

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON

SARAH JONES, a/k/a/
JANE DOE,

Plaintiff,

v.

DIRTY WORLD
ENTERTAINMENT
RECORDINGS LLC dba
THEDIRT.COM, HOOMAN
KARAMIAN aka NIK
RICHIE aka CORBIN
GRIMES, DIRTY WORLD,
LLC dba THEDIRTY.COM,
and DIRTY WORLD
ENTERTAINMENT, LLC
dba THEDIRTY.COM,

Defendants.

Case No. 2:09-cv-00219-WOB

Judge William O. Bertelsman

**DIRTY WORLD, LLC'S
ANSWER TO PLAINTIFF'S
SECOND AMENDED
COMPLAINT**

Now Comes Defendant Dirty World, LLC d/b/a THEDIRTY.COM ("DW"), by counsel, in Answer to the allegations made against it in Plaintiff Sarah Jones' Second Amended Complaint, states as follows:

FIRST DEFENSE

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff's Second Amended Complaint filed herein fails to state a cause of action upon which relief can be granted, as DW is entitled to immunity pursuant to the Communications Decency Act, 47 U.S.C. § 230(c)(1) ("CDA"). As such, Plaintiff's Second Amended Complaint must be dismissed.

SECOND DEFENSE

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Plaintiff's Second Amended Complaint must be dismissed, as this Court lacks personal jurisdiction over DW.

THIRD DEFENSE

JURISDICTION

1. Answering Paragraph 1 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

2. Answering Paragraph 2 of Plaintiff's Second Amended Complaint, of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

3. Answering Paragraph 3 of Plaintiff's Second Amended Complaint, DW states that Nik Richie-Lamas, formerly known as Hooman Karamian, is a citizen of the state of Arizona and maintains posts and posts commentary on posts appearing on the website thedirty.com. DW denies all remaining allegations contained in this paragraph. Furthermore, to the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

4. Answering Paragraph 4 of Plaintiff's Second Amended Complaint, DW admits only that it does business as thedirty.com, that it is a limited liability company incorporated in the State of Delaware, and that it has a principal place of business in the state of Arizona. As to the remaining allegations contained within this paragraph, DW states that these allegations constitute legal conclusions to which no response on its behalf is required and of which it demands strict proof.

5. Answering Paragraph 5 of Plaintiff's Second Amended Complaint, DW denies that Defendant Dirty World Entertainment, LLC does business as thedirty.com. As to the remaining allegations contained within this paragraph, DW states that it is without knowledge or

information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

6. Answering Paragraph 6 of Plaintiff's Second Amended Complaint, DW states that these allegations constitute legal conclusions to which no response on its behalf is required and of which it demands strict proof.

7. Answering Paragraph 7 of Plaintiff's Second Amended Complaint, DW admits only that its website, thedirty.com, is accessible to persons in the Commonwealth of Kentucky. DW denies that it transacted business in the Commonwealth of Kentucky, that it had sufficient minimum contacts in the Commonwealth of Kentucky, and that a substantial part of the alleged events omissions giving rise to claim occurred in the Commonwealth of Kentucky. DW states that the allegation as to proper venue is a legal conclusion to which no response on its behalf is required and of which it demands strict proof. As to the remaining allegations contained within this paragraph, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

BACKGROUND

8. Answering Paragraph 8 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 7 of Plaintiff's Second Amended Complaint as if fully set forth herein.

9. Answering Paragraph 9 of Plaintiff's Second Amended Complaint, DW admits only that on December 7, 2009, a post referring to Plaintiff appeared on thedirty.com. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations. As to the remaining allegations contained within this

paragraph, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

10. Answering Paragraph 10 of Plaintiff's Second Amended Complaint, DW denies that it published that it is "sure that the Plaintiff has Chlamydia and Gonorrhea. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations. As to the remaining allegations contained within this paragraph, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof.

11. Answering Paragraph 11 of Plaintiff's Second Amended Complaint, DW admits that the post in question was available on the Internet at <http://thedirty.com/2009/12/07/the-dirty-bengals-cheerleader/>. "Until recently" is an undefined term and, therefore, DW denies such allegation and demands strict proof thereof.

12. Answering Paragraph 12 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

13. Answering Paragraph 13 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

14. Answering Paragraph 14 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

15. Answering Paragraph 15 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

16. Answering Paragraph 16 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

17. Answering Paragraph 17 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

18. Answering Paragraph 18 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

19. Answering Paragraph 19 of Plaintiff's Second Amended Complaint, DW admits the allegations contained therein. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

20. Answering Paragraph 20 of Plaintiff's Second Amended Complaint, DW states that it is without knowledge or information sufficient to admit or deny the allegations contained therein and therefore demands strict proof thereof. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

21. Answering Paragraph 21 of Plaintiff's Second Amended Complaint, DW admits the allegations contained therein. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

22. Answering Paragraph 22 of Plaintiff's Second Amended Complaint, DW admits the allegations contained therein. To the extent that this paragraph alleges liability on the part of DW and/or Nik Richie-Lamas, DW denies any and all such allegations.

COUNT I -- DEFAMATION

23. Answering Paragraph 23 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 22 of Plaintiff's Second Amended Complaint as if fully set forth herein.

