UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER ARMSTRONG,

Plaintiff/Counter-Defendant,

vs. **CASE NO. 2011-CV-11921**

ANDREW SHIRVELL, **Hon. Arthur J. Tarnow**

Defendant/Counter-Plaintiff.

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PLAINTIFF/COUNTER-DEFENDANT'S ANSWER TO AMENDED COUNTERCLAIM

Plaintiff/Counter-Defendant **CHRISTOPHER ARMSTRONG** through his attorneys **Deborah L. Gordon, PLC**, submits the following in Response to Defendant/Counter-Plaintiff's Amended Counter-Claim:

1. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief regarding whether this Court has subject matter jurisdiction based on

diversity of citizenship. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief regarding whether this Court has supplemental jurisdiction of Defendant/Counter-Plaintiff's purported counterclaim. With respect to the nature of Defendant/Counter-Plaintiff's counterclaim, Plaintiff/Counter-Defendant admits only that Defendant/Counter-Plaintiff purports to file a compulsory counterclaim under Fed.R. Civ.P. 13(a).

2. Plaintiff/Counter-Defendant admits that Defendant/Counter-Plaintiff was employed as an assistant attorney general with the State of Michigan but lacks knowledge or information as to the specific dates.

3. Plaintiff/Counter-Defendant admits that he was student body president at the University of Michigan from April 2010 to April 2011, but lacks knowledge or information sufficient to form a belief regarding the balance of this allegation.

4. Plaintiff/Counter-Defendant admits that at some point he was told Defendant/Counter-Plaintiff was employed as an assistant attorney general with the State of Michigan but denies he was so aware in May 2010.

5. Plaintiff/Counter-Defendant admits he filed a request for a personal protection order against Defendant/Counter-Plaintiff at or around that date, but denies it was meritless. Plaintiff/Counter-Defendant lacks knowledge of what Defendant/Counter-Plaintiff means by "direct" or "face-to-face" communication. Plaintiff/Counter-Defendant has never had direct verbal communication with Defendant/Counter-Plaintiff but Defendant/Counter-Plaintiff has been within Plaintiff/Counter-Defendant's vicinity and/or presence.

6. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation at this time.

7. Plaintiff/Counter-Defendant denies this allegation other than to admit that the University issued a trespass order.

8. Upon information and belief, then Attorney General Mike Cox did appear on Anderson Cooper 360° on CNN. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and states that the recording of that program speaks for itself regarding content.

9. Denied that Plaintiff/Counter-Defendant issued a release to the media. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief as to when notice was served on Defendant/Counter-Plaintiff.

10. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

11. Plaintiff/Counter-Defendant admits that the personal protection order hearing was rescheduled.

12. Admitted.

13. Plaintiff/Counter-Defendant admits only that the Michigan Department of Civil Rights issued a resolution regarding Defendant/Counter-Plaintiff's conduct toward Plaintiff/Counter-Defendant, but denies that it was "at Plaintiff/Counter-Defendant/Counter-Plaintiff's urging."

14. Plaintiff/Counter-Defendant admits only that the Ann Arbor City Council passed a resolution but denies that it was "at Plaintiff/Counter-Defendant's urging."

15. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

16. Plaintiff/Counter-Defendant admits only that at some point he became aware that Defendant/Counter-Plaintiff was scheduled for a disciplinary conference with his employer. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of the balance of these allegations.

17. Plaintiff/Counter-Defendant admits only that he voluntarily dismissed his request for a personal protection order against Defendant/Counter-Plaintiff prior to hearing. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of the balance of these allegations.

18. Plaintiff/Counter-Defendant admits only that the Washtenaw County Prosecutor declined to file charges against Defendant/Counter-Plaintiff. Denied that Plaintiff/Counter-Defendant filed meritless harassment and/or stalking complaints. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief as to the truth of the balance of these allegations.

19. Plaintiff/Counter-Defendant admits only that he retained Deborah L. Gordon.

20. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation.

