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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.

4. Defendants admit that The Rick A. Ross Institute of New Jersey (“The Ross Institute”) is also commonly referred to as “The Ross Institute” or “The Ross Institute For The Study of Destructive Cults, Controversial Groups And Movements,” and has principal offices located in Jersey City, New Jersey. Defendants deny the allegations of the second sentence of paragraph 4 of the Complaint, and state that The Ross Institute was incorporated as a nonprofit organization in July 2002, and obtained Internal Revenue Service recognition as a 501(c)(3) educational charity in December 2002. Defendants admit that Rick Ross (“Ross”) is an individual who resides in Jersey City, New Jersey and state that although “Ricky Ross” is Ross’s legally-given name inscribed on his birth certificate, he has since his teenage years referred to himself as Rick Ross, Rick Alan Ross, or Rick A. Ross. Defendants deny the remaining allegations set forth in paragraph 4 of the Complaint.

5. Paragraph 5 of the Complaint consists of legal conclusions for which no response is required.

6. Paragraph 6 of the Complaint consists of legal conclusions for which no response is required.

FACTUAL ALLEGATIONS

A. Background

a. Landmark

7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Complaint. However, on information and belief, defendants state that Landmark Education is a privately owned for-profit company that sells controversial large group awareness training programs to the public at costs ranging from hundreds to thousands of dollars. “Werner Erhard,” a/k/a Jack Rosenberg – a high school graduate and former used car salesman – was labeled by *Forbes Magazine* the “millionaire guru of est” by creating a course curriculum that is now the basis of “The Landmark Forum.” Amidst extensive unfavorable media coverage, “Erhard” sold his company in 1991 to several employees, who then formed plaintiff Landmark Education. Landmark Education is now run by Harry Rosenberg, “Werner Erhard’s” brother, and has paid substantial annual licensing fees to Erhard for his “est” (Erhard Seminars Training) “technology.” The press has referred to that “technology” – as currently used by Landmark – as “brainwashing,” “mumbo-jumbo,” “drive-thru deliverance,” and “cult”; and has categorized Landmark as among various “white collar cults.” The programs “Erhard” devised under the former “est” moniker were associated and/or linked – in articles appearing in the distinguished *American Journal of Psychiatry* – to “psychiatric disturbances” and “psychosis.” On information and belief, no peer-reviewed scientific studies have ever been published to substantiate that the programs offered by Landmark Education produce any meaningful measured results.

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Complaint.

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint.

b. Defendants

11. Defendants admit that Ross is the founder and Executive Director of The Ross Institute. Defendants further admit that although Ross's formal education ended with high school, he has nevertheless become "an internationally known expert on cults and other radical, extreme and often unsafe groups" as well as an expert on many other controversial entities such as Landmark, and has lectured at some of the most prestigious universities and colleges in the country, including the University of Chicago, Rutgers, Carnegie Mellon, Baylor, and the University of Pennsylvania. Mr. Ross has been qualified and accepted as an expert witness in eight States regarding cults and cult behavior, and appears regularly in the national and international media – including service as a paid consultant for television networks in the United States (CBS), Canada (CBC) and Japan (Nippon). Defendants further admit that Ross, now in his fifties, was convicted in 1975 at the age of twenty-two of the non-violent crime of "Conspiracy to Commit Grand Theft" and was sentenced to probation, which was completed without incident in 1979, leading to reversal of the conviction by the Maricopa County (Arizona) Superior Court in 1983. Defendants state that Ross (i) later founded the Jewish Prisoner Program of Arizona, through the social service agency called Jewish Family and Children's Service of Phoenix; (ii) was elected chairman of the Religious Advisory Committee to the Arizona Department of Corrections in 1986; and (iii) that year was also appointed chairman of an international coalition of Jewish prisoner services – work recognized through a Community Service Citation by B'nai B'rith International. Defendants deny all of the remaining allegations set forth in paragraph 11 of the Complaint.

