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UNITED STATES DISTRICT COURT

MARC J. RANDAZZA, an individual,
JENNIFER RANDAZZA, an individual, and
NATALIA RANDAZZA, a minor,

Plaintiffs,
vs.

CRYSTAL L. COX, an individual, and ELIOT
BERNSTEIN, an individual,

Defendants.

CRYSTAL L. COX, an individual,
Counterclaimant,

vs.

MARC J. RANDAZZA, an individual,

Counterdefendant.

) Case No. 2:12-cv-02040-JAD-PAC
)
) **COUNTERDEFENDANT MARC**
) **RANDAZZA'S ANSWER TO**
) **COUNTERCLAIM**
)
) **DEMAND FOR JURY TRIAL**

Counterdefendant MARC J. RANDAZZA (hereinafter "Counterdefendant"), by and through his attorneys of record, Anthony T. Garasi, Esq., and Jared G. Christensen, Esq. of the law offices of BREMER WHYTE BROWN & O'MEARA LLP, hereby submits his Answer to Counterclaimant CRYSTAL L. COX's Counterclaim (Document 164) on file herein and admits, denies and alleges as follows:

INTRODUCTION

1
2 1. Answering paragraph 1 on page 2 of Counterclaim, this answering Counterdefendant states
3 that the allegations contained therein are not applicable to this answering Counterdefendant. To the
4 extent any of the allegations are deemed to apply to this answering Counterdefendant and insofar as
5 said allegations suggest or imply responsibility or liability on the part of this answering
6 Counterdefendant, he specifically denies the same.

7 2. Answering paragraph 2 on page 2 of Counterclaim, this answering Counterdefendant states
8 that the allegations contained therein are not applicable to this answering Counterdefendant. To the
9 extent any of the allegations are deemed to apply to this answering Counterdefendant and insofar as
10 said allegations suggest or imply responsibility or liability on the part of this answering
11 Counterdefendant, he specifically denies the same.

12 3. Answering paragraph 3(1) on page 2 of Counterclaim, this answering Counterdefendant is
13 without sufficient knowledge or information to form a belief as to the truth or falsity of the
14 allegations contained therein and therefore denies the same.

15 4. Answering paragraph 3(2) on page 2 of Counterclaim, this answering Counterdefendant is
16 without sufficient knowledge or information to form a belief as to the truth or falsity of the
17 allegations contained therein and therefore denies the same.

18 5. Answering paragraph 3(3) on pages 2-3 of Counterclaim, this answering Counterdefendant
19 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
20 allegations contained therein and therefore denies the same.

21 6. Answering paragraph 3(4) on page 3 of Counterclaim, this answering Counterdefendant
22 denies the allegations contained therein.

23 7. Answering paragraph 4(1) on page 3 of Counterclaim, this answering Counterdefendant is
24 without sufficient knowledge or information to form a belief as to the truth or falsity of the
25 allegations contained therein and therefore denies the same.

26 8. Answering paragraph 4(2) on page 3 of Counterclaim, this answering Counterdefendant is
27 without sufficient knowledge or information to form a belief as to the truth or falsity of the
28 allegations contained therein and therefore denies the same.

1 9. Answering paragraph 4(3) on page 3 of Counterclaim, this answering Counterdefendant is
2 without sufficient knowledge or information to form a belief as to the truth or falsity of the
3 allegations contained therein and therefore denies the same.

4 10. Answering paragraph 4(4) on page 3 of Counterclaim, this answering Counterdefendant
5 admits there was no attorney-client relationship with Counterclaimant, no contract existed for
6 representation of Counterclaimant, and Counterdefendant had not committed to the representation
7 of Counterclaimant. As to the remaining allegations, Counterdefendant denies the same.

8 11. Answering paragraph 4(5) on page 3 of Counterclaim, this answering Counterdefendant
9 denies the allegations contained therein.

10 12. Answering paragraph 4(6) on pages 3-4 of Counterclaim, this answering Counterdefendant
11 admits that he offered to represent Counterclaimant. As to the remaining allegations,
12 Counterdefendant denies the same.

13 13. Answering paragraph 4(7) on page 4 of Counterclaim, this answering Counterdefendant is
14 without sufficient knowledge or information to form a belief as to the truth or falsity of the
15 allegations contained therein and therefore denies the same.

