



3. Plaintiff denies the allegations contained in paragraph 96. Jones denies publishing any false statements, whether in writing or orally, asserting affirmatively that Defendant Bortz and/or an accomplice drugged her and brutally raped her. Statements Jones has made in this regard are true.

4. Plaintiff denies the allegations contained in paragraph 97. Jones denies she has made statements about Defendant Bortz that are false. Jones denies that she knew statements she made about Defendant Bortz were false or that she made them with reckless disregard of the truth. Jones further denies that she made any false statement about Bortz with the intent to cause substantial injury or harm to Bortz. Jones further denies that Bortz has sustained general or special damages.

5. Plaintiff denies the allegations contained in paragraph 98. Jones denies that her written statements regarding Bortz are libel as defined by the Texas Civil Practice & Remedies Code or that her statements about Bortz were calculated to injure Bortz's reputation. Jones further denies that her statements about Bortz were calculated to impeach Bortz's honesty, integrity, virtue or reputation. Rather, Bortz' character for honesty, integrity, virtue and reputation can be gleaned from the fact that he raped the unconscious Jones.

6. Plaintiff denies the allegations contained in paragraph 99. Jones denies that her statements about Bortz drugging and raping her are false.

7. Plaintiff denies the allegations contained in paragraph 100. Jones denies that her statements about Bortz drugging and raping her are false.

8. Plaintiff denies the allegations contained in paragraph 101. Jones denies that her statements about Bortz drugging and raping her are false. Jones denies that her communication to third parties was unjustified.

9. Plaintiff denies the allegations contained in paragraph 102. Jones denies that her statements about Bortz drugging and raping her are false. Jones further denies that Bortz has sustained damages.

10. Plaintiff denies the allegations contained in paragraph 103. Jones denies that her statements about Bortz drugging and raping her are false. Jones further denies that Bortz has sustained damages.

11. Plaintiff denies the allegations contained in paragraph 104. Jones denies that her statements about Bortz drugging and raping her are false or that she acted with malice. Jones further denies that Bortz has sustained damages.

12. Plaintiff denies the allegations contained in paragraph 105. Jones denies that her statements about Bortz drugging and raping her are false or that she acted with malice. Jones further denies that Bortz has sustained damages or is entitled to any relief.

### **III. Affirmative Defenses**

13. Defendant's counter-claims are barred by the applicable statute of limitations and/or the doctrine of laches.

### **IV. Conclusion & Prayer**

14. For the reasons stated herein and in the interest of justice, Plaintiff respectfully requests and prays that Defendant take nothing by reason of this counter-claim, and go hence forth without his fees or costs. Plaintiff further requests and prays for all other relief that she may show herself entitled to receive.

Respectfully submitted,

/s/ L. Todd Kelly

**THE KELLY LAW FIRM, P.C.**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record listed below, certified mail, return receipt requested, regular mail and/or facsimile transmission, on this 11<sup>th</sup> day of October 2010:

**Via US Mail and Facsimile 713-226-6241**

Daniel K. Hedges  
Porter & Hedges, L.L.P.  
1000 Main Street, 36<sup>th</sup> Floor  
Houston, Texas 77002

/s/ L. Todd Kelly

L. Todd Kelly