

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division

COSTAR REALTY INFORMATION,
INC., et al.

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Plaintiffs,

v.

*

Case No.: 8:06-CV-00655-PJM

ATKINSON HUNT, et al.

*

Defendants.

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**DEFENDANT ATKINSON HUNT’S ANSWER
TO THE CROSS CLAIMS OF DEFENDANT RESOURCE
REALTY AND CROSS CLAIMS**

Defendant Laser Marketing, Inc., trading under the name “Atkinson Hunt,” answers the Cross Claims filed against it by Defendant Resource Realty, and says as follows:

1. Answering the First Count of the Cross Claims, Atkinson Hunt denies the averments of Defendant Resource Realty.

2. Answering the Second Count of the Cross Claims, Atkinson Hunt denies the averments of Defendant Resource Realty.

ADDITIONAL AND AFFIRMATIVE DEFENSES

3. This Court lacks jurisdiction over Atkinson Hunt.

4. This District is not a proper venue for this action.

5. The Cross Claims fail to state a cause of action upon which relief can be granted.

6. Defendant Resource Realty lacks privity with Atkinson Hunt.

7. Defendant Resource Realty has unclean hands, and Defendant Resource has otherwise conducted its activities and business in an inequitable manner.

8. Defendant Resource Realty acted with contributory negligence.

9. Defendant Resource Realty is estopped by its own conduct .

10. Defendant Resource Realty is barred by laches.

11. Defendant Resource Realty is barred by limitations.

16. Defendant Resource Realty has no damages.

17. Defendant Resource Realty has failed to mitigate damages.

18. Atkinson Hunt relied upon the representations, assurances and statements made by Defendant Resource Realty.

19. Defendant Resource Realty's cross claims fail for lack of consideration.

20. Defendant Resource Realty extended its license to Atkinson Hunt.

WHEREFORE, having fully responded, Atkinson Hunt prays that Defendant Resource Realty's Cross Claims be dismissed, that Atkinson Hunt be awarded its attorney's fees and costs, and that Atkinson Hunt be granted such other and further relief as may be just, necessary, or otherwise appropriate.

_____/S/_____
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CROSS CLAIMS AGAINST RESOURCE REALTY

Atkinson Hunt cross claims against Defendant Resource Realty of Southern New Jersey as follows:

COUNT I

Atkinson Hunt denies and has denied any and all liability to Plaintiffs. In the event Atkinson Hunt is held liable to Plaintiffs, Atkinson Hunt demands contribution from Defendant Resource Realty.

WHEREFORE, Atkinson Hunt demands judgment against Defendant Resource Realty, individually, jointly and/or severally for compensatory and consequential damages, attorney's fees and expenses, cost of this suit and such other and further relief as the Court may deem just.

COUNT II

Atkinson Hunt denies and has denied any and all liability to Plaintiffs. In the event Atkinson Hunt is held liable to Plaintiffs, Atkinson Hunt demands indemnity from Defendant Resource Realty.

WHEREFORE, Atkinson Hunt demands judgment against Defendant Resource Realty, individually, jointly and/or severally for compensatory and consequential damages, attorney's fees and expenses, cost of this suit and such other and further relief as the Court may deem just.

DEMAND FOR JURY TRIAL

Defendant Atkinson Hunt demands trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 2006, a copy of the foregoing Defendant Atkinson Hunt's Answer To Cross Claims was filed and served in accordance with the Court's CM/ECF guidelines upon:

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_____/s/_____
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