

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DOE I, and DOE II,  
Plaintiffs

: CIVIL ACTION NO.  
307CV00909 CFD

V.

ANTHONY CIOLLI, ET AL.  
Defendants

: MAY 21, 2009

**ANSWER AND AFFIRMATIVE DEFENSES OF  
DEFENDANT MATTHEW C. RYAN**

The Defendant Matthew C. Ryan ("Ryan"), as and for his Answer and Affirmative Defenses to the Second Amended Complaint in this action, hereby shows and alleges as follows:

**A. INTRODUCTION**

The Defendant does not respond to the paragraph labeled "Introduction," as it contains merely the arguments of counsel, but to the extent that any of its allegations are directed to the Defendant, the Defendant denies such allegations.

**B. PARTIES**

1. The Defendant neither admits nor denies the allegations set forth in Paragraph 1 as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

2. The Defendant neither admits nor denies the allegations set forth in Paragraph 2 as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

3. The Defendant admits the allegations set forth in Paragraph 3 to the extent of admitting that that he is a citizen of Texas and was, at certain times, a student at the University of Texas at Austin, but he denies all remaining allegations of such paragraph.

4. The Defendant does not respond to the allegations set forth in Paragraph 4 as they constitute a commentary by counsel and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

### **C. JURISDICTION**

5. The Defendant admits this Paragraph to the extent of admitting that the Plaintiffs claim that this court has jurisdiction under 28 U.S.C. § 1331, and § 1367, and 17 U.S.C. § 501, but denies that this court does, in fact, possess such jurisdiction.

6. The Defendant admits that the Plaintiffs allege that this court has jurisdiction under 28 U.S.C. § 1332, but denies that the court has jurisdiction as there is not a complete diversity of citizenship as required under such statute.

7. The Defendant admits that the Plaintiffs claim personal jurisdiction over the Defendant in Connecticut, but denies that there is personal jurisdiction over Defendant Matthew Ryan.

### **D. NATURE OF THE CASE**

8. The Defendant neither admits nor denies the allegations set forth in Paragraph 8 as he is without knowledge and information sufficient to form a belief as to

the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

9. The Defendant neither admits nor denies the allegations set forth in Paragraph 9 as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof, except that to the extent that the allegations in Paragraph 9 refer or relate to the Defendant, he denies the allegations set forth therein.

**1. AutoAdmit**

10. The Defendant neither admits nor denies the allegations set forth in Paragraph 10 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof, except that he admits that an Internet discussion board known as "AutoAdmit" has been and is publicly accessible on the Internet.

11. The Defendant neither admits nor denies the allegations set forth in Paragraph 11 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof, except the Defendant admits that at certain times, a site with the URL of <http://www.xoxoht.com> has existed, and that upon information and belief, it has included, at time, some content from the AutoAdmit website.

12. The Defendant neither admits nor denies the allegations set forth in Paragraph 12 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof, except that the Defendant admits that, upon information and belief, at least some portions of "AutoAdmit" have been publicly accessible at certain times.

13. The Defendant neither admits nor denies the allegations set forth in Paragraph 13 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof, except he admits that in general, "threads" are used within Internet blogs.

14. The Defendant neither admits nor denies the allegations set forth in Paragraph 14 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

15. The Defendant neither admits nor denies the allegations set forth in Paragraph 15 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

16. The Defendant neither admits nor denies the allegations set forth in Paragraph 16 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and

therefore leaves the Plaintiffs to their proof with respect to any persons other than the Defendant, except that with respect to the Defendant, he admits that based upon messages from others, he was led to believe that the Plaintiffs were to attend Yale Law School at the time that he posted messages on AutoAdmit, but denies all allegations that he was aware that his messages would cause any injury whatsoever.