16 14. Answering paragraph 4(8) on page 4 of Counterclaim, this answering Counterdefendant is
17 without sufficient knowledge or information to form a belief as to the truth or falsity of the
18 allegations contained therein and therefore denies the same.

19 15. Answering paragraph 4(9) on page 4 of Counterclaim, this answering Counterdefendant is
20 without sufficient knowledge or information to form a belief as to the truth or falsity of the
21 allegations contained therein and therefore denies the same.

22 16. Answering paragraph 5(1) on page 4 of Counterclaim, this answering Counterdefendant is
23 without sufficient knowledge or information to form a belief as to the truth or falsity of the
24 allegations contained therein and therefore denies the same.

25 17. Answering paragraph 5(2) on page 4 of Counterclaim, this answering admits that
26 Counterclaimant emailed him and informed him that she had purchased marcrandazza.com and that
27 she was in need of money. As to the remaining allegations, Counterdefendant is without sufficient
28 knowledge or information to form a belief as to the truth or falsity of the allegations contained

1 therein and therefore denies the same.

2 18. Answering paragraph 5(3) on page 4 of Counterclaim, this answering Counterdefendant is
3 without sufficient knowledge or information to form a belief as to the truth or falsity of the
4 allegations contained therein and therefore denies the same.

5 19. Answering paragraph 5(4) on page 4 of Counterclaim, this answering Counterdefendant is
6 without sufficient knowledge or information to form a belief as to the truth or falsity of the
7 allegations contained therein and therefore denies the same.

8 20. Answering paragraph 5(5) on page 4 of Counterclaim, this answering Counterdefendant is
9 without sufficient knowledge or information to form a belief as to the truth or falsity of the
10 allegations contained therein and therefore denies the same.

11 21. Answering paragraph 5(6) on page 4 of Counterclaim, this answering Counterdefendant is
12 without sufficient knowledge or information to form a belief as to the truth or falsity of the
13 allegations contained therein and therefore denies the same.

14 22. Answering paragraph 6 on page 5 of Counterclaim, this answering Counterdefendant is
15 without sufficient knowledge or information to form a belief as to the truth or falsity of the
16 allegations contained therein and therefore denies the same.

17 23. Answering paragraph 7(1) on page 5 of Counterclaim, this answering Counterdefendant
18 denies the allegations contained therein.

19 24. Answering paragraph 7(2) on page 5 of Counterclaim, this answering Counterdefendant is
20 without sufficient knowledge or information to form a belief as to the truth or falsity of the
21 allegations contained therein and therefore denies the same.

22 25. Answering paragraph 7(3) on page 5 of Counterclaim, this answering Counterdefendant
23 denies the allegations contained therein.

24 26. Answering paragraph 7(4) on page 5 of Counterclaim, this answering Counterdefendant is
25 without sufficient knowledge or information to form a belief as to the truth or falsity of the
26 allegations contained therein and therefore denies the same.

27 27. Answering paragraph 7(5) on page 5 of Counterclaim, this answering Counterdefendant
28 denies posting false and defamatory statement about Counterclaimant. As to the remaining

1 allegations, Counterdefendant is without sufficient knowledge or information to form a belief as to
2 the truth or falsity of the allegations contained therein and therefore denies the same.

3 28. Answering paragraph 8(1) on pages 5-6 of Counterclaim, this answering Counterdefendant
4 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
5 allegations contained therein and therefore denies the same.

6 29. Answering paragraph 8(2) on page 6 of Counterclaim, this answering Counterdefendant is
7 without sufficient knowledge or information to form a belief as to the truth or falsity of the
8 allegations contained therein and therefore denies the same.

9 30. Answering paragraph 8(3) on page 6 of Counterclaim, this answering Counterdefendant is
10 without sufficient knowledge or information to form a belief as to the truth or falsity of the
11 allegations contained therein and therefore denies the same.

12 31. Answering paragraph 8(4) on page 6 of Counterclaim, this answering Counterdefendant is
13 without sufficient knowledge or information to form a belief as to the truth or falsity of the
14 allegations contained therein and therefore denies the same.

15 32. Answering paragraph 8(5) on page 6 of Counterclaim, this answering Counterdefendant is
16 without sufficient knowledge or information to form a belief as to the truth or falsity of the
17 allegations contained therein and therefore denies the same.

18 33. Answering paragraph 8(6) on page 6 of Counterclaim, this answering Counterdefendant
19 denies the allegations contained therein.

20 34. Answering paragraph 9 on page 6 of Counterclaim, this answering Counterdefendant denies
21 the allegations contained therein.

