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JEFF WENTWORTH,
Plaintiff

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IN THE DISTRICT COURT

v.

73rd DISTRICT COURT

ELIZABETH AMES JONES,
Defendant

BEXAR COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Elizabeth Ames Jones, Defendant in the above-style cause, files her Original Answer to the Plaintiff's Original Petition filed on May 17, 2012, and in support of this Answer would show the Court as follows:

General Denial

1.

Defendant denies the allegations in Plaintiffs Petition and demands strict proof thereof.

Specific Defenses

2.

Plaintiff is a political figure running for political office, and even calculatingly filed this lawsuit accompanied with a press release and press conference after summoning the press. Defendant represents an intimidating challenge to Mr. Wentworth tenure in the Texas Senate. As such, Plaintiff knows or should know that Elizabeth Ames Jones enjoys the greatest latitude to enter into and participate in the political debate, and to discuss Mr. Wentworth's political record and expenditures, even if they reflect poorly on Mr. Wentworth.

It is entirely improper for Mr. Wentworth as a political figure running for re-election to seek recourse in this Court as a result of Elizabeth Ames Jones exercising her rights as to free speech and political discourse. When it comes to alleged slander or libel by a political figure, Mr. Wentworth and other political figures should subscribe to the notion that ‘sticks and stones may break my bones but words will never hurt me.’ As it relates to the law of libel and slander by a plaintiff political figure, such third grade adage accurately captures the current state of the law. President Truman’s famous words - “if you can’t stand the heat, get out of the kitchen” – is also applicable. Yet in the midst of a heated political debate, and in an overtly politically-inspired press-generating gambit, Wentworth has filed this baseless lawsuit to grab political attention and feign the part of an aggrieved party seeking damages for an alleged legal wrong that is not supported in law, and is in violation of Elizabeth Ames Jones’ right to free speech and political discourse. Indeed, if there was a basis in law and fact for a political figure to sue another for slander and libel, such claims would belong to Elizabeth Ames Jones against Mr. Wentworth for his repeatedly false and baseless factual assertions against Elizabeth Ames Jones and her husband (for example, Mr. Wentworth has made public charges and accusations that Will C. Jones, the husband of Elizabeth Jones, is an attorney who has been paid by clients to influence legislation before the Legislature and who should be a registered lobbyist – when Mr. Jones is not required to be a registered lobbyist and has not been paid by a client to influence legislation before the Legislature). However, Elizabeth Ames Jones would prefer the merits of such matters to be resolved by the electorate rather than engage in the same kind of demeaning misuse of the civil justice system as Mr. Wentworth is pursuing in this lawsuit.

4.

Mr. Wentworth carefully filed this this politically-inspired lawsuit less than 2 weeks before the election, hoping it could not be disposed of on its merits prior to the election on May 29, 2012. Indeed, in this case Mr. Wentworth is pulling a page of his prior political playbook when he also reportedly filed another libel lawsuit years ago against a political opponent only to dismiss same after he won the election.

5.

Elizabeth Ames Jones invokes her full First Amendment rights to speak out in the political debate that is important to the voters in the pending election, and she will not be deterred from telling the facts and campaigning appropriately to address the misleading nature of Mr. Wentworth's record and past practices that raises serious ethical issues. Elizabeth Ames Jones invokes her full rights and protections under *N.Y Times vs. Sullivan* and its progeny. Indeed, in this case, in the unlikely event this lawsuit is not violative of the new SLAPP statute, Plaintiff Wentworth will fall woefully short of proving the subject statements were defamatory - and made with actual malice by clear and convincing evidence.

Violation of SLAPP ACT

6.

It appears that Plaintiff's attempted cause of action in this matter is violative of Texas Civil Practices & Remedies Code 27.0001 et. seq which was passed by the Texas Legislature in the summer of 2011. Ironically, such Act was passed with the support and vote of Mr. Wentworth although he has failed to honor its terms with his filing of this lawsuit. Such Act prohibits the attempted use of litigation to hamper and squelch constitutionally-protected free speech. The Act is commonly referred to as the SLAPP Act, which stands for "Strategic

Lawsuit Against Public Participation.” A separate motion will be filed pursuant to this Act in the coming days.

Affirmative Defenses: Truth

7.

Defendant asserts the affirmative defense of truth. Truth is an absolute defense to Plaintiff’s claims for libel and slander.

8.

Cross-checking Plaintiff’s Texas Ethics Commission campaign expenditure reports for 2009, 2010 and 2011 against his requests to the State for travel reimbursement shows:

- (1) multiple instances in which he reported billing his campaign account for air travel and requested reimbursement from the State for the same travel, and
- (2) multiple instances when he charged his campaign account to purchase gasoline for travel on days that he requested mileage reimbursement from the State.

9.

None of Plaintiff Jeff Wentworth’s campaign expenditure reports filed with the Texas Ethics Commission show that he ever repaid his campaign for these charges after being reimbursed for these travel-related expenses by the State. Plaintiff Wentworth was required by law to report reimbursements of his campaign account.

10.

On his recent filings with the Texas Ethics Commission, Plaintiffs should have reported when the State reimbursed him for travel that was previously paid by his campaign account. Despite the statutory requirement to show when he reimbursed his campaign account, Plaintiff’s recent reports do not show any refunds by him to his campaign account. He paid for travel with

campaign funds, then charged the same travel to the State. That constitutes “double-dipping.” Defendant’s advertisements are truthful.

Counterclaim for Frivolous Filing of Lawsuit

11.

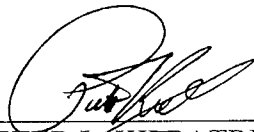
Plaintiff’s claims are groundless and brought solely for the purpose of harassment of Defendant. The last time Plaintiff had a serious challenger for his seat in the Texas Senate, he filed a similar lawsuit against that opponent less than two weeks days before election day, just as he has done here. He dropped that suit after the election was over. He is a repeat abuser of the civil justice system. Defendant requests imposition of appropriate sanctions against Plaintiff Jeff Wentworth under Chapter 9 of the Texas Civil Practice and Remedies Code and/or Texas Rule of Civil Procedure 13, which sanction should include reimbursing Elizabeth Ames Jones for attorney’s fees incurred in having to respond to this baseless lawsuit.

Prayer

WHEREFORE Defendant respectfully requests that, upon hearing this matter, this Court enter a judgment that Plaintiff take nothing from Defendant, that Plaintiff be sanctioned for his having filed this lawsuit in violation of TRCP 13 and/or Chapter 9 of the Texas Civil Practices and Remedies Code, and that Defendant Elizabeth Ames Jones be awarded such other relief as she shows herself entitled.

Respectfully submitted,

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By:  _____

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**ATTORNEY FOR DEFENDANT
ELIZABETH AMES JONES**

CERTIFICATE OF SERVICE

I certify that on this the 18th day of May 2012, a true and correct copy of this document was served by certified mail on Plaintiff's attorney, Bernard Wm. Fischman, 8118 Datapoint Drive, San Antonio, Texas 78229; fax no. (210) 614-6401.



Peter Kilpatrick