

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

LEVI and ADRIENNE (GOBLE) TEEL,)	
)	
Complainants,)	
)	File No: MC-2020-0250
vs.)	
)	
CLAYTON HOMES, CHAMPION HOMES)	
and BILL HEMBREE,)	
)	
Respondents.)	

***RESPONDENT CHAMPION HOME BUILDERS, INC.'S ANSWER
AND AFFIRMATIVE DEFENSES TO COMPLAINT***

COMES NOW Respondent Champion Home Builders, Inc., (“CHBI”) improperly named herein as “Champion Homes,” pursuant to 20 CSR 4240-2.070(9), and for its Answer and Affirmative Defenses to Complainants’ Complaint, and states:

Response to Motion to Open Formal Complaint

COMES NOW Respondent Champion Home Builders, Inc., (“CHBI”) and for its Answer to the Staff of the Missouri Public Service Commission’s Motion to Open Formal Complaint, and states:

1. Admit on January 16, 2020, attorney Tyce Smith of Smith & Turley attempted to file a formal complaint on behalf of his clients, Mr. and Mrs. Levi and Adrienne Teel, by way of a cover letter and attached forms, however, CHBI denies the allegations set out in those letters and attachments, and demands strict proof thereof.
2. Admit the letter attached an “Inspection Request/Consumer Complaint Form,” which enumerated 40 separate areas of concern, however, CHBI denies the allegations set out in those letters and attachments, and demands strict proof thereof.

3. Admit CHBI participated in voluntary pre-claim resolution efforts, which were unsuccessful, however, denies the remainder of the allegations set out herein, and demands strict proof thereof.
4. CHBI is without sufficient information or belief to either admit or deny the allegations of Paragraph 4, therefore denies same.
5. The allegations of Paragraph 5 state a legal conclusion and therefore no response thereto is required by CHBI.
6. The allegations of Paragraph 6 state a legal conclusion and therefore no response thereto is required by CHBI.
7. The allegations of Paragraph 7 state a legal conclusion and therefore no response thereto is required by CHBI.

WHEREFORE, having fully responded to the Staff of the Missouri Public Service Commission's Motion to Open Formal Complaint, Respondent Champion Home Builders, Inc. requests it be dismissed from the action, and that the Public Service Commission issue an Order and Findings exonerating CHBI from any wrongdoing, and for such other and further relief as is just and proper.

Response to "Inspection Request/Consumer Complaint Form"

COMES NOW Respondent Champion Home Builders, Inc., ("CHBI") and for its Answer to the items enumerated on the "Inspection Request/Consumer Complaint Form," and states:

8. CHBI states that the issues and concerns set out in Item No. 1 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.

9. CHBI states that the issues and concerns set out in Item No. 2 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
10. CHBI states that the issues and concerns set out in Item No. 3 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
11. CHBI states that the issues and concerns set out in Item No. 4 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
12. CHBI states that the issues and concerns set out in Item No. 5 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
13. CHBI states that the issues and concerns set out in Item No. 6 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
14. CHBI states that the issues and concerns set out in Item No. 7 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
15. CHBI states that the issues and concerns set out in Item No. 8 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
16. CHBI states that it was informed on December 12, 2019 of the issue and concern set out in Item No. 9, and made effort to schedule a visit to the Complainants' home to address the issue on February 12, 2020, but were told the matter was "in litigation,"

and service was refused by the Complainants. CHBI is not responsible for, nor should it be held responsible for further addressing this issue.

17. CHBI states that the issues and concerns set out in Item No. 10 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
18. CHBI states that the issues and concerns set out in Item No. 11 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
19. CHBI states that the issues and concerns set out in Item No. 12 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
20. CHBI states that the issues and concerns set out in Item No. 13 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
21. CHBI states that the issues and concerns set out in Item No. 14 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
22. CHBI states that the issues and concerns set out in Item No. 15 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
23. CHBI states that the issues and concerns set out in Item No. 16 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.

24. CHBI states that the issues and concerns set out in Item No. 17 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
25. CHBI states that the issues and concerns set out in Item No. 18 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
26. CHBI states that the issues and concerns set out in Item No. 19 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
27. CHBI states that the issues and concerns set out in Item No. 20 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
28. CHBI states that the issues and concerns set out in Item No. 21 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
29. CHBI states that the issues and concerns set out in Item No. 22 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
30. CHBI states that it was informed on December 12, 2019 of the issue and concern set out in Item No. 23, and made effort to schedule a visit to the Complainants' home to address the issue on February 12, 2020, but were told the matter was "in litigation," and service was refused by the Complainants. CHBI is not responsible for, nor should it be held responsible for further addressing this issue.