22 35. Answering paragraph 10(1) on page 6 of Counterclaim, this answering Counterdefendant is
23 without sufficient knowledge or information to form a belief as to the truth or falsity of the
24 allegations contained therein and therefore denies the same.

25 36. Answering paragraph 10(2) on pages 6-7 of Counterclaim, this answering Counterdefendant
26 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
27 allegations contained therein and therefore denies the same.

28 37. Answering paragraph 10(3) on page 7 of Counterclaim, this answering Counterdefendant

1 admits to having an interview with Bob Garfield. Counterdefendant denies making any false,
2 defamatory or slanderous statements regarding Counterclaimant. As to the remaining allegations,
3 Counterdefendant is without sufficient knowledge or information to form a belief as to the truth or
4 falsity of the allegations contained therein and therefore denies the same.

5 38. Answering paragraph 10(4) on page 7 of Counterclaim, this answering Counterdefendant
6 denies the allegations contained therein.

7 39. Answering paragraph 10(5) on page 7 of Counterclaim, this answering Counterdefendant
8 denies the allegations contained therein.

9 40. Answering paragraph 11 on page 7 of Counterclaim, this Answering Counterdefendant
10 states that the allegations contained therein are not applicable to this answering Counterdefendant.
11 To the extent any of the allegations are deemed to apply to this answering Counterdefendant and
12 insofar as said allegations suggest or imply responsibility or liability on the part of this answering
13 Counterdefendant, he specifically denies the same.

14 41. Answering paragraph 12(1) on page 7 of Counterclaim, this answering Counterdefendant
15 admits that he was aware that Counterclaimant owned and transferred the domains to Foster. As to
16 the remaining allegations, Counterdefendant is without sufficient knowledge or information to form
17 a belief as to the truth or falsity of the allegations contained therein and therefore denies the same.

18 42. Answering paragraph 12(2) on page 7 of Counterclaim, this answering Counterdefendant
19 denies the allegations contained therein.

20 43. Answering paragraph 13 on page 7 of Counterclaim, this answering Counterdefendant
21 denies the allegations contained therein.

22 44. Answering paragraph 14 on page 7 of Counterclaim, this answering Counterdefendant
23 denies the allegations contained therein.

24 45. Answering paragraph 15(1) on page 8 of Counterclaim, this answering Counterdefendant
25 denies the allegations contained therein.

26 46. Answering paragraph 15(2) on page 8 of Counterclaim, this answering Counterdefendant
27 denies the allegations contained therein.

28 47. Answering paragraph 16(1) on page 8 of Counterclaim, this answering Counterdefendant

1 denies the allegations contained therein.

2 48. Answering paragraph 16(2) on page 8 of Counterclaim, this answering Counterdefendant is
3 without sufficient knowledge or information to form a belief as to the truth or falsity of the
4 allegations contained therein and therefore denies the same.

5 49. Answering paragraph 16(3) on page 8 of Counterclaim, this answering Counterdefendant is
6 without sufficient knowledge or information to form a belief as to the truth or falsity of the
7 allegations contained therein and therefore denies the same.

8 50. Answering paragraph 16(4) on page 8 of Counterclaim, this answering Counterdefendant is
9 without sufficient knowledge or information to form a belief as to the truth or falsity of the
10 allegations contained therein and therefore denies the same.

11 51. Answering paragraph 16(5) on page 8 of Counterclaim, this answering Counterdefendant
12 denies the allegations contained therein.

13 52. Answering paragraph 17(1) on page 8 of Counterclaim, this answering Counterdefendant is
14 without sufficient knowledge or information to form a belief as to the truth or falsity of the
15 allegations contained therein and therefore denies the same.

16 53. Answering paragraph 17(2) on pages 8-9 of Counterclaim, this answering Counterdefendant
17 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
18 allegations contained therein and therefore denies the same.

19 54. Answering paragraph 17(3) on page 9 of Counterclaim, this answering Counterdefendant is
20 without sufficient knowledge or information to form a belief as to the truth or falsity of the
21 allegations contained therein and therefore denies the same.

22 55. Answering paragraph 17(4) on page 9 of Counterclaim, this answering Counterdefendant is
23 without sufficient knowledge or information to form a belief as to the truth or falsity of the
24 allegations contained therein and therefore denies the same.

