of immunity. As such, Defendants' claim they are immunized from all of the claims asserted by Plaintiffs in Plaintiffs' First Amended Original Petition are groundless and therefore should be denied.

**Defendants' Breach of Duty Proximately Caused Plaintiffs' Injuries**

3. Defendants' naked claims that under Texas law they did not owe a duty to Plaintiffs for their negligent, grossly negligent and fraudulent conduct, or that their unlawful conduct was not the proximate cause of Plaintiffs' injuries is categorically false. Defendants owed a duty to Plaintiffs. Defendants clearly breached this duty by their negligent, grossly negligent and fraudulent conduct. Defendants' breach caused Plaintiffs' significant injuries. Texas common-law strongly supports each of Plaintiff's claims against Defendants.

4. Moreover, the factual and legal claims asserted by Plaintiffs in Plaintiffs' First Amended Original Petition, taken as true, defeat any argument by Defendants to the

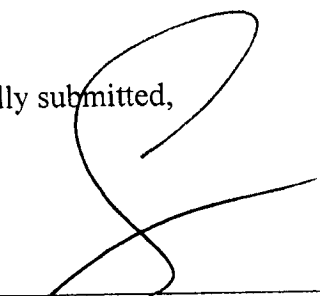
contrary. Defendants have not presented any evidence or case law to support their claims as they are all groundless and therefore should be denied.

**Prayer for Relief**

For the foregoing reasons, Defendants' special exceptions to Plaintiffs' First Amended Original Petition should all be DENIED.

DATED: September 1, 2006

Respectfully submitted,



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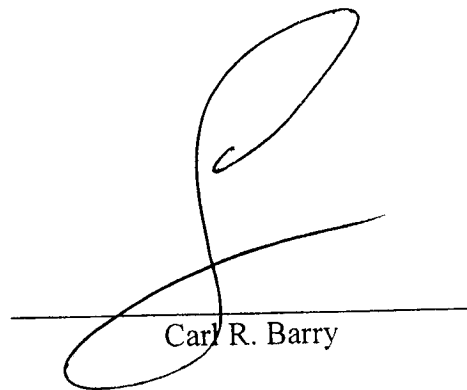
**CERTIFICATE OF SERVICE**

This is to certify that on this the 1<sup>st</sup> day of September, 2006, a true and correct copy of the above and foregoing was properly forwarded to the following counsel of record in accordance with the Texas Rules of Civil Procedure as indicated below:

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