B. Defendants' Web Sites

12. Defendants admit to operating www.rickross.com, www.cultnews.com, and www.culteducation.com. Defendants further admit that these websites are a “public resource,” and state that the sites, individually and collectively, represent an Internet based educational database and archive that contains thousands of documents about hundreds of groups and leaders, and that permits visitors to both examine, without charge, “information about cults, destructive cults, controversial groups and movements” and many other entities, as well as to provide and discuss information, personal experiences and personal opinions about such entities. The Ross Institute database and archive contains, *inter alia*, court documents, news articles, wire service reports and personal testimonies about a wide range of controversial groups and movements. As such, it records the history of various groups and the controversies that have surrounded them. Defendants admit that the Ross Institute’s websites provide an alphabetical list of over 250 diverse groups and entities – a list that includes Landmark, the Aryan Brotherhood and Al Qaeda – but deny “lumping” these groups together any more than a supermarket “lumps” drain cleaner with chicken soup. Defendants state that each alphabetically-listed group is categorized by type: Al Qaeda is listed under “Islamic Groups” and “Political Groups”; both Al Qaeda and the Aryan Brotherhood are listed under “Hate Groups”; Landmark is listed under neither of those headings, but solely under “Human Potential.” Defendants further admit that Mr. Ross has been qualified as an expert on cults in eight States, and that in response to requests for his services from individuals’ families and/or friends, who have identified and determined their concerns before contacting Ross, he has conducted numerous interventions, some of which have involved parentally-supervised minors. Defendants admit that Ross earns a modest living from fees for his expert testimony, lectures, and interventions; he nets, after costs and taxes, approximately \$30,000-a-year in earnings. Defendants further admit that a young man named Jason Scott, represented by lawyers affiliated with Scientology, successfully prosecuted a civil suit against Ross and an entity known as the Cult Awareness Network (“CAN”) based upon

actions taken during an involuntary intervention Ross had conducted at the request, and under the direct supervision, of Scott's mother, and admit that both Ross and CAN declared bankruptcy as a result of judgments against them in that lawsuit. Defendants state that, after leaving the Bellevue, Washington "church" that was the subject of his intervention, Scott – 18 years old at the time of the intervention – rejoined his family, settled his multi-million dollar judgment against Ross for \$5000 and 200 hours of consultation, and declared publicly that he had been "used" by the Scientologists backing his lawsuit against Ross. Scientology's manipulations in the Scott case were exposed by "60 Minutes" and in an article published by "American Lawyer." Defendants deny all of the remaining allegations set forth in paragraph 12 of the Complaint.

13. Defendants deny the allegations set forth in paragraph 13 of the Complaint, and state that Mr. Ross has never earned a profit from the sales of "Cults: An Educational Volume with Rick Ross," which makes no mention of Landmark.

14. Defendants admit the allegations set forth in paragraph 14 of the Complaint.

15. Defendants deny the allegations contained in the first sentence of paragraph 15 and state that Ross has been qualified as an expert on the subject of cults in eight States and lectures widely on that subject. Defendants admit – although Ross is often sought after for his expert opinion by both the national and international media and is, in fact, perhaps the single most quoted cult expert in the media today – Ross holds no educational degree regarding cults. Defendants state that Ross was consulted by both the Bureau of Alcohol and Firearms and the FBI in connection with the Branch Davidian stand-off in Waco, and admit that thereafter, Nancy Ammerman, who has been called a cult apologist, expressed the opinion that Ross is not regarded as an expert among members of the academic community. Defendants deny all of the remaining allegations set forth in paragraph 15 of the Complaint.

16. Defendants deny all of the allegations contained in paragraph 16 of the Complaint.

17. Defendants admit that www.rickross.com contains an alphabetized list of the over 250 “controversial groups” about which the database contains information, “*some* called ‘cults.’” Defendants state that a disclaimer on the site, which is linked from every page, states:

“The mention and/or inclusion of a group or leader within this archive does not define that group as a ‘cult’ and/or an individual mentioned as either destructive and/or harmful. Instead, such inclusion simply reflects that archived articles and/or research is available about a group or person that has generated some interest and/or controversy. All the information archived must be evaluated critically, through a process of independent and individual judgment. Please note that there are links often prominently posted at the top of each individual page to a group or movement's own official website, which reflect their views. It is important to see what they have to say.”

