

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<b>FELD ENTERTAINMENT, INC.,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Civ. No. 07-1532 (EGS)</b>
	)	
<b>v.</b>	)	
	)	
<b>AMERICAN SOCIETY FOR THE PREVENTION OF</b>	)	
<b>CRUELTY TO ANIMALS, et al.,</b>	)	

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT TOM RIDER**

This Answer and Affirmative Defenses is submitted on behalf of Defendant Tom Rider (“Rider”) in response to the First Amended Complaint (“FAC”) filed by Feld Entertainment, Inc. (“FEI”).

**ANSWER**

Rider responds to the separately and individually numbered paragraphs contained within the FAC as follows:

1. Admitted.
2. Denied.
3. Denied.
4. The first sentence in this paragraph is admitted. The remaining sentences are denied.
5. Rider admits that he received certain funding for his living and travel expenses while he engaged in public education and media outreach. He denies the remaining allegations in this paragraph.

6. Rider admits that he received certain funding for his living and travel expenses while engaged in public education and media outreach, which funding was known to different persons and organizations at different times. He denies the remaining allegations in this paragraph.

7. Denied.

8. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action, which speak for themselves. Rider denies the remaining allegations in this paragraph.

9. Denied.

10. Rider is without sufficient knowledge or information to admit or deny the allegations of this paragraph.

12. Rider is without sufficient knowledge or information sufficient to admit or deny the allegations of this paragraph.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Rider admits that he received funding for his living and travel expenses while engaged in public education and media outreach. He denies the remaining allegations in this paragraph.

18. Rider admits the first sentence in this paragraph. He denies the remaining sentences.

19. Rider admits that he received and accepted the specified funding from 2001 and continuing through the trial to allow him to conduct public education and media outreach concerning FEI's mistreatment of Asian elephants. Rider denies the remaining allegations of this paragraph.

20. Rider admits that he received some funding from one or more of the identified organizations from 2001 through at least the trial of the ESA Action in February-March, 2009, and that, at times, some of those organizations provided funding directly to him. Rider is without sufficient information or belief to admit or deny the remaining allegations of this paragraph, except for those made in the last sentence which he denies.

21. Rider admits that the funding provided to him for his travel and living expenses for his public education and media outreach from 2001 through 2009 totaled approximately \$190,000.00, that he was provided funding to purchase a used van to use for his public education and media outreach, that he occasionally stayed in hotel rooms while he conducted his public education campaign, that he was provided cell phone use, and some camera equipment, and that he had a lap top. Rider is without sufficient knowledge or information to admit or deny whether all of the items listed in this paragraph were provided by the named entities.

22. Denied.

23. Denied.

24. Denied.

25. As previously addressed above, Rider admits that he was provided certain funding for his living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider denies the remaining allegations in this paragraph.

26. Denied.

27. Denied.

28. Rider is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

29. Rider admits that he is a man of more than 50 years of age who did not file tax returns during the period from 2000 through 2006, and that he filed tax returns in April 2007, with the assistance of a tax lawyer who provided assistance on a *pro bono* basis and who was recommended by Katherine Meyer. Rider denies the remaining allegations in this paragraph.

30. Denied.

31. Denied.

32. Denied.

33. Admitted.

34. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

35. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

36. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

37. Admitted.

38. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

39. Admitted.

40. Admitted.

41. Admitted.

42. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

43. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

44. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

45. Rider admits the first sentence in this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences.

46. The allegations in this paragraph set forth a legal conclusion to which no response is required. To the extent a response may be required, the allegations are denied.

47. Rider admits that this action is nominally brought pursuant to the stated provisions.

48. The allegations in this paragraph set forth a legal conclusion to which no response is required. To the extent a response may be required, the allegations are denied.

49. The allegations in this paragraph set forth a legal conclusion to which no response is required. To the extent a response may be required, the allegations are denied.

50. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action.

51. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action. He denies the remaining allegations in this paragraph.

52. Denied.

53. Denied.

54. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action. He denies the remaining allegations in this paragraph.

55. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action.

56. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action. He denies the remaining allegations in this paragraph.

57. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action.

58. Admitted.

59. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action. He denies the remaining allegations in this paragraph.

60. Denied.

61. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action. Rider also admits that during the time that he was a plaintiff in the ESA Action he received funding from one or more of the plaintiffs for living and travel expenses while he engaged in public education and media outreach and that he performed security for the Performing Animal Welfare Society (PAWS) which was an original plaintiff in the ESA Action although he did not regard this as a job. Rider denies the remaining allegations of this paragraph.

