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ATTORNEYS FOR DEFENDANT  
AARON WALL

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SOFTWARE DEVELOPMENT AND  
INVESTMENT OF NEVADA, d/b/a TRAFFIC-  
POWER.COM,

Plaintiff,

vs.

AARON WALL, an individual, d/b/a SEO  
BOOK.COM; and DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. CV-S-05-1109-RHL-LRL  
ANSWER TO COMPLAINT

Subject to the other affirmative defenses set forth in this Answer, Defendant Aaron Wall ("Wall") answers Plaintiff Software Development and Investment of Nevada, d/b/a Traffic-Power.com's ("*Plaintiff*") Complaint as follows:

1. Wall admits that Plaintiff is a Nevada corporation. Wall is without sufficient information or belief at this time to admit the truth and accuracy of the remaining allegations set forth in paragraph 1 of the Complaint and therefore, on that basis, all such allegations.

2. Wall admits that he resides in Centre County, Pennsylvania. Wall further states that he is the owner of an internet website with the address "seobook.com" and that he operates a

1 web log, or "blog," on such website. Wall denies any remaining allegations contained in  
2 paragraph 2 of the Complaint.

3 3. Wall is without sufficient information or belief at this time to admit the truth and  
4 accuracy of the allegations in paragraph 3 of the Complaint and therefore, on that basis, denies  
5 each and every allegation contained therein.

6 4. Wall denies each and every allegation set forth in paragraph 4 of the Complaint.

7 5. Wall denies each and every allegation set forth in paragraph 5 of the Complaint.

8 6. Wall is without sufficient information or belief at this time to admit the truth and  
9 accuracy of the allegations in paragraph 6 of the Complaint and therefore, on that basis, denies  
10 each and every allegation contained therein.

11 7. Wall is without sufficient information or belief at this time to admit the truth and  
12 accuracy of the allegations in paragraph 7 of the Complaint and therefore, on that basis, denies  
13 each and every allegation contained therein.

14 8. Wall is without sufficient information or belief at this time to admit the truth and  
15 accuracy of the allegations in paragraph 8 of the Complaint and therefore, on that basis, denies  
16 each and every allegation contained therein.

17 9. Wall is without sufficient information or belief at this time to admit the truth and  
18 accuracy of the allegations in paragraph 9 of the Complaint and therefore, on that basis, denies  
19 each and every allegation contained therein.

20 10. Wall is without sufficient information or belief at this time to admit the truth and  
21 accuracy of the allegations in paragraph 10 of the Complaint and therefore, on that basis, denies  
22 each and every allegation contained therein.

23 11. Wall is without sufficient information or belief at this time to admit the truth and  
24 accuracy of the allegations in paragraph 11 of the Complaint and therefore, on that basis, denies  
25 each and every allegation contained therein.

26 12. Wall is without sufficient information or belief at this time to admit the truth and  
27 accuracy of the allegations in paragraph 12 of the Complaint and therefore, on that basis, denies  
28 each and every allegation contained therein.

13. Wall is without sufficient information or belief at this time to admit the truth and accuracy of the allegations in paragraph 13 of the Complaint and therefore, on that basis, denies each and every allegation contained therein.

14. Wall denies each and every allegation in paragraph 14 of the Complaint to the extent that such allegations are asserted against him. Wall states that any remaining allegations in paragraph 14 of the Complaint are so vague and ambiguous that he cannot responsibly plead to them and, therefore, denies all such allegations.

15. Wall denies each and every allegation in paragraph 15 of the Complaint to the extent that such allegations are asserted against him. Wall states that any remaining allegations in paragraph 15 of the Complaint are so vague and ambiguous that he cannot responsibly plead to them and, therefore, denies all such allegations.

16. Wall denies that he acted with malicious intent. Wall is without sufficient information or belief at this time to admit the truth and accuracy of the remaining allegations set forth in paragraph 16 of the Complaint and therefore, on that basis, denies all such allegations.

17. Wall denies each and every allegation in paragraph 17 of the Complaint to the extent that such allegations are asserted against him. Wall states that any remaining allegations in paragraph 17 of the Complaint are so vague and ambiguous that he cannot responsibly plead to them, and therefore, denies all such allegations.