21. Plaintiff/Counter-Defendant admits that his attorney issued a press release, which speaks for itself. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief as to the allegation that the press release was issued a week prior to Defendant/Counter-Plaintiff's scheduled disciplinary hearing.

22. Plaintiff/Counter-Defendant lacks personal knowledge sufficient to form a belief about the truth of these allegations, but states that any such Facebook page speaks for itself.

23. Plaintiff/Counter-Defendant admits only that the trespass warning was modified to include some of the language stated in this allegation. Plaintiff/Counter-Defendant denies that the modifications were at Plaintiff/Counter-Defendant's urging. Plaintiff/Counter-Defendant lacks personal knowledge sufficient to form a belief about the truth of the balance of these allegations.

24. Denied.

25. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

26. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

27. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

28. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

29. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

30. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

31. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

32. Plaintiff/Counter-Defendant admits that his attorney, Deborah L. Gordon, appeared on Anderson Cooper 360° on CNN, although upon information and belief that occurred on November 9, 2010. Plaintiff/Counter-Defendant denies that Gordon mentioned Ondejko by name, and further states that the recording of that program speaks for itself regarding content. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief as to what had been released to the media or public as of that date.

33. Denied.

34. Denied.

35. Denied.

36. Requires no further answer.

37. Plaintiff/Counter-Defendant admits issuing a press release regarding Defendant/Counter-Plaintiff's reckless and bullying behavior but denies the balance of these allegations as they are untrue.

38. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious.

39. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious.

40. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious.

41. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious.

42. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious. Plaintiff/Counter-Defendant admits the statement, and denies it was false, malicious, or that Plaintiff/Counter-Defendant was bragging.

43. Admitted.

44. Plaintiff/Counter-Defendant admits that he did not issue a retraction but denies that his interview with MSNBC's Thomas Roberts on or about November 22, 2011 was done "instead of" issuing a retraction.

45. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

46. Plaintiff/Counter-Defendant admits he referred to Counter-Claimant Shirvell's behavior as bullying but denies it was false or malicious.

47. Plaintiff/Counter-Defendant admits the statement, and denies it was false or malicious.

48. Admitted.

49. Admitted.

50. Plaintiff/Counter-Defendant admits that the press release was distributed to some media outlets but lacks knowledge as to what Defendant/Counter-Plaintiff means by "widely distributed" and is therefore unable to answer.

51. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

52. Plaintiff/Counter-Defendant denies that the statement was defamatory. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of the balance of these allegations.

53. Plaintiff/Counter-Defendant admits that he posted the November 16, 2011 YouTube.com video on the Internet. For the remainder, Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

54. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

55. Plaintiff/Counter-Defendant denies that the statement was false. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief about the truth of the balance of this allegation.

56. Plaintiff/Counter-Defendant admits only that he has never spoken to Defendant/Counter-Plaintiff, but denies the balance of these allegations as they are untrue.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Requires no further answer.

63. Denied.

64. Denied.

65. Denied.

WHEREFORE, Plaintiff/Counter-Defendant requests an Order dismissing this Defendant/Counter-Plaintiff's Amended Counterclaim and award Plaintiff/Counter-Defendant his costs, including reasonable attorney fees.

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Dated: January 24, 2012

UNITED STATES DISTRICT COURT
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PLAINTIFF/COUNTER-DEFENDANT'S AFFIRMATIVE DEFENSES TO AMENDED COUNTER CLAIM

Plaintiff/Counter-Defendant **Christopher Armstrong** by his attorneys **Deborah L. Gordon, PLC** submits the following Affirmative Defenses to Defendant/Counter-Plaintiff's Amended Counterclaim:

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

2. Shirvell has not sustained any damages attributable to Armstrong.

3. Any arguable injuries or damages suffered by Shirvell are a result of his own tortious, illegal and bizarre conduct as well as wrongdoing committed while an

assistant attorney general with the State of Michigan.

4. Shirvell's alleged claims are frivolous.

5. Armstrong reserves the right to amend his affirmative defenses to reflect additional information revealed during this litigation.

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Dated: January 24, 2012

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

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