25 56. Answering paragraph 17(5) on page 9 of Counterclaim, this answering Counterdefendant is
26 without sufficient knowledge or information to form a belief as to the truth or falsity of the
27 allegations contained therein and therefore denies the same.

28 57. Answering paragraph 17(6) on page 9 of Counterclaim, this answering Counterdefendant is

1 without sufficient knowledge or information to form a belief as to the truth or falsity of the
2 allegations contained therein and therefore denies the same.

3 58. Answering paragraph 17(7) on page 9 of Counterclaim, this answering Counterdefendant is
4 without sufficient knowledge or information to form a belief as to the truth or falsity of the
5 allegations contained therein and therefore denies the same.

6 59. Answering paragraph 17(8) on page 9 of Counterclaim, this answering Counterdefendant is
7 without sufficient knowledge or information to form a belief as to the truth or falsity of the
8 allegations contained therein and therefore denies the same.

9 60. Answering paragraph 17(9) on page 9 of Counterclaim, this answering Counterdefendant is
10 without sufficient knowledge or information to form a belief as to the truth or falsity of the
11 allegations contained therein and therefore denies the same.

12 61. Answering paragraph 18 on page 9 of Counterclaim, this answering Counterdefendant is
13 without sufficient knowledge or information to form a belief as to the truth or falsity of the
14 allegations contained therein and therefore denies the same.

15 62. Answering paragraph 19 on pages 9-10 of Counterclaim, this answering Counterdefendant
16 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
17 allegations contained therein and therefore denies the same.

18 63. Answering paragraph 20(1) on page 10 of Counterclaim, this answering Counterdefendant
19 denies the allegations contained therein.

20 64. Answering paragraph 20(2) on page 10 of Counterclaim, this answering Counterdefendant
21 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
22 allegations contained therein and therefore denies the same.

23 65. Answering paragraph 21(1) on page 10 of Counterclaim, this answering Counterdefendant
24 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
25 allegations contained therein and therefore denies the same.

26 66. Answering paragraph 21(2) on page 10 of Counterclaim, this answering Counterdefendant
27 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
28 allegations contained therein and therefore denies the same.

1 67. Answering paragraph 21(3) on page 10 of Counterclaim, this answering Counterdefendant
2 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
3 allegations contained therein and therefore denies the same.

4 68. Answering paragraph 21(4) on page 10 of Counterclaim, this answering Counterdefendant
5 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
6 allegations contained therein and therefore denies the same.

7 69. Answering paragraph 22(1) on page 11 of Counterclaim, this answering Counterdefendant
8 states that the allegations contained therein are not applicable to this answering Counterdefendant.
9 To the extent any of the allegations are deemed to apply to this answering Counterdefendant and
10 insofar as said allegations suggest or imply responsibility or liability on the part of this answering
11 Counterdefendant, he specifically denies the same.

12 70. Answering paragraph 22(2) on page 11 of Counterclaim, this answering Counterdefendant
13 denies that he lied by stating Counterclaimant is an extortionist. As to the remaining allegations,
14 Counterdefendant is without sufficient knowledge or information to form a belief as to the truth or
15 falsity of the allegations contained therein and therefore denies the same.

16 71. Answering paragraph 22(3) on page 11 of Counterclaim, this answering Counterdefendant
17 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
18 allegations contained therein and therefore denies the same.

19 72. Answering paragraph 22(4) on page 11 of Counterclaim, this answering Counterdefendant
20 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
21 allegations contained therein and therefore denies the same.

22 73. Answering paragraph 22(5) on page 11 of Counterclaim, this answering Counterdefendant
23 denies the allegations contained therein.

24 74. Answering paragraph 23(1) on page 11 of Counterclaim, this answering Counterdefendant
25 denies the allegations contained therein.

26 75. Answering paragraph 23(2) on page 11 of Counterclaim, this answering Counterdefendant
27 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
28 allegations contained therein and therefore denies the same.

1 76. Answering paragraph 23(3) on page 11 of Counterclaim, this answering Counterdefendant
2 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
3 allegations contained therein and therefore denies the same.

4 77. Answering paragraph 23(4) on pages 11-12 of Counterclaim, this answering
5 Counterdefendant is without sufficient knowledge or information to form a belief as to the truth or
6 falsity of the allegations contained therein and therefore denies the same.

7 78. Answering paragraph 23(5) on pages 12 of Counterclaim, this answering Counterdefendant
8 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
9 allegations contained therein and therefore denies the same.