18. Wall is without sufficient information or belief at this time to admit the truth and accuracy of the allegations in paragraph 18 of the Complaint and therefore, on that basis, denies each and every allegation contained therein.

19. Wall denies each and every allegation set forth in paragraph 19 of the Complaint.

20. Wall denies each and every allegation set forth in paragraph 20 of the Complaint.

#### I.

#### FIRST CLAIM FOR RELIEF

#### (Misappropriation of Trade Secrets)

21. Wall incorporates his responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

1           22.     Wall denies each and every allegation set forth in paragraph 22 of the Complaint to  
2 the extent that such allegations are asserted against him. Wall is without sufficient information or  
3 belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
4 paragraph 22 of the Complaint and therefore, on that basis, denies all such allegations.

5           a.     Wall denies each and every allegation set forth in paragraph 22(a) of the Complaint  
6 to the extent that such allegations are asserted against him. Wall is without sufficient information  
7 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
8 paragraph 22(a) of the Complaint and therefore, on that basis, denies all such allegations.

9           b.     Wall denies each and every allegation set forth in paragraph 22(b) of the Complaint  
10 to the extent that such allegations are asserted against him. Wall is without sufficient information  
11 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
12 paragraph 22(b) of the Complaint and therefore, on that basis, denies all such allegations.

13          c.     Wall denies each and every allegation set forth in paragraph 22(c) of the Complaint  
14 to the extent that such allegations are asserted against him. Wall is without sufficient information  
15 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
16 paragraph 22(c) of the Complaint and therefore, on that basis, denies all such allegations.

17          d.     Wall denies each and every allegation set forth in paragraph 22(d) of the Complaint  
18 to the extent that such allegations are asserted against him. Wall is without sufficient information  
19 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
20 paragraph 22(d) of the Complaint and therefore, on that basis, denies all such allegations.

21          e.     Wall denies each and every allegation set forth in paragraph 22(e) of the Complaint  
22 to the extent that such allegations are asserted against him. Wall is without sufficient information  
23 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
24 paragraph 22(e) of the Complaint and therefore, on that basis, denies all such allegations.

25          f.     Wall denies each and every allegation set forth in paragraph 22(f) of the Complaint  
26 to the extent that such allegations are asserted against him. Wall is without sufficient information  
27 or belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
28 paragraph 22(f) of the Complaint and therefore, on that basis, denies all such allegations.

1 23. Wall denies each and every allegation set forth in paragraph 23 of the Complaint.

2 24. Wall denies each and every allegation set forth in paragraph 24 of the Complaint.

3 **II.**

4 **SECOND CLAIM FOR RELIEF**

5 **(Defamation/Libel Per Se)**

6 25. Wall incorporates his responses to paragraphs 1 through 24 of the Complaint as if  
7 fully set forth herein.

8 26. Wall denies each and every allegation set forth in paragraph 26 of the Complaint to  
9 the extent that such allegations are asserted against him. Wall states that any remaining allegations  
10 in paragraph 26 are so vague and ambiguous that he cannot responsibly plead to them and,  
11 therefore, denies all such allegations.

12 27. Wall denies each and every allegation set forth in paragraph 27 of the Complaint to  
13 the extent that such allegations are asserted against him. Wall states that any remaining allegations  
14 in paragraph 27 are so vague and ambiguous that he cannot responsibly plead to them and,  
15 therefore, denies all such allegations.

16 28. Wall denies each and every allegation set forth in paragraph 28 of the Complaint.

17 29. Wall denies each and every allegation set forth in paragraph 29 of the Complaint.

18 **III.**

19 **THIRD CLAIM FOR RELIEF**

20 **(Injunctive Relief)**

21 30. Wall incorporates his responses to paragraphs 1 through 29 of the Complaint as if  
22 fully set forth herein.

23 31. Wall denies each and every allegation set forth in paragraph 31 of the Complaint to  
24 the extent that such allegations are asserted against him. Wall is without sufficient information or  
25 belief at this time to admit the truth and accuracy of the remaining allegations set forth in  
26 paragraph 31 of the Complaint and therefore, on that basis, denies all such allegations.