31. CHBI states that the issues and concerns set out in Item No. 24 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
32. CHBI states that the issues and concerns set out in Item No. 25 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
33. CHBI states that the issues and concerns set out in Item No. 26 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
34. CHBI states that the issues and concerns set out in Item No. 27 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
35. CHBI states that the issues and concerns set out in Item No. 28 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
36. CHBI states that the issues and concerns set out in Item No. 29 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
37. CHBI states that the issues and concerns set out in Item No. 30 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
38. CHBI states that the issues and concerns set out in Item No. 31 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.

39. CHBI states that the issues and concerns set out in Item No. 32 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
40. CHBI states that the issues and concerns set out in Item No. 33 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
41. CHBI states that the issues and concerns set out in Item No. 34 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
42. CHBI states that the issues and concerns set out in Item No. 35 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
43. CHBI states that the issues and concerns set out in Item No. 36 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
44. CHBI states that the issues and concerns set out in Item No. 37 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.
45. CHBI states that it was informed on December 12, 2019 of the issue and concern set out in Item No. 38, and made effort to schedule a visit to the Complainants' home to address the issue on February 12, 2020, but were told the matter was "in litigation," and service was refused by the Complainants. CHBI is not responsible for, nor should it be held responsible for further addressing this issue.

46. CHBI states that the issues and concerns set out in Item No. 39 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.

47. CHBI states that the issues and concerns set out in Item No. 40 are not the responsibility of CHBI, and should be addressed by other parties. CHBI is not responsible for, nor should it be held responsible for addressing this issue.

WHEREFORE, having fully responded to the “Inspection Request/Consumer Complaint Form,” Respondent Champion Home Builders, Inc. requests it be dismissed from the action, and that the Public Service Commission issue an Order and Findings exonerating them from any wrongdoing, and for such other and further relief as is just and proper.

Affirmative Defenses

COMES NOW Respondent Champion Home Builders, Inc., (“CHBI”) and for its further Answer and Affirmative Defenses to the Staff of the Missouri Public Commission’s Motion to Open Formal Complaint and “Inspection Request/Consumer Complaint Form,” states:

48. For further answer and affirmative defense, Respondent CHBI states that the “complaint” fails to comply with the formal requirements of 20 CSR 4240-2.070, in that it fails to describe the nature of the complaint and the relief requested with sufficient particularity to allow Respondent to answer.

49. For further answer and affirmative defense, Respondent CHBI states that the issues and concerns set out in the “complaint” are the responsibility of parties not under the control of CHBI, and as such, should be corrected or addressed by them.

50. For further answer and affirmative defense, Respondent CHBI states that the issues and concerns set out in the “complaint” are due to a failure to follow the manufacturer’s installation manual for the subject unit, and a failure to comply with

proper set-up responsibilities, 4 CSR 240-120.065, which are the responsibility of parties not under the control of CHBI, and as such, should be corrected or addressed by them.

51. For further answer and affirmative defense, Respondent CHBI states that it complied in all respects with 4 CSR 240-120 et seq.

52. For further answer and affirmative defense, Respondent CHBI states that it attempted to address those issues and concerns set out in the “complaint” attributed to CHBI, however, service was refused by the Complainants, and thus and thereby they have failed to mitigate their damages.

53. For further answer and affirmative defense, Respondent CHBI states that Complainants’ claims are barred by the doctrines of laches, unclean hands, waiver and release.

54. For further answer and affirmative defense, Respondent CHBI states that Complainants’ claims are barred by the applicable manufacturer’s warranty language in their purchase agreement, which ran until February 23, 2019.

55. Respondent CHBI reserves the right to add to or amend these affirmative defenses as discovery is ongoing.

WHEREFORE, having fully responded to the Staff of the Missouri Public Service Commission’s Motion to Open Formal Complaint and “Inspection Request/Consumer Complaint Form,” Respondent Champion Home Builders, Inc. requests it be dismissed from the action, and that the Public Service Commission issue an Order and Findings exonerating them from any wrongdoing, and for such other and further relief as is just and proper.

/s/William S. Thomas

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I, the undersigned, certify that a copy of the foregoing has been electronically served or served by U.S. mail on all parties, on this 24th day of March, 2020:

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