62. Rider admits the first sentence of this paragraph. He is without sufficient knowledge or information to admit or deny the remaining sentences. The first sentence is admitted.

63. Rider admits that from May 2001 through the trial of the ESA Action in February-March, 2009, he received certain funding for his living and travel expenses while he engaged in public education and media outreach from one or more of the named entities.

64. Denied.

65. Denied.

66. Denied.

67. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph.

68. Rider admits the first sentence of this paragraph. Rider is without sufficient knowledge or information to admit or deny the second sentence.

69. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph.

70. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph.

71. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph.

72. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining



allegations in this paragraph, except to admit that Meyer and Glitzenstein were counsel of record as indicated.

73. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities. Rider is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph.

74. Admitted.

75. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

76. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

82. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

83. Rider admits that he received certain IRS Forms 1099 from WAP and that those forms say what they say.

84. Rider admits the first sentence of this paragraph. He also admits that the IRS levied a tax lien and that the matter was ultimately resolved with the IRS with the help of others.

85. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

86. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

87. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

88. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

89. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph. phrased.

90. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

91. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

92. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

93. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

94. Admitted.

95. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

96. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

97. Rider admits the third sentence of this paragraph. He is without sufficient knowledge or information to admit or deny the truth of the remaining sentences.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Rider admits the first two sentences of this paragraph. He also admits that the forms he ultimately filed with the IRS say what they say and that his tax obligation was eventually resolved with the help of others.

104. Denied.

105. Rider admits that certain funds were provided to him for living and travel expenses while he engaged in public education and media outreach by one or more of the named entities.

106. Rider admits that WAP sent him a check so that he could buy a used van with which to conduct his public education and media outreach concerning FEI's mistreatment of Asian elephants. Rider denies the remaining allegations of this paragraph.

107. Rider admits that funding he received from WAP helped him to maintain and to operate the van that he used to travel around the country and educate the public and the media about FEI's mistreatment of the elephants.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Rider admits that certain funds were provided to him by WAP for living and travel expenses while he engaged in public education and media outreach.

113. Rider admits that certain funds were provided to him by WAP for living and travel expenses while he engaged in public education and media outreach, and that a number of those payments were sent by Federal Express. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

114. Rider admits that some of the packages sent to him by WAP contained a cover letter and a check from WAP. Rider denies the remaining allegations in this paragraph.

115. Denied.

116. Rider admits that the funding he received from WAP was used for his living and travel expenses while he engaged in public education and media outreach. Rider denies the remaining allegations in this paragraph.

117. Rider admits that the funding provided to him by WAP was provided to him in advance for his living and traveling expenses rather than as reimbursements for expenses already

incurred, but deny the remaining allegations as phrased. Rider also admits that WAP provided funding to him approximately every two weeks while he was engaged in public education and media outreach, and that he periodically provided receipts for his expenditures to WAP. Rider denies the remaining allegations in this paragraph, although he does acknowledge that he used some of the funding he received from WAP to buy the shirt that he wore at his deposition.

118. Denied.

119. Denied.

120. Rider admits the allegations in the first sentence in this paragraph. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

121. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

122. Rider admits the first sentence, and that a number of WAP cover letters and checks were sent to him in Florida. Rider also admits that some of his media work was conducted over the phone and his laptop computer. Rider is without sufficient knowledge or information to admit or deny the last sentence in this paragraph.

123. Denied.

124. Denied.

125. Rider is without sufficient knowledge or information to admit or deny the truth of the WAP allegations in this paragraph. Rider denies the remaining allegations in this paragraph.

126. Rider admits that WAP continued to fund his living and travel expenses while he engaged in public education and media outreach during the stated time period. Rider denies the remaining allegations in this paragraph.

127. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

128. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

129. Denied.

130. Denied.

131. Rider admits that the ASPCA provided certain funding for his living and travel expenses while he engaged in public education and media outreach during this time period. Rider denies the remaining allegations in this paragraph.

132. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

133. Rider admits that the ASPCA provided certain grants to him for living and travel expenses while he engaged in public education and media outreach.

134. Rider is without sufficient knowledge or information to admit or deny the truth of most of the allegations in this paragraph. He denies the remaining allegations.