Consistent with the policy reflected in the disclaimer, the “Landmark” page on the website includes a prominently posted link to Landmark’s official website – and thus to any countervailing information, articles, testimonials and opinions plaintiffs wish to provide to the public. The Landmark website does contain testimonials extolling Landmark’s courses and claiming positive results. Defendants further state that all of the “controversial groups” covered in their websites are clearly and conspicuously segregated into categories on the websites, and that no category includes Landmark, Al Qaeda, and the Aryan Brotherhood; but defendants admit that Landmark, Al Qaeda, and the Aryan Brotherhood are among the over 250 listed organizations – as are, *inter alia*, Jim & Tammy Baker, Jews for Jesus, Hari Krishnas, Lyndon Larouche, and UFO Believers.

a. “Visitor Comments”

18. The allegations made and opinions expressed in anonymous “visitor comments” on defendants’ websites speak for themselves, and no response to plaintiffs’ characterizations of these allegations is required. Defendants deny, however, that the terms “cult” and “brainwash” – as used by members of the general public, including anonymous visitors to defendants’ websites – are either disparaging or “susceptible to concrete meaning,” stating that “cult” following is commonly attributed to everything from motion pictures, celebrities and rock bands to politicians and diet doctors, and “brainwash” is commonly used in a rhetorically hyperbolic manner to refer to intensive or aggressive proselytizing on any subject. Defendants deny the remaining allegations set forth in paragraph 18 of the Complaint.

19. The allegations made and opinions expressed in anonymous “visitor comments” on defendants’ websites speak for themselves, and no response to plaintiffs’ characterizations of these allegations is required, although defendants state that the comments set forth in paragraph 18 of the Complaint are either true, are quoted out of context, are not disparaging or defamatory, or are expressions of the opinions of anonymous visitors to defendants’ websites. Defendants further state that a disclaimer linked prominently at the bottom of the Visitor Comments page states:

“The Rick A. Ross Institute, its Advisory Board and/or Rick Ross do not necessarily endorse or support any of the views expressed within the documents, articles, reports and testimonies archived within this website, with the exception of those specifically so attributed. The Rick A. Ross Institute, its Advisory Board and/or Rick Ross do not necessarily endorse or support any of the views expressed within linked websites listed at the Links page of this website. They are provided only for the convenience of researchers and those concerned.”

Defendants admit that Ross has never attended the Landmark Forum or any of Landmark’s other courses, and deny the remaining allegations set forth in paragraph 19 of the Complaint.

20. Defendants deny the allegations set forth in paragraph 20 of the Complaint.

21. Defendants admit that Ross edits some “visitor comments” for length, punctuation, spelling, and grammatical errors, but deny that Ross ever edits any “visitor comments” for content. Defendants admit that Ross chooses those of the many unsolicited, third-party “visitor comments” received that are posted on defendants’ websites. Defendants further admit that a copyright notice – protecting, *inter alia*, Ross’s selection and arrangement of the materials comprising the websites as compilations pursuant to Title 17, U.S.C. §101 – can be found at the bottom of every page of defendants’ websites. Defendants deny all of the remaining allegations set forth in paragraph 21 of the Complaint.

b. “Personal Stories”

22. Defendants admit that “anonymously-authored ‘personal stories’” are posted on defendants’ websites concerning participation in Landmark’s programs. To the extent the allegations and opinions found in sections “(1)” through “(8)” of paragraph 22 purport to quote from the anonymous “personal stories” maintained on defendants’ websites, those statements, quoted out of context by plaintiffs, speak for themselves and no answer as to the specific quoted material is required. Defendants deny all of the remaining allegations set forth in paragraph 22 of the Complaint.

23. Defendants deny all of the allegations set forth in paragraph 23 of the Complaint.

24. Defendants admit that Ross edits some “personal stories” for length, punctuation, spelling, and grammatical errors, but deny that Ross ever edits any “personal stories” for content. Defendants further admit that a copyright notice – protecting, *inter alia*, Ross’s selection and arrangement of the materials comprising the websites as compilations

pursuant to Title 17, U.S.C. §101 – can be found at the bottom of every page of defendants’ websites. Defendants deny all of the remaining allegations set forth in paragraph 24 of the Complaint.

c. Reports and Articles

25. Defendants admit that there are dozens of independently-authored, previously published “Reports and Articles” concerning plaintiffs’ educational programs found on defendants’ websites. Defendants further admit that three of these independently-authored, previously published “Reports and Articles” are entitled “Brain Wash” (Pitch Weekly, 2000), “Mindbreakers” (London Daily Mail, 2001), and “Microsoft Paid for Culty Clinics” (New York Post, 2000). Defendants admit – although a link to Landmark’s official website and all content Landmark chooses to place there is prominently displayed on the “Landmark” page of www.rickross.com – that defendants have exercised both their right to decline to post certain articles containing positive statements about plaintiffs’ programs, and their right to elect to post certain other articles containing positive statements about plaintiffs’ programs, including positive articles “brought to defendants’ attention” by Landmark. Defendants deny the remaining allegations set forth in paragraph 25, including plaintiffs’ allegation that defendants have instigated the creation of any such articles, and state that negative press and scathing criticism of plaintiffs’ programs, as well as those of its predecessor “est,” have circulated in the mainstream national and international print and broadcast media since well before defendants’ websites were created in 1996.