17. The Defendant neither admits nor denies the allegations set forth in Paragraph 17 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

18. The Defendant neither admits nor denies the allegations set forth in Paragraph 18 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

19. The Defendant neither admits nor denies the allegations set forth in Paragraph 19 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

## 2. DOE I

20. The Defendant neither admits nor denies the allegations set forth in Paragraph 20 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

21. The Defendant neither admits nor denies the allegations set forth in Paragraph 21 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**a. Sexual threats and false allegations of sexual conduct and sexually transmitted disease**

22. With respect to Paragraph 22, the Defendant admits that at certain times, a thread existed on the AutoAdmit website entitled "Stupid Bitch to attend Yale Law" and that within the thread started by another, he posted a message containing the content quoted in the first bullet of Paragraph 22, but with respect to the remaining allegations contained therein, the Defendant neither admits nor denies the allegations set forth in Paragraph 22 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

23. The Defendant neither admits nor denies the allegations set forth in Paragraph 23 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

24. The Defendant neither admits nor denies the allegations set forth in Paragraph 24 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof, except to the extent that the allegations set

forth in Paragraph 24 in any way refer or relate to the Defendant, the Defendant denies the allegations set forth therein.

25. The Defendant neither admits nor denies the allegations set forth in Paragraph 25 of the Second Amended Complaint as the allegations do not refer to him and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

26. The Defendant neither admits nor denies the allegations set forth in Paragraph 26 of the Second Amended Complaint as the allegations do not refer to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

27. The Defendant neither admits nor denies the allegations set forth in Paragraph 27 of the Second Amended Complaint as the allegations do not refer to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to their proof.

28. The Defendant neither admits nor denies the allegations set forth in Paragraph 28 of the Second Amended Complaint as the allegations do not refer to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

29. In response to the allegations in Paragraph 29, the Defendant admits that in response to a thread commenced by others, he posted messages which included the words quoted therein, but as to the remaining allegations in Paragraph 29, the Defendant neither admits nor denies the allegations as he is without knowledge and

information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

30. The Defendant neither admits nor denies the allegations set forth in Paragraph 30, as they are not directed to him, and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

**b. Attempts to damage DOE I'S employment prospects**

31. The Defendant neither admits nor denies the allegations set forth in Paragraph 31 of the Second Amended Complaint as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, except to the extent that such allegations may refer to the Defendant, he denies the allegations set forth herein.

32. The Defendant neither admits nor denies the allegations set forth in Paragraph 32 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

33. The Defendant neither admits nor denies the allegations set forth in Paragraph 33 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

**c. Injury**



34. The Defendant neither admits nor denies the allegations set forth in Paragraph 34 as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiff to her proof, except that to the extent such allegations may refer to the Defendant, he denies all such allegations.

### 3. DOE II

#### a. Initial harassment of DOE II

35. The Defendant neither admits nor denies the allegations set forth in Paragraph 35 of the Complaint as the allegations set forth therein do not refer to him and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof, except that to the extent that such allegations may be inferred to relate to the Defendant, he denies all such allegations.

36. The Defendant neither admits nor denies the allegations set forth in Paragraph 36 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

37. The Defendant neither admits nor denies the allegations set forth in Paragraph 37 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

38. The Defendant neither admits nor denies the allegations set forth in Paragraph 38 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**b. The t14 contest**

39. The Defendant neither admits nor denies the allegations set forth in Paragraph 39 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

40. The Defendant neither admits nor denies the allegations set forth in Paragraph 40 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

41. The Defendant neither admits nor denies the allegations set forth in Paragraph 41 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

42. The Defendant neither admits nor denies the allegations set forth in Paragraph 42 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof, except to the extent that the vague

allegations in this paragraph purport to refer or relate to any postings by the Defendant, the Defendant denies all allegations relating to him.

**c. Continuing harassment of DOE II**

43. The Defendant neither admits nor denies the allegations set forth in Paragraph 43 as the allegations are not directed to him and he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

44. The Defendant denies the allegations set forth in Paragraph 44 to the extent that they refer to the Defendant, except that the Defendant admits that within a thread started by others, he posted the message quoted in the second-to-last and last sentence of that paragraph, but denies the remaining allegations set forth therein.

45. The Defendant denies the allegations of Paragraph 45, except that he admits that within threads, he posted the messages quoted in that paragraph, but denies the remaining allegations as set forth therein.