135. Rider admits that the ASPCA provided certain grants to him for living and travel expenses while he engaged in public education and media outreach. Rider is without sufficient

knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

136. Rider is without sufficient knowledge or information to admit or deny the truth of most of the allegations in this paragraph. He denies the remaining allegations.

137. Rider admits that the ASPCA provided the stated benefits to him while he engaged in public education and media outreach during the stated time period. Rider is without sufficient knowledge or information to admit or deny the last sentence in this paragraph.

138. Denied.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

145. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

146. Rider admits that during the stated time period he received some funding from Meyer Glitzenstein for his living and travel expenses while he engaged in public education and media outreach. Rider is without sufficient knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

147. Rider admits that AWI provided certain funding to him for his living and travel expenses while he engaged in public education and media outreach and that some of this funding was used to repair the van that he used for this purpose. Rider is without sufficient knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

148. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

149. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

150. Denied.

151. Denied.

152. Denied.

153. Denied.

154. Denied.

155. Denied.

156. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

157. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

158. Rider admits that certain funding was provided to him by Meyer Glitzenstein for living and travel expenses while he engaged in public education and media outreach. Rider is



without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

159. Admitted.

160. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

161. Admitted.

162. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

163. Denied.

164. Denied.

165. Denied.

166. Denied.

167. Denied.

168. Denied.

169. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

170. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

171. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

172. Rider admits that API provided certain funding to him for his living and travel expenses while he engaged in public education and media outreach, including but deny that API paid his travel and living expenses in connection with his travel to Omaha Nebraska to testify at a legislative hearing.

173. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

174. Denied.

175. Denied.

176. Denied.

177. Denied.

178. Denied.

179. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

180. Denied.

181. Denied.

182. Denied.

183. Denied.

184. Admitted.

185. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

186. Denied.

187. Rider admits the existence of the filings and statements in the ESA Action, and acknowledges that they say what they say. Rider denies the remaining allegations in this paragraph.

188. Denied.

189. Denied.

190. Rider admits that he appeared as a fact witness and that the Court made certain statements, findings and rulings relating to his testimony, which say what they say. Rider denies the remaining allegations in this paragraph's context.

191. Denied.

192. Denied.

193. Admitted.

194. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

195. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

196. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

197. Denied.

198. Denied.

199. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

200. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

201. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

202. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

203. Denied.

204. Denied.

205. Denied.

206. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

207. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

208. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

209. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

210. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

211. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

212. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

213. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

214. Denied.

215. Denied.

216. Denied.

217. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

218. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

219. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

220. Denied.

221. Denied.

222. Denied.

223. Admitted.

224. Rider is without sufficient knowledge or information to admit or deny the truth of most of the allegations in this paragraph. However, Rider admits that he received certain funding to pay for his living and travel expenses while he engaged in public education and media outreach and that the referenced IRS Form 1099s were sent to him.

225. Admitted.

226. Denied.

227. Denied.

228. Denied.

229. Denied.

230. Denied.

231. Rider admits that he did not appear in the hearing referenced. Rider denies that he evaded service of any subpoena for that hearing or that anyone procured his absence from that hearing. Rider is without sufficient knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

232. Rider admits that at the time of the hearing referenced, he was receiving certain funding from WAP for his living and travel expenses while he engaged in public education and media outreach. Rider is without sufficient knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

233. Denied.

234. Denied.

235. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

236. Denied.

237. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

238. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

239. Rider admits that he provided such testimony before certain legislative and municipal bodies. Rider denies the remaining allegations of this paragraph.

240. Denied.

241. Denied.

242. Denied.

243. Rider admits appearing before the Chicago City Council, that he was receiving funding from WAP for his public education and media outreach and that PETA paid for some of his expenses in connection with that hearing. Rider denies the remaining allegations in this paragraph

244. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

245. Rider admits that, after the trial of the ESA Action, he worked with the Animal Defenders International in Europe to educate the public about the mistreatment of animals by circuses. Rider denies the remaining allegations in this paragraph.

246. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

247. Denied.

248. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

249. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

250. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

251. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

252. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

253. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

254. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

255. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

256. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

257. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

258. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.



259. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

260. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

261. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

262. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

263. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

264. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

265. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

266. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

267. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

268. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

269. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

270. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

271. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

272. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

273. Denied.

274. Rider admits that FEI retained the two law firms referred to in this paragraph. Rider is without sufficient knowledge or information to admit or deny the truth of the remaining allegations in this paragraph.