d. Forums and Chat Rooms

26. Defendants admit the allegations contained in the first sentence of paragraph 26, and state that the “forum” section “chat rooms” on defendants’ websites are moderated in accordance with posted rules. One such rule states: “The moderators of this forum will attempt to keep all objectionable messages off this forum, but it is impossible to review

every message. All messages express the views of the author, and neither the owners of this forum, Cult Education.com, Rick Ross.com and/or developers of bulletin software, will be held responsible for the content of any message.” Another “forum” rule states: “The purpose of this forum is not to promote a specific religious viewpoint and/or to proselytize. So-called ‘flames,’ vitriolic posts that personally attack people, will not be tolerated and are grounds for banning the author from this message board.” To the extent that the allegations in paragraph 26 purport to quote from independently-authored “chat room” postings on defendants’ websites, such messages speak for themselves, and no answer to those allegations is required.

27. Defendants deny the allegations set forth in paragraph 27 of the Complaint, and state that the only posts Ross has personally authored are clearly attributed “rrmoderator”; Ross has never posted under any other name.

28. Defendants deny the allegations set forth in paragraph 28 of the Complaint, and state that many posts by Landmark supporters are archived within the Landmark “chat room” on defendants’ “forum.”

e. Links

29. Defendants admit that, in addition to a prominently displayed link to Landmark’s official website, defendants’ websites provide links to other wholly independent websites that contain information regarding Landmark, much of which – like the articles identified in paragraph 29 – consists of previously published material. Defendants state that links to such other websites are accompanied by the following disclaimer: “The Rick A. Ross Institute, its Advisory Board and/or Rick Ross do not necessarily endorse or support any of the views expressed within the linked websites listed at the Links page of this website. They are provided only for the convenience of researchers and those concerned.” To the extent the allegations in paragraph 29 purport to quote from materials found on independent websites linked to defendants’ websites, such materials and websites speak for themselves, and no answer

as to the quoted material is required; defendants, however, specifically deny that plaintiffs' Complaint accurately reflects the context in which that quoted material is presented on those independent websites.

f. Meta Tags, Registrations, Portals

30. Defendants admit that websites use meta tags for keywords and description, and that these meta tags are used by search engines to categorize websites for display in response to a user search. Defendants further admit, due to the exhaustive list of controversial groups maintained on its websites, that the meta tags for defendants' websites include, among many others, the keywords "cults," "brainwashing," "mind control," and "destructive and unsafe groups." Defendants further admit that when a user accesses certain Internet search engines and enters one or more of the quoted terms as the keyword, the resulting search will return a list of websites that includes those operated by defendants. Defendants deny all of the remaining allegations set forth in paragraph 30 of the Complaint, state that Ross has never called Landmark a "cult," and further state that Landmark is neither linked within the separate and distinct sections of defendants' database titled "Brainwashing?" and "Mind Control," nor linked in the list of "Warning Signs" provided in the section "Getting Help."

31. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first, second, and third sentences of paragraph 31 of the Complaint. Defendants deny all of the remaining allegations set forth in paragraph 31, including that the results of a YAHOO! search either "imply that Landmark is a cult or is a destructive or unsafe group" or "implies defendants' expert opinion that Landmark is a 'cult' or a 'destructive or unsafe group.'"

32. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation that "defendants' web sites have even greater reach," but admit that a search for "Landmark Education" under the Internet search engine "Google"

produces defendants' websites as an internet portal. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the interests or intentions of people seeking information about Landmark on the Internet. Defendants deny all of the remaining allegations set forth in paragraph 32 of the Complaint.

