

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

FRIDAY & COX, LLC,

Civil Action No.: 18-CV-02420

Plaintiff,

vs.

FINDLAW; REUTERS HOLDINGS, INC.;  
and WEST PUBLISHING CORPORATION  
t/d/b/a FINDLAW,

**PLAINTIFF'S ANSWER TO  
DEFENDANTS' JOINT ANSWER AND  
COUNTERCLAIMS**

Defendants.

**PLAINTIFF'S ANSWER TO DEFENDANTS' JOINT ANSWER AND  
COUNTERCLAIMS**

Plaintiff Friday & Cox, LLC, by and through its attorney Jared M. Goerlitz, files the following Answer to defendants' Joint Answer and Counterclaims and deny each of defendants' allegations, except as set forth below:

1. Plaintiff admits paragraph 1 of defendants' Counterclaim, but states the documents speak for themselves.
2. Plaintiff admits paragraph 2 of defendants' Counterclaim.
3. Plaintiff admits paragraph 3 of defendants' Counterclaim, upon information and belief.
4. Plaintiff admits paragraph 4 of defendants' Counterclaim to the extent that defendant West was contractually obligated to render website services to and on plaintiff's behalf, but plaintiff denies that defendant West "rendered" these services to plaintiff and states the documents speak for themselves.

5. Plaintiff admits paragraph 5 of defendants' Counterclaim to the extent that defendant West provided plaintiff with monthly billing statements itemizing the website services, but plaintiff denies that defendant West "rendered" these services to plaintiff.

6. Plaintiff admits paragraph 6 of defendants' Counterclaim to the extent that plaintiff has refused to pay the balance of \$36,901.72 to defendant West. However, plaintiff denies that defendant West is entitled to such balance and/or any applicable interest.

7. In response to paragraph 7 of defendants' Counterclaim, plaintiff restates their responses to paragraphs 1-6 as if fully set forth herein.

8. Plaintiff denies paragraph 8 of defendants' Counterclaim as the allegations are conclusions of law.

9. In response to paragraph 9 of defendants' Counterclaim, plaintiff restates their responses to paragraphs 1-8 as if fully set forth herein.

10. Plaintiff denies paragraph 10 of defendants' Counterclaim as the allegations are conclusions of law.

#### **AFFIRMATIVE DEFENSES**

1. The Counterclaim fails to state a claim upon which relief may be granted.

2. Defendants suffered no damage from the alleged acts and/or omissions of plaintiff, which plaintiff denies, and therefore defendants are not entitled to any award of damages, attorney fees or costs.

3. All of plaintiff's actions have been in accordance with the underlying agreement(s).

4. Any violation of the law or damage suffered by defendants, which plaintiff denies, was due to the affirmative actions and/or omissions of defendants and does not give rise to any liability of plaintiff.

5. Plaintiff specifically denies that defendants suffered any actual damages; however, if such damages do exist, plaintiff asserts that such damage claims are subject to the defense of failure to mitigate.

6. Any recovery by defendants is barred by their own improper conduct or “unclean hands,” including conduct that caused or attributed to the alleged damages.

### **RESERVATION OF DEFENSES**

Plaintiff reserves the right to plead additional defenses or otherwise amend its response to defendants’ counterclaim pursuant to the rules of civil procedure and as may be revealed through discovery.

### **PRAYER FOR RELIEF**

WHEREFORE, having answered each and every allegation contained within the Defendants’ Counterclaim, and having set forth valid affirmative defenses, Plaintiff prays that this court enter a judgment in favor of the Plaintiff:

1. For an Order dismissing the Counterclaim against the Plaintiff with prejudice and on its merits; and
2. For an Order awarding the Plaintiff its costs incurred in defending the Counterclaim in this action, including attorneys’ fees; and
3. For such other relief as the court deems just and proper.

**GOERLITZ LAW, PLLC**

Date: October 9, 2018

By: /s/ Jared M. Goerlitz

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