46. The Defendant neither admits nor denies the allegations set forth in Paragraph 46 as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**i. Descriptions of sexual violence against DOE II**

47. The Defendant neither admits nor denies the allegations set forth in Paragraph 47, as the allegations are not directed to him, and further as he is without

knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

48. The Defendant neither admits nor denies the allegations set forth in Paragraph 48, as the allegations are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

49. The Defendant neither admits nor denies the allegations set forth in Paragraph 49, as the allegations are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

50. The Defendant neither admits nor denies the allegations set forth in Paragraph 50, as the allegations are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

51. The Defendant neither admits nor denies the allegations set forth in Paragraph 51, as the allegations are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

52. The Defendant neither admits nor denies the allegations set forth in Paragraph 52, as the allegations are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**ii. False allegations of sexual conduct and sexually transmitted disease**

53. The Defendant neither admits nor denies the allegations set forth in Paragraph 53, as the allegations are not addressed to him, and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof, but to the extent that any of the vague allegations may be inferred or implied to relate to the Defendant, the Defendant denies the allegations set forth therein.

54. The Defendant neither admits nor denies the allegations set forth in Paragraph 54 as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

55. The Defendant neither admits nor denies the allegations set forth in Paragraph 55 as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

**iii. False allegations of drug abuse and homophobia**

56. The Defendant neither admits nor denies the allegations set forth in Paragraph 56, as the allegation is an argument or comment of counsel, rather than a factual averment.

57. The Defendant neither admits nor denies the allegations set forth in Paragraph 57, as it is not directed to him, and further as he is without knowledge and

information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

58. The Defendant neither admits nor denies the allegations set forth in Paragraph 58, as it is not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**iv. Threads [sic] to humiliate DOE II about her family history**

59. The Defendant denies knowledge and information sufficient to form a belief as to the truth of the matters asserted in Paragraph 59, except he admits that he did post two messages which are quoted in that paragraph, but denies the remaining allegations set forth in Paragraph 59.

60. The Defendant neither admits nor denies the allegations set forth in Paragraph 60, as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

61. The Defendant neither admits nor denies the allegations set forth in Paragraph 61, as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**v. Emails to the Yale Law School Faculty about DOE II**

62. The Defendant neither admits nor denies the allegations set forth in Paragraph 62, as they are not directed to him, and further as he is without knowledge

and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

63. The Defendant neither admits nor denies the allegations set forth in Paragraph 63, as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

64. The Defendant neither admits nor denies the allegations set forth in Paragraph 64, as they are not directed to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**vi. Email to DOE II's former employer**

65. The Defendant does respond to the allegations contained in Paragraph 65 as they do not refer or relate to this Defendant, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**vii. Threads alleging DOE II's death**

66. The Defendant does not respond to the allegations set forth in Paragraph 66, as the allegations do not relate to the Defendant, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**viii. Threads encouraging harassment of DOE II**

67. The Defendant does not respond to the allegations set forth in Paragraph 67, as they do not refer to or relate to the Defendant, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof, except that to the extent that the vague allegations may be considered to reference or relate to the Defendant, the Defendant denies such allegations.

68. The Defendant does not respond to the allegations set forth in Paragraph 68, as they do not refer to or relate to the Defendant, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

69. The Defendant does not respond to the allegations set forth in Paragraph 69, as the allegations do not refer or relate to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

70. The Defendant does not respond to the allegations set forth in Paragraph 70, as the allegations do not refer or relate to the Defendant, and further as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiff to her proof.

**d. Injury**

71. The Defendant neither admits nor denies the allegations set forth in Paragraph 71 to the extent that they do not refer or relate to him, and further as he is without knowledge and information sufficient to form a belief as to the truth of the



matters asserted therein and therefore leaves the Plaintiff to her proof, except that to the extent that such allegations in any way refer or relate to the Defendant, such allegations are denied.

#### **E. CAUSES OF ACTION**

##### **Claim I: Copyright Infringement, 17 U.S.C. § 501**

72. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

73. The Defendant neither admits nor denies the allegations set forth in Paragraph 73, as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to her proof.

74. The Defendant neither admits nor denies the allegations set forth in Paragraph 74, as they do not refer or relate to him, but to the extent that such allegations in any way refer or relate to the Defendant, such allegations are denied.

##### **Claim II: Appropriation of another's name or likeness**

75. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

76. The Defendant neither admits nor denies the allegations set forth in Paragraph 76, as they do not relate to him, and as he is without knowledge and

information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

77. The Defendant neither admits nor denies the allegations set forth in Paragraph 77, as they do not relate to him, and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

78. The Defendant neither admits nor denies the allegations set forth in Paragraph 78, as they do not relate to him, and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

79. The Defendant neither admits nor denies the allegations set forth in Paragraph 79, as they do not relate to him, and as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein, and therefore leaves the Plaintiffs to their proof.

