

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 06 CA 11370 MLW
v.	)	
	)	
REED ELSEVIER INCORPORATED,	)	
d/b/a/ LexisNexis,	)	
LexisNexis Risk and Information Analytics Group,	)	
	)	
Defendant.	)	

**REED ELSEVIER INC.’S ANSWER TO AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 8 and 15, defendant Reed Elsevier Inc. (“Reed”) answers the allegations set forth in Christine Varad’s (“Plaintiff”) Amended Complaint as follows.

**PARTIES**

1. Reed is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Complaint.
2. Reed admits that it is a corporation conducting business at 275 Washington Street, Newton, Massachusetts, but denies the remaining allegations set forth in paragraph 2 of the Complaint. Further responding, Reed states that it is a Massachusetts corporation and that it is a separate legal entity from LexisNexis Risk and Information Analytics Group, Inc., and that Reed is not doing business as, LexisNexis, LexisNexis Risk and Information Analytics Group, Inc.

**JURISDICTION**

3. Reed states that the allegations in paragraph 3 of the Complaint merely summarize the Plaintiff’s claims and therefore no response is required. To the extent that a

response is required, Reed denies that it has violated the Plaintiff's rights under the Fair Credit Reporting Act.

4. Reed states that the allegations set forth in paragraph 4 of the Complaint state a conclusion of law to which no response is required.

5. Reed states that the allegations set forth in paragraph 5 of the Complaint state a conclusion of law to which no response is required.

6. Reed states that the allegations set forth in paragraph 6 of the Complaint state a conclusion of law to which no response is required.

7. Reed states that the allegations set forth in paragraph 7 of the Complaint state a conclusion of law to which no response is required. Further responding, Reed denies that a substantial part of the events giving rise to the Plaintiff's claims occurred within the District of Massachusetts.

**CAUSE OF ACTION**

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

11. Denied.
12. Denied.
13. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of estoppel.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of laches.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff has waived her claims.

**FIFTH AFFIRMATIVE DEFENSE**

If the Plaintiff has suffered any damages, which Reed expressly denies, any such damages were caused by the Plaintiff's own negligence and/or acts or omissions.

**SIXTH AFFIRMATIVE DEFENSE**

If the Plaintiff has suffered any damages, which Reed expressly denies, the Plaintiff has failed to act in a reasonable and timely matter to mitigate them.

**SEVENTH AFFIRMATIVE DEFENSE**

If the Plaintiff has suffered any damages, which Reed expressly denies, Reed's conduct was not the proximate cause of the Plaintiff's damages.

**EIGHTH AFFIRMATIVE DEFENSE**

If the Plaintiff has suffered any damages, which Reed expressly denies, any such damages were caused by someone other than Reed.

**NINTH AFFIRMATIVE DEFENSE**

With regard to the Plaintiff's c. 93A claim, the conduct alleged did not occur substantially and primarily in Massachusetts and/or was not unfair and/or deceptive.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff has not satisfied the requirements of M.G.L. c. 93A §§ 2 and 9, including service of a demand letter on Reed at least thirty days in advance of filing this action.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because she has failed to name the real party in interest.

**TWELVTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because the information at issue is not false.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiff has not satisfied the statutory requirements of the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the applicable Statutes of Limitation.

**FIFTHTEENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred because the address information at issue is not defamatory.

**SIXTHTEENTH AFFIRMATIVE DEFENSE**

Reed hereby gives notice that it may rely on other defenses as they may become apparent or available during discovery. Reed accordingly reserves the right to assert any such additional defenses.

**REQUESTS FOR RELIEF**

Reed respectfully requests the Court to:

- A. Dismiss with prejudice the Complaint;
- B. Award Reed its costs, expenses and attorney's fees; and
- C. Enter such further relief as is just.

REED ELSEVIER INC.

By its attorneys,

/s/ Kristin M. Cataldo

T. Christopher Donnelly (BBO #129930)  
Kristin M. Cataldo (BBO #654033)  
Donnelly, Conroy & Gelhaar, LLP  
One Beacon Street, 33<sup>rd</sup> Floor  
Boston, Massachusetts 02108  
(617) 720-2880

Dated: May 1, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of May, 2007, I caused a copy of the foregoing to be served on the following by regular mail:

Christine M. Varad  
P.O. Box 583  
Milton, MA 02186

/s/ Kristin M. Cataldo

Kristin M. Cataldo