27 32. Wall denies each and every allegation set forth in paragraph 32 of the Complaint.

28 33. Wall denies each and every allegation set forth in paragraph 33 of the Complaint.

IV.

**FOURTH CLAIM FOR RELIEF**

**(Punitive Damages)**

34. Wall incorporates his responses to paragraphs 1 through 33 of the Complaint as if fully set forth herein.

35. Wall denies each and every allegation set forth in paragraph 35 of the Complaint to the extent that such allegations are asserted against him. Wall is without sufficient information or belief at this time to admit the truth and accuracy of the remaining allegations set forth in paragraph 35 of the Complaint and therefore, on that basis, denies all such allegations.

36. Wall denies each and every allegation set forth in paragraph 36 of the Complaint.

37. Wall denies each and every allegation set forth in paragraph 37 of the Complaint.

**AFFIRMATIVE DEFENSES**

Wall asserts the following affirmative defenses:

**FIRST AFFIRMATIVE DEFENSE**

Wall is immune from liability to Plaintiff pursuant to Section 230 of the federal Communications Decency Act of 1996, codified as 47 U.S.C. § 230.

**SECOND AFFIRMATIVE DEFENSE**

Each cause of action contained in the Complaint fails to state a claim upon which relief can be granted.

**THIRD AFFIRMATIVE DEFENSE**

The Court lacks personal jurisdiction over Wall.

**FOURTH AFFIRMATIVE DEFENSE**

Any injuries and/or damages which may have been sustained by the Plaintiff could not have been prevented and/or avoided by Wall.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff expressly and/or impliedly authorized, acquiesced in, consented, and ratified the conduct complained of in the Complaint.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the appropriate statute(s) of limitations.

**SEVENTH AFFIRMATIVE DEFENSE**

No acts of Wall, nor of any acts that might be attributed to Wall, rise to a level that would warrant punitive or exemplary damages.

**EIGHTH AFFIRMATIVE DEFENSE**

Wall's conduct at all relevant times was privileged, and therefore, not wrongful.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff's claims against Wall are barred by the doctrines of waiver, estoppel, laches, and/or unclean hands.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff has not sustained any damage or injury that is in any way attributable to the alleged conduct of Wall.

**ELEVENTH AFFIRMATIVE DEFENSE**

Wall's conduct at all relevant times was privileged under the First and Fourteenth Amendments to the United States Constitution and Article 1, § 9 of the Nevada Constitution.

**TWELFTH AFFIRMATIVE DEFENSE**

Wall's conduct at all relevant times was privileged because Plaintiff is public figure.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Wall's conduct at all relevant times was privileged under the common interest privilege.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Wall at all relevant times acted in good faith.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Wall is informed and believes that the facts to be developed through discovery in this case may reveal additional affirmative defenses that would bar Plaintiff's right to recovery against him in whole or in part. Wall reserves the right to amend his Answer to include any additional affirmative defenses later found to be applicable.

1 WHEREFORE, Wall prays for judgment as follows:

2 A. That the Complaint be dismissed with prejudice, that judgment be entered against  
3 Plaintiff, and that Plaintiff take nothing by way of its Complaint.

4 B. That Wall be awarded and recover from Plaintiff all attorneys' fees and costs  
5 incurred by him in defending this action.

6 C. That the Court grant Wall any and all other relief that the Court deems just and  
7 proper.

8 DATED this 19<sup>th</sup> day of September, 2005.

9  
10 JONES VARGAS

11  
12  
13 By: *Ariel Stern*

14 R. DOUGLAS KURDZIEL, ESQ.

15 Nevada Bar # 4658

16 ARIEL E. STERN, ESQ.

17 Nevada Bar # 8276

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CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing **ANSWER** was served upon the following person(s), at their last known address, by mailing a copy thereof, first class mail, postage prepaid, on this 19th day of September, 2005, as follows:

Max D. Spilka, Esq.  
Max D. Spilka, CHTD.  
8330 W. Sahara Ave.  
Suite 290  
Las Vegas, NV 89117

  
An employee of JONES VARGAS