**Claim III: Unreasonable publicity given to another's life**

80. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

81. The Defendant denies the vague allegations set forth in Paragraph 81 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge

and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

82. The Defendant denies the allegations set forth in Paragraph 82 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

83. The Defendant denies the allegations set forth in Paragraph 83 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

**Claim IV: Publicity that places another in a false light before the public**

84. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

85. The Defendant denies the allegations set forth in Paragraph 85 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

86. The Defendant denies the allegations set forth in Paragraph 86 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

87. The Defendant denies the allegations set forth in Paragraph 87 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

**Claim V: Intentional infliction of emotional distress**

88. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

89. The Defendant denies the allegations set forth in Paragraph 89 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

90. The Defendant denies the allegations set forth in Paragraph 90 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and

information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

91. The Defendant denies the allegations set forth in Paragraph 91 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

92. The Defendant denies the allegations set forth in Paragraph 92 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

93. The Defendant denies the allegations set forth in Paragraph 93 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

**Claim VI: Negligent infliction of emotional distress**

94. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

95. The Defendant denies the allegations set forth in Paragraph 95 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

96. The Defendant denies the allegations set forth in Paragraph 96 to the extent that they refer or relate to of the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

97. The Defendant denies the allegations set forth in Paragraph 97 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

98. The Defendant denies the allegations set forth in Paragraph 98 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

**Claim VII: Libel**

99. The Defendant repeats and reiterates each and every response set forth in the preceding paragraphs of this Answer and Affirmative Defenses as if fully set forth herein.

100. The Defendant denies the allegations set forth in Paragraph 100 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

101. The Defendant denies the allegations set forth in Paragraph 101 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

102. The Defendant denies the allegations set forth in Paragraph 102 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

103. The Defendant denies the allegations set forth in Paragraph 103 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and

information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

104. The Defendant denies the allegations set forth in Paragraph 104 to the extent that they refer or relate to the Defendant, and as to the remaining allegations, the Defendant neither admits nor denies such allegations as he is without knowledge and information sufficient to form a belief as to the truth of the matters asserted therein and therefore leaves the Plaintiffs to their proof.

### **AFFIRMATIVE DEFENSES**

#### **As and for a First Affirmative Defense**

This Court is without subject matter jurisdiction over the Defendant.

#### **As and for a Second Affirmative Defense**

This Court is without personal jurisdiction over the Defendant.

#### **As and for a Third Affirmative Defense**

The messages allegedly posted by the Defendant, as alleged in the Complaint, are not actionable as they constitute protected speech.

#### **As and for a Fourth Affirmative Defense**

The messages allegedly posted by the Defendant, as alleged in the Complaint, are not actionable as they constitute opinion and/or under the context.

#### **As and for a Fifth Affirmative Defense**

To the extent that either or both of the Plaintiffs sustained any damage or injury as a result of the conduct alleged in their Second Amended Complaint, which allegations the Defendant denies, such damages or injury were caused by the conduct



and statements of others, including other defendants and third parties, rather than of the Defendant, and thus the Defendant is not liable or responsible for any such alleged harm or damage.

**As and for a Sixth Affirmative Defense**

To the extent that the Plaintiffs sustained any injury or damage as a result of the dissemination of the allegedly actionable messages, which the Defendant denies, upon information and belief such alleged injury or damage was caused or contributed to, in whole or in part, by their conduct and by the conduct of their representatives and/or agents.

**As and for a Seventh Affirmative Defense**

One or both of the Plaintiffs became limited purpose public figures, by virtue of their participation in the blogging activity and by virtue of their providing interviews to news media.

THE DEFENDANT:  
MATTHEW C. RYAN

By

  
JOSEPH G. FORTNER, JR.

Fed. Bar #ct 04602

SUSAN O'DONNELL

Fed. Bar # ct07539

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**CERTIFICATION**

This is to certify that on this 21<sup>st</sup> day of May 2009, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

  
\_\_\_\_\_  
Joseph G. Fortner Jr.