24. Answering Paragraph 24 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

25. Answering Paragraph 25 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie/Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

26. Answering Paragraph 26 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

27. Answering Paragraph 27 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

COUNT II – LIBEL PER SE

28. Answering Paragraph 28 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 27 of Plaintiff's Second Amended Complaint as if fully set forth herein.

29. Answering Paragraph 29 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof..

30. Answering Paragraph 30 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

31. Answering Paragraph 31 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

32. Answering Paragraph 32 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

33. Answering Paragraph 33 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

34. Answering Paragraph 34 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

COUNT III – LIBEL PER SE

35. Answering Paragraph 35 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 34 of Plaintiff's Second Amended Complaint as if fully set forth herein.

36. Answering Paragraph 35 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

37. Answering Paragraph 37 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge

or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

38. Answering Paragraph 38 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

39. Answering Paragraph 39 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

40. Answering Paragraph 40 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

41. Answering Paragraph 41 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

COUNT IV – PUBLICITY THAT PLACES ANOTHER IN A FALSE LIGHT

42. Answering Paragraph 42 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 41 of Plaintiff's Second Amended Complaint as if fully set forth herein.

43. Answering Paragraph 43 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

44. Answering Paragraph 44 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge

or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

45. Answering Paragraph 45 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

46. Answering Paragraph 46 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein.

47. Answering Paragraph 47 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

48. Answering Paragraph 48 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

COUNT V – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

49. Answering Paragraph 49 of Plaintiff's Second Amended Complaint, DW states that this paragraph contains only an introductory statement to which no response on its behalf is required. To the extent that a response by DW is deemed necessary, DW re-alleges and incorporates by reference its responses to Paragraphs 1 through 48 of Plaintiff's Second Amended Complaint as if fully set forth herein.

50. Answering Paragraph 50 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas.

As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

51. Answering Paragraph 51 of Plaintiff's Second Amended Complaint, DW denies the allegations contained therein to the extent that they pertain to DW and/or Nik Richie-Lamas. As to the remainder of the allegations contained therein, DW states that it is without knowledge or information sufficient to admit or deny such allegations and therefore demands strict proof thereof.

52. DW denies each and every allegation contained within Plaintiff's Second Amended Complaint not specifically admitted herein.

53. DW denies that Plaintiff is entitled to any of the relief sought in the prayer for relief in Plaintiff's Second Amended Complaint.

FOURTH DEFENSE

DW states that Plaintiff is or may be a public figure.

FIFTH DEFENSE

DW states that discovery has not yet commenced. To the extent that discovery reveals that some or all of the allegedly actionable statements may be true, such truth, if proven, would provide DW with a defense to Plaintiff's claims as set forth in her Second Amended Complaint.

SIXTH DEFENSE

DW states that Plaintiff has or may have failed to join a necessary and indispensable party.

SEVENTH DEFENSE

DW states that some or all of the allegedly actionable statements are purely statements of opinion and, thus, no action can be maintained against the speaker of the alleged actionable statements.

EIGHTH DEFENSE

To the extent that Plaintiff's Second Amended Complaint asserts that Plaintiff is entitled to recover punitive or exemplary damages, DW asserts the following defenses:

1. Plaintiff's claims for punitive damages violate, and are therefore barred by, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America on grounds including the following:

- (a) it is a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution to impose punitive damages, which are penal in nature, against a civil defendant upon Plaintiff satisfying a burden of proof that is less than the "beyond a reasonable doubt" burden of proof required in criminal cases;
- (b) the procedures pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing, which infringes upon the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution;
- (c) the procedures to which punitive damages are awarded fail to provide a reasonable limit on the amount of the award against DW, which thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution;

- (d) the procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of the award of punitive damages which thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution;
- (e) the procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts, and thus violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;
- (f) the procedures pursuant to which punitive damages are awarded permit the imposition of punitive damages in excess of the maximum criminal fine for the same or similar conduct, which thereby infringes upon the Due Process Clause of the Fifth and Fourteenth Amendments and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;
- (g) the procedures pursuant to which punitive damages are awarded permit the imposition of excessive fines in violation of the Eighth Amendment of the United States Constitution;
- (h) the award of punitive damages to Plaintiff in this action would constitute a deprivation of property without due process of law; and
- (i) the procedures pursuant to which punitive damages are awarded permit the imposition of an excessive fine and penalty.

NINTH DEFENSE

DW reserves unto itself any and all defenses, as set forth in Federal Rules of Civil Procedure 8 and 12, as may be shown by discovery and/or additional investigation in this matter.

WHEREFORE, Defendant Dirty World, L.L.C., having answered the allegations contained in Plaintiff's Second Amended Complaint, respectfully requests that this Court enter its Order dismissing Plaintiff's Second Amended Complaint against it, entering judgment in its favor, awarding it all of its costs and attorneys' fees incurred in the defense of this civil action, and for such other relief as this Court may deem just and proper.

DIRTY WORLD, LLC

/s Alexander C. Ward
Of Counsel

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**Counsel for Defendant,
Dirty World, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2011, I electronically filed the foregoing Answer to Plaintiff's Second Amended Complaint with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s Alexander C. Ward
Counsel for Defendants,
Dirty World, LLC