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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LANDMARK EDUCATION LLC, et al.,
Plaintiff,
-v.-
THE ROSS INSTITUTE, RICK ROSS, et al.,
Defendants.

Civil Action No. 04-3022 (JCL)

**ANSWER
AND JURY DEMAND**

Defendants The Ross Institute and Rick Ross (collectively referred to hereinafter as "defendants"), by way of Answer to plaintiffs' Complaint (the "Complaint"), say:

NATURE OF THE ACTION

1. Defendants deny the allegations set forth in paragraph 1 of the Complaint.

JURISDICTION AND VENUE

2. Paragraph 2 of the Complaint consists of legal conclusions for which no response is required.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Complaint.

DEFENSES

As set forth above, defendants deny all of the key factual allegations of plaintiffs' complaint, including but not limited to (i) plaintiffs' claim that defendants' have "lumped" Landmark together with groups such as Al Qaeda and the Aryan Brotherhood, (ii) plaintiffs' claim that defendants have made untrue defamatory or disparaging statements of fact about Landmark or its products, and (iii) plaintiffs' claims that defendants have authored or instigated the third-party, independent "visitor comments," "personal stories," or message board posts maintained on defendants' websites. In addition, defendants deny all of plaintiffs' legal conclusions and claims, including that defendants disparaged any of plaintiffs' products; that defendants tortiously interfered with plaintiffs' ongoing or prospective business relations; or that defendants in any way violated either the Lanham Act or the New Jersey Consumer Fraud Act. Defendants maintain that each of plaintiffs' claims is legally insufficient, is not supported by fact, is entirely lacking in merit, and that the Complaint as a whole constitutes an egregious example of a so-called "SLAPP" suit ("strategic lawsuit against public participation") under the law of many jurisdictions. Moreover, as a matter of law, defendants assert the following technical defenses, and reserve their right to assert additional defenses not specifically pleaded herein.

FIRST DEFENSE

Plaintiffs have failed to state a claim upon which relief can be granted.

SECOND DEFENSE

The statements contained on defendants' websites are protected by the First Amendment to the United States Constitution and Article I, § 6 of the New Jersey Constitution.

THIRD DEFENSE

The statements contained on defendants' websites are protected by the Fair Comment Privilege.

FOURTH DEFENSE

The statements of fact contained on defendants' websites are protected because they are true or substantially true.

FIFTH DEFENSE

The statements of fact contained on defendants' websites are protected because they were not made with actual malice.

SIXTH DEFENSE

Plaintiffs cannot establish malice-in-fact.

SEVENTH DEFENSE

Plaintiffs cannot establish that they have sustained special damages or other injury as a result of actionable conduct by defendants.

EIGHTH DEFENSE

The statements contained on defendants' websites are not disparaging or defamatory, and/or are statements of opinion that cannot be proven to be either true or untrue.

NINTH DEFENSE

Plaintiffs claims are unenforceable to the extent they are barred by applicable statutes of limitations.

WHEREFORE, defendants respectfully request judgment:

(a) Dismissing the Complaint with prejudice;

(b) Awarding defendants' attorneys' fees and other costs of defense, including attorneys fees and costs pursuant to California Civil Procedure Code § 425.16 (the California anti-SLAPP statute); and

(c) Granting such other and further relief as the Court deems just and proper.

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By: /s/ Peter L. Skolnik
Peter L. Skolnik (PLS 4876)

Dated: September 21, 2004

L. CIV. R. 11.2 CERTIFICATION

Pursuant to L. Civ. R. 11.2, I hereby certify, upon information and belief, that this matter is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding. I know of no other parties who should be joined in this action at this time.

/s/ Peter L. Skolnik
Peter L. Skolnik (PLS-4876)

Dated: September 21, 2004

JURY DEMAND

Pursuant to Fed. R. Civ. P 38 and Local Rule 38.1, defendants hereby demand a trial by jury as to all issues so triable.

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By: /s/ Peter L. Skolnik
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Dated: September 21, 2004

CERTIFICATION OF SERVICE

This is to certify that I today caused a copy of the foregoing Answer and Jury Demand to be served by email and first class mail upon the following counsel for plaintiffs, who is not an electronic filer:

Deborah E. Lans, Esq.
Cohen Lans LLP
885 Third Avenue
New York, New York 10022

/s/ Peter L. Skolnik
Peter L. Skolnik (PLS 4876)