**COUNT I**  
**(Alleging violations of RICO, 18 U.S.C. §§ 1962(c) and 1964(c))**

275. Rider hereby adopts and incorporates his responses to paragraphs 1-274 set forth above as if fully set forth herein.

276. This paragraph contains conclusions of law to which no response is required. To the extent a response may be required, the allegations are denied.

277. This paragraph contains conclusions of law to which no response is required. To the extent a response may be required, the allegations are denied.

278. This paragraph contains conclusions of law to which no response is required. To the extent a response may be required, the allegations are denied.

279. Denied.

280. Denied.

281. Denied.

282. Denied.

283. Denied.

284. This paragraph contains conclusions of law to which no response is required. To the extent a response may be required, the allegations are denied.

285. Denied.

286. Denied.

287. Denied.

288. Denied.

## COUNT II

### (Alleging violations of RICO, 18 U.S.C. §§ 1962(d) and 1964(c))

289. Rider hereby adopts and incorporates his responses to paragraphs 1-288 set forth above as if fully set forth herein.

290. Denied.

291. Denied.

292. Denied.

293. Denied.

294. Denied.

295. Denied.

296. Denied.

**COUNT III**  
**(Alleging violations of Virginia Conspiracy Act,**  
**Va. Code §§ 18.2-499(a) and 18.2-500)**

297. Rider hereby adopts and incorporates his responses to paragraphs 1-296 set forth above as if fully set forth herein.

298. Denied.

299. Denied.

300. Denied.

301. Denied.

**COUNT IV**  
**(Alleging Abuse of Process)**

302. Rider hereby adopts and incorporates his responses to paragraphs 1-301 set forth above as if fully set forth herein.

303. Rider admits the existence of the ESA Action, the pleadings and filings made therein and the Court's rulings and findings made in the ESA Action, which say what they say. Rider denies the remaining allegations in this paragraph.

304. Rider admits the Court's rulings and findings made in the ESA Action, which say what they say. Rider denies the remaining allegations in this paragraph.

305. Denied.

306. Denied.

307. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

308. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

309. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

310. Denied.

311. Denied.

312. Rider admits that he has testified, appeared and given statements before certain legislative and municipal bodies. Rider denies the remaining allegations in this paragraph.

313. Denied.

314. Denied.

315. Rider is without sufficient knowledge or information to admit or deny the truth of the allegations in this paragraph.

316. Denied.

317. Denied.

318. Denied.

319. Denied.

320. Denied.

321. Denied.

322. Denied.

**COUNT V**  
**(Alleging malicious prosecution)**

323. Rider hereby adopts and incorporates his responses to paragraphs 1-322 set forth above as if fully set forth herein.

324. Rider admits the existence of the Court's rulings and findings made in the ESA Action, which say what they say. Rider denies the remaining allegations in this paragraph.

325. Denied.

326. Denied.

327. Denied.

328. Rider admits the existence of the Court's rulings and findings made in the ESA Action, which say what they say. Rider denies the remaining allegations in this paragraph.

329. Denied.

330. Denied.

331. Denied.

332. Denied.

333. Denied.

**COUNT VI**  
**(Alleging maintenance)**

334 - 344. Count VI is not charged against Rider and therefore no response by him is required to the allegations in these paragraphs.

**COUNT VII**  
**(Alleging champerty)**

345 - 354. FEI's champerty claims have been dismissed by the Court and therefore no response by Rider is required to the allegations in these paragraphs, but to the extent any response may be required, the allegations are denied.

Further answering the First Amended Complaint, the Rider denies each and every allegation in the First Amended Complaint not specifically admitted, denies any and all allegations of wrongdoing and denies that plaintiff is entitled to the relief requested.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The FAC fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The FAC fails to comply with the pleading requirements set forth in Fed.R.Civ.P. 8(d) in that the individual numbered paragraphs of the FAC contain multiple, compound and lengthy averments, such that each allegation is not simple, concise, and direct, rendering it difficult, if not impossible to respond.

**THIRD DEFENSE**

Plaintiff has, or may have, failed to mitigate its damages.

**FOURTH DEFENSE**

Plaintiff's alleged injuries or damages, if any, were or may have been caused or proximately caused by the plaintiff's contributory negligence.

**FIFTH DEFENSE**

Plaintiff's alleged injuries and damages, if any, were not caused or proximately caused by any acts and/or omissions of these defendants or their agents.

**SIXTH DEFENSE**

Plaintiff's alleged injuries and/or damages, if any, were or may have been proximately caused by the superseding and/or intervening acts or negligence of others for whom these defendants are not responsible.

