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FILED

2016 JUN 30 PM 1:04

MARY ELLEN DUNLAP
CLERK OF SUPERIOR COURT

BY M
DEPUTY

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9 DOUG STANHOPE

10 **COCHISE COUNTY SUPERIOR COURT**
11 **STATE OF ARIZONA**

12 **AMBER HEARD, an individual,**

Case No: CV2016-00280

13 **Plaintiff,**

ANSWER

14 vs.

15 **DOUG STANHOPE, an individual;**
16 **and DOES 1-20, individuals,**

17 **Defendants.**

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18 For his Answer to Plaintiff's Complaint, Defendant DOUG STANHOPE
19 ("Defendant" or "Mr. Stanhope") pleads as follows:

20 1. Mr. Stanhope admits that he wrote an article entitled "Words Fail Me", the
21 facts of which speak for themselves, and that such article was originally published on Mr.
22 Stanhope's website at: <http://www.dougstanhope.com/journal/2016/5/29/words-fail-me>.

Mr. Stanhope denies all remaining allegations of this paragraph.

23 2. Deny.

24 3. Deny.

25 4. Admit.

26 5. Admit.

27 6. Deny.

28 7. Deny.

- 1 8. Deny.
- 2 9. Admit.
- 3 10. Admit.
- 4 11. Deny.
- 5 12. To the extent the allegations of this paragraph relate to Plaintiff's subjective
- 6 "hopes" and beliefs, Defendant lacks sufficient knowledge upon which to form a belief as
- 7 to those allegations and therefore denies same. In all other respects, denied.
- 8 13. Deny.
- 9 14. Deny.
- 10 15. Admit that Plaintiff recently filed for divorce from non-party JOHNNY
- 11 DEPP ("Mr. Depp"). In all other respects, denied.
- 12 16. Admit that Plaintiff has sought certain judicial relief as to Mr. Depp. Deny
- 13 the remaining allegations of this paragraph.
- 14 17. Admit that Plaintiff's divorce filing received substantial publicity and that
- 15 both Plaintiff and Mr. Depp are public figures. Admit that Mr. Depp is a popular
- 16 celebrity, and that his life is routinely covered by the press. Further admit that as a result
- 17 of his success, Mr. Depp has connections in the entertainment industry. Deny the
- 18 remaining allegations of this paragraph.
- 19 18. Admit that Mr. Depp has engaged in efforts to promote films at various
- 20 times. Deny the remaining allegations of this paragraph.
- 21 19. Admit that Mr. Depp has engaged in efforts to promote films at various
- 22 times. Deny the remaining allegations of this paragraph.
- 23 20. Mr. Stanhope admits that he wrote an article entitled "Words Fail Me", the
- 24 facts of which speak for themselves, and that such article was originally published on Mr.
- 25 Stanhope's website at: <http://www.dougstanhope.com/journal/2016/5/29/words-fail-me>.
- 26 Mr. Stanhope denies all remaining allegations of this paragraph.
- 27 21. Mr. Stanhope admits that he wrote an article entitled "Words Fail Me", the
- 28 facts of which speak for themselves, and that such article was originally published on Mr.

1 Stanhope's website at: <http://www.dougstanhope.com/journal/2016/5/29/words-fail-me>.

2 Mr. Stanhope denies all remaining allegations of this paragraph and all its subparts.

3 22. Deny.

4 23. Deny.

5 24. Deny.

6 25. Defendant lacks sufficient knowledge upon which to form a belief as to
7 those allegations and therefore denies same.

8 26. N/A

9 27. Deny.

10 28. Admit.

11 29. Deny.

12 30. Deny.

13 31. Deny.

14 32. Deny.

15 33. Deny.

16 34. N/A

17 35. Deny.

18 36. Deny.

19 37. Deny.

20 38. Deny.

21 39. Deny.

22 40. Deny.

23 41. N/A

24 42. Deny.

25 43. Deny.

26 44. Deny.

27 45. Deny.

28 46. Deny.

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General Denial

Defendant generally denies each and every allegation of the Complaint except as otherwise expressly admitted herein.

Jury Demand

Defendant demands a trial by jury as to all matters so triable.

FIRST AFFIRMATIVE DEFENSE

(Failure to State Claim)

The Complaint and each cause of action set forth therein fails to state any claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(First Amendment/Lack of Intent)

Without acknowledging that such is an affirmative defense as opposed to an affirmative element of Plaintiff's case, the Complaint and each cause of action set forth therein is barred to the extent Defendant's statements were published without actual malice.

THIRD AFFIRMATIVE DEFENSE

(First Amendment/Truth)

Without acknowledging that such is an affirmative defense as opposed to an affirmative element of Plaintiff's case, the Complaint and each defamation-based cause of action set forth therein is barred to the extent that any statements of and concerning Plaintiffs were, in fact, true.

FOURTH AFFIRMATIVE DEFENSE

(Arizona Single Publication Act; A.R.S. § 12-651)

To the extent Plaintiff asserts multiple causes of action founded upon a single publication, such claims are barred, in part, by Arizona's Uniform Single Publication Act, A.R.S. § 12-615.

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FIFTH AFFIRMATIVE DEFENSE

(Communications Decency Act; 42 U.S.C. § 230(c)(1))

Without acknowledging that such is an affirmative defense as opposed to an affirmative element of Plaintiff's case, Plaintiff's claims are barred by the Communications Decency Act, 47 U.S.C. § 230(c)(1), to the extent such claims seek to treat Defendant as the publisher or speaker of any information provided by another information content provider.

SIXTH AFFIRMATIVE DEFENSE

(Incremental Harm)

Any claims set forth in the Complaint are barred to the extent that the statements which form the basis for such claims have caused no greater harm to Plaintiff's reputation than the truth would have caused.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant DOUG STANHOPE prays for the following relief:

- A. Dismiss Plaintiff's Complaint with prejudice and order that Plaintiff take nothing thereby;
- B. Deny, with prejudice, any equitable, injunctive, and/or declaratory relief in any form requested by Plaintiff;
- C. Award Defendant his costs of suit pursuant to A.R.S. § 12-341;
- D. Such other and further relief as deemed appropriate by the Court.

DATED June 30, 2016.

GINGRAS LAW OFFICE, PLLC



David S. Gingras
Attorney for Defendant

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ORIGINAL filed this 30th day of June 2016
and COPIES mailed to:

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