10 79. Answering paragraph 23(6) on page 12 of Counterclaim, this answering Counterdefendant
11 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
12 allegations contained therein and therefore denies the same.

13 80. Answering paragraph 23(7) on page 12 of Counterclaim, this answering Counterdefendant
14 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
15 allegations contained therein and therefore denies the same.

16 81. Answering paragraph 23(8) on page 12 of Counterclaim, this answering Counterdefendant
17 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
18 allegations contained therein and therefore denies the same.

19 82. Answering paragraph 23(9) on page 12 of Counterclaim, this answering Counterdefendant
20 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
21 allegations contained therein and therefore denies the same.

22 83. Answering paragraph 23(10) on page 12 of Counterclaim, this answering Counterdefendant
23 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
24 allegations contained therein and therefore denies the same.

25 84. Answering paragraph 23(11) on page 12 of Counterclaim, this answering Counterdefendant
26 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
27 allegations contained therein and therefore denies the same.

28 85. Answering paragraph 24(1) on page 12 of Counterclaim, this answering Counterdefendant

1 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
2 allegations contained therein and therefore denies the same.

3 86. Answering paragraph 24(2) on page 13 of Counterclaim, this answering Counterdefendant
4 denies the allegations contained therein.

5 87. Answering paragraph 25(1) on page 13 of Counterclaim, this answering Counterdefendant
6 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
7 allegations contained therein and therefore denies the same.

8 88. Answering paragraph 25(2) on page 13 of Counterclaim, this answering Counterdefendant
9 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
10 allegations contained therein and therefore denies the same.

11 89. Answering paragraph 25(3) on page 13 of Counterclaim, this answering Counterdefendant
12 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
13 allegations contained therein and therefore denies the same.

14 90. Answering paragraph 25(4) on page 13 of Counterclaim, this answering Counterdefendant
15 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
16 allegations contained therein and therefore denies the same.

17 91. Answering paragraph 25(5) on page 13 of Counterclaim, this answering Counterdefendant
18 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
19 allegations contained therein and therefore denies the same.

20 92. Answering paragraph 25(6) on page 13 of Counterclaim, this answering Counterdefendant
21 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
22 allegations contained therein and therefore denies the same.

23 **THE PARTIES**

24 93. Answering paragraph 26 on page 13 of Counterclaim, this answering Counterdefendant is
25 without sufficient knowledge or information to form a belief as to the truth or falsity of the
26 allegations contained therein and therefore denies the same.

27 **ALLEGATIONS COMMON TO ALL COUNTS**

28 94. Answering paragraph 27 on page 14 of Counterclaim, this answering Counterdefendant is

1 without sufficient knowledge or information to form a belief as to the truth or falsity of the
2 allegations contained therein and therefore denies the same.

3 95. Answering paragraph 28 on page 14 of Counterclaim, this answering Counterdefendant is
4 without sufficient knowledge or information to form a belief as to the truth or falsity of the
5 allegations contained therein and therefore denies the same.

6 96. Answering paragraph 29 on page 14 of Counterclaim, this answering Counterdefendant
7 denies the allegations contained therein.

8 97. Answering paragraphs 30(1) on page 14 of Counterclaim, this answering Counterdefendant
9 denies the allegations contained therein.

10 98. Answering paragraph 30(2) on page 14 of Counterclaim, this answering Counterdefendant
11 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
12 allegations contained therein and therefore denies the same.

13 99. Answering paragraph 30(3) on page 14 of Counterclaim, this answering Counterdefendant
14 is without sufficient knowledge or information to form a belief as to the truth or falsity of the
15 allegations contained therein and therefore denies the same.

16 100. Answering paragraph 30(4) on page 14 of Counterclaim, this answering
17 Counterdefendant denies the allegations contained therein.

18 101. Answering paragraph 31 on page 14 of Counterclaim, this answering
19 Counterdefendant denies the allegations contained therein.

20 102. Answering paragraph 32 on pages 14-15 of Counterclaim, this answering
21 Counterdefendant is without sufficient knowledge or information to form a belief as to the truth or
22 falsity of the allegations contained therein and therefore denies the same.

23 103. Answering paragraph 33 on page 15 of Counterclaim, this answering
24 Counterdefendant denies the allegations contained therein.

25 104. Answering paragraphs 34 on page 15 of Counterclaim, this answering
26 Counterdefendant denies the allegations contained therein.