C. Defendants Refuse to Post Positive Material

33. Defendants admit that plaintiffs wrote to defendants in or about February 1999, and state that the contents of that correspondence speaks for itself. Defendants further admit that defendants did not modify their websites pursuant to plaintiffs' request except to divide archived material about Landmark into three separate web pages – "est," "Forum" and "Landmark Education" – in order clearly to differentiate among them, state that further modification would have been irrelevant as defendants have never maintained that Landmark is a cult, state that the article cited in paragraph 33(l) was available on defendants' websites at the time of Landmark's request, and state that Ross has publicly asserted, in various articles archived on defendants' websites, that Landmark is not a cult.

34. Defendants deny the allegations set forth in paragraph 34 of the Complaint, and state that various instances of "praise" for Landmark's programs are available on defendants' websites.

35. Defendants admit that they are not Internet service providers. Defendants state that organizations are selected for inclusion on their websites based upon independent media interest and coverage, topical and/or ongoing events, and/or complaints brought to defendants' attention. Defendants further state that they permit independent, third party authors and "posters" – subject to rules maintained on the websites – to post opinions that, once posted, remain under the control of their authors, who maintain the right to edit, supplement or delete the posted material. Defendants deny all of the remaining allegations set forth in paragraph 35 of the Complaint.

D. Mr. Ross's False Statements About Landmark to the Media

36. Defendants admit that on October 28, 2003, Ross conversed by telephone with Steve Cahane, host of The Believers, an Australian radio show on Station J.J.J. To the extent the allegations in paragraph 36 purport to quote excerpts from a transcript of The Believers October 28, 2003 broadcast, the transcript speaks for itself and no answer as to the specific quoted material is required. Defendants, however, specifically deny that plaintiffs have accurately reflected the context in which any of the actual statements by Ross were made. Defendants further deny that Ross made any untrue defamatory or disparaging statements of fact.

37. Defendants admit that on November 25, 2003, Ross appeared on the 10:00 p.m. news broadcast on KSTP Television in Minneapolis-St. Paul. To the extent the allegations in paragraph 37 purport to quote excerpts from a transcript of the KSTP news broadcast, the transcript speaks for itself and no answer as to the specific quoted material is required. Defendants, however, specifically deny that plaintiffs have accurately reflected the context in which any of the actual statements by Ross were made. Defendants further deny that Ross made any untrue defamatory or disparaging statements of fact.

38. Defendants admit that on August 15, 2002, Ross conversed by telephone with Dory Monson, the host of a radio show broadcast on KIRO-AM Radio in Seattle. Defendants deny all of the remaining allegations set forth in paragraph 38 of the Complaint, and deny that Ross made any untrue defamatory or disparaging statements of fact.

39. Defendants admit that Ross is quoted in many articles that are posted on defendants' websites. To the extent the allegations in paragraph 39 purport to quote from articles in the *Pioneer Press*, *New York Magazine*, the *London Daily Mail*, and MSNBC.com, those articles are documents that speak for themselves and no answer as to the specific quoted material is required. Defendants, however, specifically deny that plaintiffs have accurately reflected the

context in which any of the actual statements by Ross were made. Defendants further deny that Ross made any untrue defamatory or disparaging statements of fact.

E. Landmark's Damages

40. Defendants deny all of the allegations set forth in paragraph 40 of the Complaint.

41. Defendants deny the allegation that defendants' conduct has had "poisonous effects."

(a) Defendants admit that on July 5, 2003, an article concerning Landmark appeared in a Montreal newspaper known as *La Presse*. To the extent the allegations in paragraph 41(a) purport to quote from that article, it is a document that speaks for itself and no answer as to the specific quoted material is required. Defendants deny that Ross made any untrue defamatory or disparaging statements of fact. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 41(a) of the Complaint, and for that reason, these allegations are denied.

(b) Defendants deny all of the allegations set forth in paragraph 41(b) of the Complaint.

(c) Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first and second sentences of paragraph 41(c). Defendants deny all of the remaining allegations set forth in paragraph 41(c) of the Complaint.

42. Defendants deny all of the allegations set forth in paragraph 42 of the Complaint.

**FIRST CLAIM
(PRODUCT DISPARAGEMENT)**

43. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

44. Defendants deny all of the allegations set forth in paragraph 44 of the Complaint.

45. Defendants deny all of the allegations set forth in paragraph 45 of the Complaint.

46. Defendants deny all of the allegations set forth in paragraph 46 of the Complaint.

47. Defendants deny all of the allegations set forth in paragraph 47 of the Complaint.

48. Defendants deny the allegations set forth in the first, second, and last sentences of paragraph 48. Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 48 of the Complaint.

