

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

CIVIL DIVISION

STEVEN J. ROSEN

Plaintiff

v.

AMERICAN ISRAEL PUBLIC
AFFAIRS COMMITTEE, INC., *et. al.*

Defendants

Case No.: 2009-CA-001256 B

**DEFENDANTS AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, INC.
AND PATRICK DORTON'S ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, American Israel Public Affairs Committee, Inc. (hereinafter referred to as "AIPAC") and Defendant Patrick Dorton, (hereinafter referred to as "Dorton") (collectively referred to as "Defendants") through counsel, Carr Maloney P.C., answer Plaintiff's Complaint as follows:

INTRODUCTION

1. Paragraph 1 contains introductory allegations to which no answer is required. To the extent an answer is required, Defendants deny and demand strict proof of the allegations contained therein.

JURISDICTION

2. Paragraph 2 contains jurisdictional allegations to which no answer is required. To the extent an answer is required, Defendants deny and demand strict proof of the allegations contained therein.

PARTIES

3. Defendants admit Plaintiff worked at AIPAC from 1982-2005 as Director of Research and Information and as its Director of Foreign Policy Issues. Defendants further admit that Plaintiff was terminated on March 21, 2005. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this Paragraph; and therefore deny them.

4. Admitted.

5. Howard Kohr has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent and answer is required, Defendants deny them.

6. Melvin Dow has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent and answer is required, Defendants deny them.

7. Bernice Manocherian has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent and answer is required, Defendants deny them.

8. Howard Friedman has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent and answer is required, Defendants deny them.

9. Lawrence Weinberg has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent and answer is required, Defendants deny them.

10. Robert Asher has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

11. Edward Levy, Jr. has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

12. Lionel Kaplan has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

13. Timothy Wuliger has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

14. Amy Friedkin has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

15. Defendants admit that Defendant Patrick Dorton is a citizen and resident of the State of Maryland, and an employee of Rational PR. Defendants admit Defendant Dorton was at times a spokesman for AIPAC. The remaining allegations in Paragraph 15 of Plaintiff's Complaint contain legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

16. Rational PR has been dismissed from the case and is no longer a Defendant. This Paragraph contains allegations to which no answer is required. To the extent an answer is required, Defendants deny them.

STATEMENT OF FACTS

17. Defendants admit that Plaintiff was terminated on March 21, 2005, from his position at AIPAC as Director of Foreign Policy Issues. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this Paragraph as phrased and, therefore, deny them.

18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph as phrased and, therefore, deny them.

19. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph as phrased and, therefore, deny them.

20. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph as phrased and, therefore, deny them.

21. Admitted that on August 27, 2004, it was publicly revealed that the U.S. Department of Justice was engaged in an investigation of Steven Rosen and another AIPAC employee for receiving information that they allegedly were “not authorized to receive.” Defendants deny Plaintiff Rosen was awarded a special job performance bonus of \$7,000.00. Defendants lack knowledge or information sufficient to form a belief as to the truth of remaining allegations in Paragraph 21 of Plaintiff’s Complaint; and therefore deny them.

22. Defendants deny awarding Plaintiff a special bonus for excellence in job performance. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this Paragraph as phrased as the use of “threat” is vague, ambiguous, and subject to multiple interpretations; and therefore deny them.

23. Defendants admit that Plaintiff was terminated on March 21, 2005, and that Plaintiff was indicted by a federal grand jury in Alexandria, Virginia on August 4, 2005.

Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this Paragraph as phrased and, therefore, deny them.

24. Paragraph 24 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

25. Paragraph 25 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

26. Paragraph 26 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

27. Paragraph 27 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

28. Admitted.

29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph as phrased and, therefore, deny them.

30. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph as phrased and, therefore, deny them.

31. Paragraph 31 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

32. Paragraph 32 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

STATEMENT OF CLAIMS

33. Paragraph 33 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

34. Paragraph 34 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

35. Paragraph 35 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

36. Paragraph 32 of Plaintiff's Complaint contains legal conclusions to which no answer is required. To the extent an answer is required, Defendants deny them.

37. Defendants expressly deny any and all allegations in Plaintiff's Complaint not specifically admitted herein.

FIRST DEFENSE

That the Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Defendants aver that this claim is barred by the statute of limitations.

THIRD DEFENSE

Defendants aver that the Plaintiff's claim for punitive damages violates the excessive fines clause of the Eighth Amendment of the United States Constitution.

FOURTH DEFENSE

Defendants will rely upon all defenses lawfully available to it including, but not limited to, those already asserted herein.

FIFTH DEFENSE

Plaintiff's claim may be barred by the doctrine of estoppel.

SIXTH DEFENSE

Plaintiff is a public figure and the allegations of the Complaint do not rise to the standard of actual malice.

SEVENTH DEFENSE

Defendants avers that the claims alleged in Plaintiff's Complaint are barred due to the negligence and/or affirmative conduct of others for whom in law, the Defendants are not responsible.

EIGHTH DEFENSE

Plaintiff's claim may be barred by the doctrine of unclean hands.

NINTH DEFENSE

Plaintiff's claim may be barred by the First Amendment of the United States Constitution.

TENTH DEFENSE

To the extent not covered by the preceding paragraphs and/or affirmative defenses, Defendants deny all factual assertions and claims for liability, and demands strict proof of each element of Plaintiff's claim.

For the forgoing reasons, the Defendants respectfully request that the Complaint filed herein against them be dismissed with prejudice, with costs, attorney's fees, and interest as provided by law assessed against the Plaintiff and that the Defendants be granted such other and further relief as this Honorable Court deems just and proper.

Respectfully Submitted,

CARR MALONEY P.C.

By: _____ /s/
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CERTIFICATE OF SERVICE

HEREBY CERTIFY that on the 11th day of November, 2009, I will electronically file Defendants American Israel Public Affairs Committee, Inc. and Patrick Dorton's Answer To Plaintiff's Complaint with the Clerk of the Court using the CaseFile Express system, which will then send a notification of such filing to David H. Shapiro, attorney for Plaintiff.

_____/s/
Thomas M. McCally