UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER ARMSTRONG

Plaintiff/Counter Defendant,

v.

ANDREW SHIRVELL

Defendant/Counter Claimant.
_____/

CASE NO. 2:11-cv-11921
HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE
HONORABLE PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

DEFENDANT/COUNTER CLAIMANT ANDREW SHIRVELL'S ANSWER TO PLAINTIFF/COUNTER DEFENDANT'S COMPLAINT

Defendant/Counter Claimant Andrew Shirvell submits the following in response to Plaintiff/Counter Defendant's Complaint:

FIRST DEFENSE

1. Defendant/Counter Claimant admits only that Plaintiff has filed an action alleging defamation, intentional infliction of emotional distress, abuse of process, invasion of privacy, and stalking. Defendant/Counter Claimant denies that Plaintiff has stated any claims upon which relief can be granted.
2. Defendant/Counter Claimant admits only that at the time that Plaintiff filed this action Plaintiff resided in Washtenaw County, Michigan.
3. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.
4. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

5. Defendant/Counter Claimant denies this allegation other than to admit that Plaintiff served as president of the Michigan Student Assembly (MSA).

6. Defendant/Counter Claimant admits only that he is a licensed attorney and that he had been previously employed as an Assistant Attorney General for the State of Michigan and had resided in Michigan.

7. Defendant/Counter Claimant denies this allegation other than to admit that he has never met nor spoken with Plaintiff.

8. Denied.

9. Denied.

10. Defendant/Counter Claimant denies that he was arrested for assault and battery of anyone. Defendant/Counter Claimant admits only that he pled no contest to a charge of disorderly conduct, which was dismissed from his record in February 2003.

11. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

12. Denied. The faculty of Ave Maria School of Law unanimously voted to certify Defendant/Counter Claimant's character and fitness to practice law in the State of Michigan.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied. Defendant/Counter Claimant has never physically threatened Plaintiff on Facebook or anywhere else.

18. Denied. Defendant/Counter Claimant has never threatened Plaintiff on Facebook or anywhere else. Defendant/Counter Claimant admits only that he previously resided in Charlotte, Michigan.

19. Denied.

20. Denied. Defendant/Counter Claimant has never threatened Plaintiff. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief as to the truth of the balance of this allegation.

21. Defendant/Counter Claimant admits only that he previously published a blog known as "Chris Armstrong Watch," using the alias "Concerned Michigan Alumnus."

22. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Pursuant to a Stipulation and Order entered into by the parties, the Court struck this allegation from Plaintiff's Complaint on September 21, 2011. DK #35.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

72. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

73. Denied.

74. Denied as to the allegation that there was any false content on Defendant/Counter Claimant's blog. As to the remainder of this allegation, Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about its truth.

75. Defendant/Counter Claimant admits only that he has never retracted a single statement ever made on his blog.

76. Defendant/Counter Claimant denies that he falsely and maliciously stated that "the real bigot here is Chris Armstrong." Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief as to the truth of the balance of this allegation.

77. Defendant/Counter Claimant repeats and re-alleges his responses to the allegations in paragraphs one to seventy-six of the Complaint.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

88. Defendant/Counter Claimant repeats and re-alleges his responses to the allegations in paragraphs one to eighty-seven of the Complaint.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. Defendant/Counter Claimant repeats and re-alleges his responses to the allegations in paragraphs one to ninety-five of the Complaint.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. Defendant/Counter Claimant repeats and re-alleges his responses to the allegations in paragraphs one to one-hundred-and-seven of the Complaint.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. Defendant/Counter Claimant repeats and re-alleges his responses to the allegations in paragraphs one to one-hundred-and-fourteen of the Complaint.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Defendant/Counter Claimant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

126. Denied.

SECOND DEFENSE

Plaintiff is a public official and/or a public figure. Therefore, Plaintiff must prove actual malice on the part of Defendant/Counter Claimant in order to recover on one or more of his claims.

THIRD DEFENSE

The statements at issue are true or are substantially true.

FOURTH DEFENSE

The statements at issue are protected by the opinion and fair comment privileges and/or the fair report privilege.

FIFTH DEFENSE

The statements at issue constitute matters of public concern.

SIXTH DEFENSE

The statements and activity at issue are protected forms of expression under the First Amendment of the United States Constitution.

SEVENTH DEFENSE

The statements at issue do not constitute defamation per se and did not cause harm to Plaintiff's reputation.

EIGHTH DEFENSE

Defendant/Counter Claimant had a legitimate interest in the subject matter at issue.

NINTH DEFENSE

Plaintiff never once requested Defendant/Counter Claimant to stop any of the activities at issue until long-after they had occurred.

TENTH DEFENSE

Plaintiff has failed to state any claims upon which relief can be granted.

ELEVENTH DEFENSE

Plaintiff has not sustained any damages attributable to Defendant/Counter Claimant.

TWELFTH DEFENSE

Any arguable injuries or damages suffered by Plaintiff are a result of his own tortious conduct as well as a result of leading a high-risk, immoral homosexual lifestyle.

THIRTEENTH DEFENSE

Plaintiff's alleged claims are frivolous.

Defendant/Counter Claimant reserves the right to amend his affirmative defenses to reflect additional information revealed during this litigation.

WHEREFORE, Defendant/Counter Claimant requests that this Honorable Court dismiss Plaintiff/Counter Defendant's Complaint in its entirety and award Defendant/Counter Claimant his costs, together with such other relief as the Court finds just and equitable.

s/Andrew L. Shirvell

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P70472

Dated: October 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2011, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Honorable Arthur J. Tarnow
Deborah L. Gordon
Sarah S. Prescott

and I hereby certify that I have also mailed by United States Postal Service the papers to the following individuals:

Honorable Arthur J. Tarnow
United States District Judge
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 124
Detroit, MI 48226

s/Andrew L. Shirvell

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