

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DALLAS BUYERS CLUB, LLC,)	
)	Case No. 14-cv-3517
Plaintiff,)	
)	
v.)	
)	
)	
)	
JIMMY KAWA, ELLIS QUALLS,)	Hon. Matthew F. Kennelly
BEN LAWSON, and BRYAN NARBERT)	U.S. Dist. Court Judge
Defendants.)	

DEFENDANT’S ANSWER TO THE FIRST AMENDED COMPLAINT

Defendant BRYAN NARBERT, through his counsel, in answer to Plaintiff’s First Amended Complaint.

ADMISSIONS AND DENIALS TO PLAINTIFF’S FIRST AMENDED COMPLAINT

Defendant, admits, denies, or otherwise alleges as follows.

Jurisdiction and Venue

1. Defendant admits that Plaintiff has filed the instant civil action. Defendant denies the remaining allegations contained in Paragraph 1 of the First Amended Complaint.
2. Defendant lacks information and belief sufficient to form a response to Paragraph 2 of the First Amended Complaint, and on that basis, denies the allegations contained therein.

3. Defendant admits the allegations contained in Paragraph 3 of the First Amended Complaint.
4. Defendant lacks information and belief sufficient to form a response to Paragraph 4 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
5. Defendant denies the allegations contained in Paragraph 5 of the First Amended Complaint.
6. Defendant admits that this Court has personal jurisdiction over him. Defendant denies the remaining allegations contained in Paragraph 6 of the First Amended Complaint.
7. Defendant admits that this Court has personal jurisdiction over him. Defendant denies the remaining allegations contained in Paragraph 7 of the First Amended Complaint.
8. Defendant admits that venue is proper in this District. Defendant denies the remaining allegations contained in Paragraph 8 of the First Amended Complaint.

The Parties

9. Defendant lacks information and belief sufficient to form a response to Paragraph 9 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
10. Defendant lacks information and belief sufficient to form a response to Paragraph 10 of the First Amended Complaint, and on that basis, denies the allegations contained therein.

11. Defendant lacks information and belief sufficient to form a response to Paragraph 11 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
12. Defendant lacks information and belief sufficient to form a response to Paragraph 12 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
13. Defendant lacks information and belief sufficient to form a response to Paragraph 13 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
14. Defendant lacks information and belief sufficient to form a response to Paragraph 14 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
15. Defendant admits that he is a resident of Glenview, IL. Defendant denies the remaining allegations contained in Paragraph 15 of the First Amended Complaint.

Count 1

16. Defendant lacks information and belief sufficient to form a response to Paragraph 16 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
17. Defendant lacks information and belief sufficient to form a response to Paragraph 17 of the First Amended Complaint, and on that basis, denies the allegations contained therein.

18. Defendant denies the allegations directed towards him individually in Paragraph 18 of the First Amended Complaint. Defendant lacks information and belief sufficient to form a response as to the truth of the allegations directed against other co-defendants within Paragraph 18 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
19. Defendant denies the allegations directed towards him individually in Paragraph 19 of the First Amended Complaint. Defendant lacks information and belief sufficient to form a response as to the truth of the allegations directed against other co-defendants within Paragraph 19 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
20. Defendant denies the allegations directed towards him individually in Paragraph 20 of the First Amended Complaint. Defendant lacks information and belief sufficient to form a response as to the truth of the allegations directed against other co-defendants within Paragraph 20 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
21. Defendant denies the allegations directed towards him individually in Paragraph 21 of the First Amended Complaint. Defendant lacks information and belief sufficient to form a response as to the truth of the allegations directed against other co-defendants within Paragraph 21 of the First Amended Complaint, and on that basis, denies the allegations contained therein.
22. Defendant denies the allegations directed towards him individually in Paragraph 22 of

the First Amended Complaint. Defendant lacks information and belief sufficient to form a response as to the truth of the allegations directed against other co-defendants within Paragraph 22 of the First Amended Complaint, and on that basis, denies the allegations contained therein.

Prayer for Relief

23. Defendant denies any and all allegations within the paragraphs of Plaintiff's Prayer for Relief.

DEFENDANT'S AFFIRMATIVE DEFENSES

In addition to Defendant's denial of the Plaintiff's allegations in support of their claim (Defendant's general "Negative Defense"), Defendant raises the following Affirmative Defenses.

First Affirmative Defense

1. Plaintiff is equitably barred from recovery by the doctrine of unclean hands.

Second Affirmative Defense

2. If plaintiff suffered any damages at all, such damages were proximately caused and are therefore equitably born by plaintiff because it could have, but failed to, properly and adequately mitigate incurring such damages.

DEFENDANT'S PRAYER FOR RELIEF

WHEREFORE, Defendant prays as follows:

1. That this claim be dismissed and Plaintiff take nothing by reason of its complaint;
2. That judgment be rendered in favor of Defendant;

3. That Defendant be awarded his costs of suit incurred in defense of this action; and
4. For such other relief as the Court deems proper.

Respectfully Submitted,

/s/ Scott Kane Stukel

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CERTIFICATE OF SERVICE

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I hereby certify that on April 13, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties by operation of the Court's electronic filing system.

/s/ Scott Kane Stukel
Scott Kane Stukel