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9 Counsel for Defendant
10 Ann C. Logue

11 * Subject to Admission Pro Hac Vice Application
12 For Which Will Be Filed Promptly Hereafter

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION
16

17 **KEITH GILABERT,**

18 Plaintiff,

19 – vs –

20 ANN C. LOGUE, ANN LOGUE.com,
21 AARON KROWNE, ANITA
BARTHOLOMEW, Hf-implode.com.,
22 hfimplode.com, hedgefundimplode.com,
hedgefundimplosion.com, implode-
23 explode.com, blog.ml-implode.com, builder-
implode.com and DOES 1-50, inclusive,

24 Defendants.
25
26

Case No. CV13-00578 GHK (MRWx)

ANSWER OF DEFENDANT
ANN C. LOGUE

1 Now comes Defendant Ann C. Logue, by and through undersigned counsel, and for her
2 Answer to the Complaint of Plaintiff Keith Gilabert in the captioned matter, does state as follows:

3 – **RESPONSE TO ALLEGATIONS COMMON TO ALL CAUSES OF ACTION** –

4 1. This answering Defendant admits each and every one of the allegations set forth in
5 Paragraph 1 of the Complaint.

6 2. This answering Defendant admits that she is a blogger, admits that she has
7 contributed articles to a website maintained at www.annlogue.com, admits that she contributed, on
8 one occasion, to the website maintained at hf-implode.com, and specifically denies each and every
9 remaining allegation set forth in Paragraph 2 of the Complaint.

10 3. This answering Defendant admits that Aaron Krowne is a blogger, denies that he has
11 ever published material on the site maintained at www.annlogue.com and denies for want of
12 information sufficient to form an opinion or belief each and every one of the remaining allegations
13 set forth in Paragraph 3 of the Complaint.

14 4. This answering Defendant denies for want of information sufficient to form an
15 opinion or belief each and every one of the allegations set forth in Paragraph 4 of the Complaint.

16 5. This answering Defendant denies for want of information sufficient to form an
17 opinion or belief each and every one of the allegations set forth in Paragraph 5 of the Complaint.

18 6. This answering Defendant denies for want of information sufficient to form an
19 opinion or belief each and every one of the allegations set forth in Paragraph 6 of the Complaint.

20 7. This answering Defendant denies for want of information sufficient to form an
21 opinion or belief each and every one of the allegations set forth in Paragraph 7 of the Complaint.

22 8. This answering Defendant denies for want of information sufficient to form an
23 opinion or belief each and every one of the allegations set forth in Paragraph 8 of the Complaint.

24 9. This answering Defendant denies for want of information sufficient to form an
25 opinion or belief each and every one of the allegations set forth in Paragraph 9 of the Complaint.

1 10. This answering Defendant denies for want of information sufficient to form an
2 opinion or belief each and every one of the allegations set forth in Paragraph 10 of the Complaint.

3 11. This answering Defendant denies for want of information sufficient to form an
4 opinion or belief each and every one of the allegations set forth in Paragraph 11 of the Complaint.

5 12. This answering Defendant denies each and every one of the allegations set forth in
6 Paragraph 12 of the Complaint.

7 13. This answering Defendant denies for want of information sufficient to form an
8 opinion or belief each and every one of the allegations set forth in Paragraph 13 of the Complaint.

9 14. This answering Defendant denies each and every one of the allegations set forth in
10 Paragraph 14 of the Complaint.

11 15. This answering Defendant admits that on or about November 14, 2011, Plaintiff sent
12 a cease-and-desist notice to Defendant Krowne, and denies for want of information sufficient to
13 form and opinion or belief each and every remaining allegation and inference set forth in Paragraph
14 15 of the Complaint.

15 16. This answering Defendant denies for want of information sufficient to form an
16 opinion or belief each and every one of the allegations set forth in Paragraph 16 of the Complaint.

17 17. This answering Defendant denies each and every one of the allegations set forth in
18 Paragraph 17 of the Complaint.

19 18. This answering Defendant denies each and every one of the allegations set forth in
20 Paragraph 18 of the Complaint.

21 19. This answering Defendant admits that on or about May 1, 2012, Anita Bartholomew
22 posted a comment on the website maintained at www.annlogue.com, admits that in that comment
23 the Plaintiff was referred to as a scammer, and denies each of the remaining allegations and
24 inferences set forth in Paragraph 19 of the Complaint.

