UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DONALD G. GROSS Plaintiff, v. AKIN GUMP STRAUSS HAUER & FELD LLP Defendant.

Civil Action No. 07-399 (EGS)

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO AMEND ANSWER AND FILE COUNTERCLAIMS

Comes now Plaintiff Donald G. Gross and responds to Defendant's Motion to Amend Answer and File Counterclaims ("Motion"). In its Motion, Defendant sets forth a new "afteracquired evidence" defense and two counterclaims for breach of duty of loyalty and tortious interference with economic advantage.

Defendant's new affirmative defense and counterclaims are devoid of merit, and Defendant cannot make out the elements of any of these new claims. Moreover, Defendant's decision to file the amendments and proposed counterclaims after the initiation of Plaintiff's lawsuit is intended to create a chilling effect on Plaintiff's pursuit of his discrimination claims and is, therefore, retaliatory.

Given the liberal amendment and supplementation standards under Rule 15, however, Plaintiff will not otherwise offer grounds under that Rule in opposition to Defendant's Motion. *See* Fed. R. Civ. P. 15(a), 15(d).

Respectfully Submitted, WEBSTER, FREDRICKSON & BRACKSHAW

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this *9th* day of July, 2007, a copy of the forgoing Response to Defendant's Motion to Amend Answer and File Counterclaims was sent by first class mail, postage prepaid, and transmitted electronically to:

Christine Nicolaides Kearns Pillsbury Winthrop Shaw Pittman, LLP 2300 N St., N.W. Washington, DC 20037

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