

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALICIA ETHEREDGE-BROWN and ROBERT :  
BROWN, :  
: Index No. 13-CV-1982 (JPO)

Plaintiffs, :

-against- : ECF Case

AMERICAN MEDIA, INC., and DERRICK :  
HANDSPIKE, :

Defendants. :

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**ANSWER OF AMERICAN MEDIA, INC., AND  
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant American Media, Inc. ("defendant" or "AMI"), by and through its undersigned counsel, hereby answers plaintiff's Complaint as follows:

**JURISDICTION**

1. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.
2. Defendant admits the allegations in paragraph 2 of the Complaint for jurisdictional purposes only, and otherwise denies them.
3. Defendant admits that plaintiff seeks more than one million dollars in damages, and otherwise denies the allegations in paragraph 3 of the Complaint.

**PARTIES**

4. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.
5. Defendant admits the allegations contained in Paragraph 5 of the Complaint.

6. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Defendant admits that it published the article attached as Exhibit A to the Complaint, and denies the remaining allegations in paragraph 7 of the Complaint.

8. Defendant denies the allegations in paragraph 8 of the Complaint.

9. Defendant denies the allegations in paragraph 9 of the Complaint.

10. Defendant denies the allegations in paragraph 10 of the Complaint.

11. Defendant denies the allegations in paragraph 11 of the Complaint.

12. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Upon information and belief, Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies the allegations in paragraph 14 of the Complaint.

15. Defendant refers the Court to the article at issue for the true and correct contents therein, and denies the allegations in paragraph 15 of the Complaint.

16. Defendant denies the allegations in paragraph 16.

17. Admits that AMI did not speak with Brown in connection with the article at issue, and denies the remaining allegations in paragraph 17 of the Complaint.

18. Defendant is without information or knowledge sufficient to form a belief as to the truth of Brown's relationship with his fiancée or Houston's relationship with another individual, and denies the remaining allegations contained in Paragraph 18 of the Complaint.

**COUNT I**

19. Defendant incorporates by reference its responses to Paragraphs 1-18 of the Complaint as if fully set forth herein.

20. Defendant denies the allegations in paragraph 20 of the Complaint.

21. Defendant denies the allegations in paragraph 21 of the Complaint.

22. Defendant denies the allegations in paragraph 22 of the Complaint.

23. Defendant denies the allegations in paragraph 23 of the Complaint.

24. Defendant denies the allegations in paragraph 24 of the Complaint.

25. Defendant denies the allegations in paragraph 25 of the Complaint.

26. Defendant denies the allegations in paragraph 26 of the Complaint.

**COUNT II**

27. Defendant incorporates by reference its responses to Paragraphs 1-26 of the Complaint as if fully set forth herein.

28. Defendant denies the allegations in paragraph 28 of the Complaint.

29. Defendant denies the allegations in paragraph 29 of the Complaint.

30. Defendant denies the allegations in paragraph 30 of the Complaint.

31. Defendant denies the allegations in paragraph 31 of the Complaint.

32. Defendant denies the allegations in paragraph 32 of the Complaint.

33. Defendant denies the allegations in paragraph 33 of the Complaint.

34. Defendant denies the allegations in paragraph 34 of the Complaint.

To the extent a response is required, Defendant denies the allegations contained in the unnumbered paragraph beginning "WHEREFORE" at the conclusion of Count Two, and deny that Plaintiff is entitled to any of the relief requested.

**AFFIRMATIVE DEFENSES**

Without assuming the burden of proof of such defenses that it would not otherwise bear, Defendant asserts the following separate and affirmative defenses to the Complaint:

**Defense No. 1**

Defendants' statements in the Report are protected by the First Amendment to the Constitution of the United States and the comparable provisions of the New York Constitution.

**Defense No. 2**

The statements of fact concerning the Plaintiff are true or substantially true and Plaintiff therefore cannot carry his burden of proving that they are substantially false.

**Defense No. 3**

Plaintiff's claims are barred by the applicable statute of limitations.

**Defense No. 4**

Plaintiff's claims are barred by the doctrine of laches and "unclean hands."

**Defense No. 5**

The statements in the Report constitute privileged fair comment or reports on matters of public interest and concern.

**Defense No. 6**

At all times relevant to the Complaint, Plaintiff was a public figure and/or a limited purpose public figure, and cannot prove by clear and convincing evidence that Defendants published actionable statements with actual malice.

**Defense No. 7**

Plaintiff's claims are barred, in whole or in part, by the incremental harm doctrine.

**Defense No. 8**

Plaintiff's claims are barred, in whole or in part, because he is libel-proof.

**Defense No. 9**

The statements in the Report are not reasonably susceptible of the defamatory meaning that Plaintiff ascribes to them.

**Defense No. 10**

Plaintiff cannot sustain his burden of proving that he has suffered any damage proximately caused by Defendants.

**Defense No. 11**

If Plaintiff was damaged, which Defendants deny, he was damaged by the conduct of persons other than Defendants.

**Defense No. 12**

By reason of the First and Fourteenth Amendments to the Constitution of the United States, the Defendants are immune from liability for punitive damages under the circumstances alleged in the Complaint.

**Defense No. 13**

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

**Defense No. 14**

The Defendants were legally justified in all of their conduct placed at issue by the Complaint.

**WHEREFORE**, Defendants requests that the Court enter judgment in its favor and against plaintiff, award to Defendant its costs, and grant to Defendant such other and further relief as the Court may deem just.

Dated: April \_\_, 2014

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ,  
L.L.P.

By:  /s/ Cameron Stracher

theJasmineBRAND.com

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CERTIFICATE OF SERVICE

I certify that on April 9 2014, a copy of the foregoing document was filed using the CM/ECF system, which will send notification of such filing to:

Christopher L. Brown  
Brown & Rosen LLC  
77 Franklin Street, 3rd Floor  
Boston, MA 02110

ATTORNEY FOR PLAINTIFF

/s/ Cameron Stracher