**SEVENTH DEFENSE**

Plaintiff's alleged injuries and/or damages, if any, were or may have been proximately caused by the acts or negligence of persons acting outside the scope of their employment and for whom these defendants are not responsible.

**EIGHTH DEFENSE**

Plaintiff's claims are or may be barred by the doctrine of assumption of the risk.

**NINTH DEFENSE**

Plaintiff's claims are or may be barred by the applicable statute of limitations.

**TENTH DEFENSE**

Plaintiff's claims are or may be barred by lack of privity of contract and/or because these defendants owed no duty to plaintiff.

**ELEVENTH DEFENSE**

Plaintiff's claims are or may be barred by the doctrines of laches, waiver and/or estoppel.



**TWELFTH DEFENSE**

Plaintiff's claims are or may be barred by the doctrine of res judicata and/or collateral estoppel.

**THIRTEENTH DEFENSE**

Plaintiff's claims are or may be barred by its failure to plead and/or prove with sufficient particularity the necessary "conduct" element in that the Complaint does not set forth a "predicate act" as required under the Civil Racketeering Influenced and Corrupt Organizations Act ("RICO").

**FOURTEENTH DEFENSE**

Plaintiff's claims are or may be barred by its failure to plead and/or prove the necessary "causal connection" between any predicate acts and plaintiff's purported injuries.

**FIFTEENTH DEFENSE**

Plaintiff's claims are or may be barred by its failure to plead and/or prove the necessary "conduct" and "enterprise" elements of any so-called RICO "enterprise."

**SIXTEENTH DEFENSE**

Plaintiff's claims are or may be barred by its failure to plead and/or prove with sufficient particularity the necessary "pattern" required under RICO.

**SEVENTEENTH DEFENSE**

Plaintiff's claims are or may be barred by its failure to plead and/or prove with sufficient particularity a RICO conspiracy claim under 18 U.S.C. § 1962(d).

**EIGHTEENTH DEFENSE**

Plaintiff's claims are or may be barred in whole or in part by the doctrine of unclean hands.

**NINETEENTH DEFENSE**

Plaintiff's claims are or may be barred in whole or in part by the doctrine of *pare delicto*.

**TWENTIETH DEFENSE**

Plaintiff's claims are or may be barred in whole or in part by the District of Columbia's Anti-SLAPP Act ("strategic lawsuits against public participation") codified at D.C. Code §§ 16-5501 *et seq.* (2010).

**TWENTY-FIRST DEFENSE**

Plaintiff's claims are or may be barred in whole or in part by the Noerr-Pennington Doctrine.

**TWENTY-SECOND DEFENSE**

Plaintiff's malicious prosecution claim fails as a matter of law because there was no favorable termination of the ESA Action on the merits and Plaintiff has not alleged and cannot prove a special injury as a result of the ESA Action.

**TWENTY-THIRD DEFENSE**

Plaintiff's abuse of process claim fails as a matter of law because there was no perversion of the regular and contemplated judicial process.

**TWENTY-FOURTH DEFENSE**

Plaintiff's maintenance claim fails as a matter of law because such a claim is not recognized in this jurisdiction, and the defendants had and have a strong interest in advancing the humane treatment of performing animals.

**TWENTY-FIFTH DEFENSE**

Plaintiff's claims fail as a matter of law because they constitute a compulsory counterclaim in the ESA Action pursuant to Rule 13(a).

**TWENTY-SIXTH DEFENSE**

Plaintiff's claims are or may be barred in whole or in part by because of the failure to comply with the heightened pleading requirements of Fed. R. Civ. P. 9(b).

**TWENTY-SEVENTH DEFENSE**

Plaintiff's claims are or may be barred in whole or in part because at all relevant times Rider's conduct was reasonable, lawful, and in good faith.

**TWENTY-EIGHTH DEFENSE**

Rider reserves the right to assert each and every additional defense, including affirmative defenses that may become available during the course of discovery.

**JURY DEMAND**

The MGC Defendants demand a trial by jury on all causes so triable.

Respectfully submitted,

/s/Stephen L. Braga  
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Counsel for Defendant Tom Rider

Date: August 9, 2012

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 9<sup>th</sup> day of August, 2012, copies of the foregoing Answer And Affirmative Defenses Of Defendant Tom Rider was served by ECF on all counsel of record.

/s/ Stephen L. Braga  
Stephen L. Braga