25 20. This answering Defendant denies each and every one of the allegations set forth in
26 Paragraph 20 of the Complaint.

1 **Fourth Affirmative Defense**

2 28. As a separate and distinct defense, this Answering Defendant alleges that the
3 statements of which the Plaintiff complains are privileged under the Constitutions of both the United
4 States and the State of California in that they are true, concern public proceedings and matters of
5 general public interest.

6 **Fifth Affirmative Defense**

7 29. As a separate and distinct defense, this Answering Defendant alleges that the
8 statements of which the Plaintiff complains are privileged in that they constitute a fair, true and
9 good-faith reporting, in a public journal, of matters published and/or said in the course of a public
10 proceeding.

11 **Sixth Affirmative Defense**

12 30. As a separate and distinct defense, this Answering Defendant alleges that the Plaintiff
13 has failed to make adequate service of process upon this Answering Defendant, who appears without
14 admitting that she has been duly and lawfully served.

15 **Seventh Affirmative Defense**

16 31. As a separate and distinct defense, this Answering Defendant alleges that if Plaintiff
17 has been damaged in any respect it has been as result of the Plaintiff's own actions.

18 **Eighth Affirmative Defense**

19 32. As and for a separate and distinct defense, this Answering Defendant alleges that
20 Plaintiff's claims and each of them fail from lack of personal jurisdiction over her.

21 **Ninth Affirmative Defense**

22 33. As a separate and distinct defense, this Answering Defendant alleges that Plaintiff's
23 causes of action, and each of them are barred by the doctrines of laches, estoppel and waiver.

24 **Tenth Affirmative Defense**

25 34. As a separate and distinct defense, this Answering Defendant alleges that the
26 Complaint is barred by the doctrine of unclean hands.

1 **Eleventh Affirmative Defense**

2 35. As a separate and distinct defense, this Answering Defendant alleges the harm to
3 Plaintiff, if any, was the proximate result of acts, omissions, breaches of duty or other wrongdoing
4 of persons or entities other than her. Such other persons and entities are principally, primarily, or
5 solely responsible for Plaintiff's alleged damages.

6 **Twelfth Affirmative Defense**

7 36. Without waiving any other defense, affirmative or otherwise, this Answering
8 Defendant affirmatively pleads and alleges that Plaintiff has failed to mitigate his damages, if any.

9 **- PRAYER -**

10 **WHEREFORE, THIS ANSWERING DEFENDANT PRAYS:**

- 11 (1) That Plaintiff be granted no relief and take nothing against this
12 Answering Defendant in this action;
- 13 (2) That judgment be entered for this Answering Defendant;
- 14 (3) That this Answering Defendant have judgment against the Plaintiff
for the costs of suit incurred in connection with this action, and;
- 15 (4) Such other relief as this Court deems just and proper.

16 Dated: January 30, 2013

17 Respectfully submitted,

18 Weston, Garrou & Mooney

19 By: /s/ Jerome H. Mooney

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Counsel for Defendant
Ann C. Logue

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**PROOF OF SERVICE BY U.S. MAIL
TO NON-ELECTRONIC CASE FILING PARTIES**

[Pursuant to Calif. Code of Civil Procedure § 1013a(3) and Fed.R.Civ.P. 5]

I am a resident of and/or employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within entitled action. I work at the law firm of Weston, Garrou & Mooney located at 12121 Wilshire Blvd., Suite 525, Los Angeles, California 90025. I am readily familiar with this law firm’s practice for collection and processing of correspondence for mailing with the United States Postal Service and, in the ordinary course of business, any correspondence delivered to our firm’s mailroom employee(s) is routinely deposited with the United States Postal Service on the same day.

On January 30, 2013, I served the following document in this action entitled:

ANSWER OF DEFENDANT ANN C. LOGUE

on the interested non-electronic case filing parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class, with postage thereon fully prepaid, and either: (1) personally delivering it to our firm’s mailroom employee(s) for deposit with the United States Postal Service pursuant to our firm’s ordinary business practice; or (2) personally depositing such correspondence directly in the United States mail, addressed as follows:

**Keith Gilabert
26839 Peppertree Drive
Valencia, CA 91381**

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on January 30, 2013, at Los Angeles, California.

/s/ Arthur Bartholomew