27 105. Answering paragraph 35 on page 15 of Counterclaim, this answering
28 Counterdefendant denies the allegations contained therein.

106. Answering paragraph 36 on page 15 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

107. Answering paragraph 37 on page 15 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

108. Answering paragraph 38 on page 15 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

First Cause of Action

U.S. Code Title 28§ 4101/ 28:1332 Diversity-Libel, Assault,

Slander 320 Assault, Libel, and Slander

109. Answering paragraph 39 on page 15 of Counterclaim, this answering Counterdefendant repeats and re-alleges his answers to the prior paragraphs of Counterclaim as though fully set forth herein and incorporates the same herein by reference.

110. Answering paragraph 40 on page 15 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

111. Answering paragraph 41 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

112. Answering paragraph 42 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

113. Answering paragraph 43 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

114. Answering paragraph 44 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

115. Answering paragraph 45 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

116. Answering paragraph 46 on page 16 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

Second Cause of Action

Harassment/18 U.S. Code § 1514 / 18 U.S.C. § 2261A/

18 U.S.C. Section 2425

117. Counterclaimant Crystal Cox's claim of Harassment on page 16 of Counterclaim has been dismissed with prejudice by the District Court. (*See* ECF 208 & ECF 213.) As a result, Counterdefendant is not required to respond to the allegations contained therein. Notwithstanding, Counterdefendant specifically denies the allegations contained in paragraphs 47 – 50 of Counterclaim.

Third Cause of Action

All Related Abuse of Process Laws / 28 U.S. Code § 268 0/

118. Counterclaimant Crystal Cox's claim of Abuse of Process on page 17 of Counterclaim has been dismissed with prejudice by the District Court. (*See* ECF 208 & ECF 213.) As a result, Counterdefendant is not required to respond to the allegations contained therein. Notwithstanding, Counterdefendant specifically denies the allegations contained in paragraphs 51 – 59 of Counterclaim.

Fourth Cause of Action

Attorney/Legal Malpractice, Negligence / 38 U.S. Code § 7316 / 10 U.S. Code § 1054

119. Answering paragraph 60 on page 17 of Counterclaim, this answering Counterdefendant repeats and re-alleges his answers to the prior paragraphs of Counterclaim as though fully set forth herein and incorporates the same herein by reference.

120. Answering paragraph 61 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

121. Answering paragraph 62 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

122. Answering paragraph 63 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

123. Answering paragraph 64 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

124. Answering paragraph 65 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

125. Answering paragraph 66 on page 18 of Counterclaim, this answering Counterdefendant denies the allegations contained therein.

Fifth Cause of Action

Tortious Interference / Interference with Business Advantage

126. Counterclaimant Crystal Cox's claim of Tortious Interference / Interference with Business Advantage on page 18 has been dismissed with prejudice by the District Court. (*See* ECF 208 & ECF 213.) As a result, Counterdefendant is not required to respond to the allegations contained therein. Notwithstanding, Counterdefendant specifically denies the allegations contained in paragraphs 67 – 70 of Counterclaim.

Sixth Cause of Action

Civil Conspiracy

127. Counterclaimant Crystal Cox's claim of Civil Conspiracy on page 19 has been dismissed with prejudice by the District Court. (*See* ECF 208 & ECF 213.) As a result, Counterdefendant is not required to respond to the allegations contained therein. Notwithstanding, Counterdefendant specifically denies the allegations contained in paragraphs 71 – 73 of Counterclaim.

Seventh Cause of Action

Violation of First Amendments Rights

128. Counterclaimant Crystal Cox's claim of Violation of First Amendments Rights on page 19 has been dismissed with prejudice by the District Court. (*See* ECF 208 & ECF 213.) As a result, Counterdefendant is not required to respond to the allegations contained therein. Notwithstanding, Counterdefendant specifically denies the allegations contained in paragraphs 74 – 77 of Counterclaim.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Counterdefendant states that the allegations contained in the Counterclaim fail to state a cause of action against Counterdefendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

At the time and place alleged in the Counterclaim, Counterdefendant was without negligence or other culpable fault on his part whatsoever.

THIRD AFFIRMATIVE DEFENSE

Counterdefendant alleges that the injuries, if any, suffered by the Counterclaimant as set forth in the Counterclaim were caused in whole or in part by the conduct or omission of parties not acting on behalf of Counterdefendant, and third parties over whom Counterdefendant had no control.

FOURTH AFFIRMATIVE DEFENSE

That any damage claims by Counterclaimant are speculative, are not supported by proof, and are not compensable as a matter of law.

FIFTH AFFIRMATIVE DEFENSE

The injuries complained of in the Counterclaim, if any, were not the result of willful, malicious, deliberate or reckless misconduct on the part of Counterdefendant.

SIXTH AFFIRMATIVE DEFENSE

Counterdefendant has engaged in no communication constituting libel per se as against Counterclaimant.

SEVENTH AFFIRMATIVE DEFENSE

Counterdefendant has engaged in no communication constituting libel as against Counterclaimant.

EIGHTH AFFIRMATIVE DEFENSE

Counterdefendant has engaged in no communication constituting slander as against Counterclaimant.

NINTH AFFIRMATIVE DEFENSE

To the extent Counterdefendant has engaged in any communications that have been published concerning Counterclaimant, such communications were truthful. Consequently, the truth of any such communications constitutes an absolute defense and bar to any claims for defamation asserted by the Counterclaimant.

TENTH AFFIRMATIVE DEFENSE

Counterdefendant published no defamatory communications concerning the Counterclaimant.

ELEVENTH AFFIRMATIVE DEFENSE

To the extent Counterdefendant have engaged in any communications that have been published concerning Counterclaimant, such communications were opinions which are protected speech under the First Amendment and are not actionable at law.

TWELFTH AFFIRMATIVE DEFENSE

To the extent Counterdefendant has engaged in any communications that have been published concerning Counterclaimant, such communications were made in good faith on subject matters in which Counterdefendant had an interest and were made to persons with a corresponding interest. Consequently such communications constitute an absolute defense and bar to any claims for defamation asserted by the Counterclaimant.

THIRTEENTH AFFIRMATIVE DEFENSE

To the extend Counterdefendant have engaged in any communications that have been published concerning Counterclaimant, during or in anticipation of judicial proceedings, are privileged and non- actionable.

FOURTEENTH AFFIRMATIVE DEFENSE

The relief sought by Counterclaimant is unavailable as there is no written contract, nor legal relationship between the parties upon which to base a claim of legal malpractice.

FIFTEENTH AFFIRMATIVE DEFENSE

No privity of contract existed, either express or implied, between this answering Counterdefendant and Counterclaimant.

SIXTEENTH AFFIRMATIVE DEFENSE

Counterdefendant alleges that at all times and places alleged in the Counterclaim, the contract which Counterclaimant claims was breached was void and of no force and effect whatsoever for failure of consideration.

SEVENTEENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the applicable statute of limitations.

EIGHTEENTH AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the applicable Doctrine of Laches.

NINETEENTH AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the applicable Doctrine of Unclean Hands.

TWENTIETH AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the applicable Doctrine of Estoppel.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Counterclaimant has failed to mitigate her damages.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Counterclaimant, by her acts and conduct have waived and abandoned any and all claims as alleged herein against these answering defendants.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Pursuant to F.R.C.P. Rule 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Counterdefendant's Answer and, therefore, Counterdefendant reserve the right to amend his Answer to allege additional affirmative defenses if subsequent investigation warrants.

WHEREFORE, Counterdefendant prays for relief as follows:

1. That Counterclaimant takes nothing by reason of her Counterclaim on file herein;
2. For attorney's fees and costs incurred herein; and
3. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Counterdefendant hereby demands a jury trial on all triable issues in the case pursuant to F.R.C.P. 38. Further, Counterdefendant relies on Counterclaimant's Demand for Jury Trial requested in her Counterclaim on all triable issues in the case pursuant to F.R.C.P. 38.

Dated: August 14, 2014

BREMER WHYTE BROWN & O'MEARA LLP



By: _____

Anthony T. Garasi, Esq.
State Bar No. 11134
Jared G. Christensen, Esq.
State Bar No. 11538
Attorneys for Counterdefendant
Marc Randazza

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of August, 2014, I served a copy of the foregoing **COUNTERDEFENDANT MARC RANDAZZA'S ANSWER TO COUNTERCLAIM AND DEMAND FOR JURY TRIAL** via the United States District Court CM/ECF system to the party listed below:

RANDAZZA LEGAL GROUP

Ronald D. Green, Esq.
Nevada Bar No. 7360
Theresa M. Haar,
Nevada Bar No. 12158
Attorneys for Plaintiff

and Via U.S. Mail and EMail to party requesting notice:

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