49. Defendants deny all of the allegations set forth in paragraph 49 of the Complaint.

50. Defendants deny all of the allegations set forth in paragraph 50 of the Complaint.

51. Defendants deny all of the allegations set forth in paragraph 51 of the Complaint.

52. Defendants deny all of the allegations set forth in paragraph 52 of the Complaint.

53. Defendants deny all of the allegations set forth in paragraph 53 of the Complaint.

**SECOND CLAIM
(TORTIOUS INTERFERENCE WITH ONGOING BUSINESS RELATIONS)**

54. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

55. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55 of the Complaint.

56. Defendants deny all of the allegations set forth in paragraph 56 of the Complaint.

57. Defendants deny all of the allegations set forth in paragraph 57 of the Complaint.

58. Defendants deny all of the allegations set forth in paragraph 58 of the Complaint.

59. Defendants deny all of the allegations set forth in paragraph 59 of the Complaint.

60. Defendants deny all of the allegations set forth in paragraph 60 of the Complaint.

61. Defendants deny all of the allegations set forth in paragraph 61 of the Complaint.

**THIRD CLAIM
(TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONS)**

62. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

63. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 63 of the Complaint.

64. The postings on defendants' websites speak for themselves and no answer as to the cited material is required. Defendants deny all of the remaining allegations set forth in paragraph 64 of the Complaint.

65. Defendants deny all of the allegations set forth in paragraph 65 of the Complaint.

66. Defendants deny all of the allegations set forth in paragraph 66 of the Complaint.

67. Defendants deny all of the allegations set forth in paragraph 67 of the Complaint.

**FOURTH CLAIM
(VIOLATION OF LANHAM ACT)**

68. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

69. The allegations set forth in paragraph 69 of the Complaint quote from the Lanham Act, a federal statute that speaks for itself.

70. Defendants deny all of the allegations set forth in paragraph 70 of the Complaint.

71. Defendants deny all of the allegations set forth in paragraph 71 of the Complaint.

72. Defendants deny all of the allegations set forth in paragraph 72 of the Complaint.

73. Defendants deny all of the allegations set forth in paragraph 73 of the Complaint.

74. Defendants deny all of the allegations set forth in paragraph 74 of the Complaint.

75. Defendants deny all of the allegations set forth in paragraph 75 of the Complaint.

**FIFTH CLAIM
(CONSUMER FRAUD)**

76. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

77. The allegations set forth in paragraph 77 of the Complaint quote from the New Jersey Consumer Fraud Act, a statute that speaks for itself.

78. The allegations set forth in paragraph 78 of the Complaint characterize provisions of the New Jersey Consumer Fraud Act, a statute that speaks for itself.

79. The allegations set forth in paragraph 79 of the Complaint characterize provisions of the New Jersey Consumer Fraud Act, a statute that speaks for itself.

80. Defendants deny all of the allegations set forth in paragraph 80 of the Complaint.

81. Defendants deny all of the allegations set forth in paragraph 81 of the Complaint.

82. Defendants deny all of the allegations set forth in paragraph 82 of the Complaint.

83. Defendants deny all of the allegations set forth in paragraph 83 of the Complaint.

84. Defendants deny all of the allegations set forth in paragraph 84 of the Complaint.

85. Defendants deny all of the allegations set forth in paragraph 85 of the Complaint.

**SIXTH CLAIM
(UNFAIR COMPETITION)**

86. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

87. Defendants deny all of the allegations set forth in paragraph 87 of the Complaint.

88. Defendants deny all of the allegations set forth in paragraph 88 of the Complaint.

89. Defendants deny all of the allegations set forth in paragraph 89 of the Complaint.

**SEVENTH CLAIM
(PRIMA FACIE TORT)**

90. Defendants repeat and reallege each and every preceding response as if set forth at length herein.

91. Defendants deny all of the allegations set forth in paragraph 91 of the Complaint.

92. Defendants deny all of the allegations set forth in paragraph 92 of the Complaint.

93. Defendants deny all of the allegations set forth in paragraph 93 of the Complaint.

94. Defendants deny all of the allegations set forth in paragraph 94 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.

LOWENSTEIN SANDLER P C

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973.597.2500
Attorneys for Defendants
The Ross Institute and Rick Ross

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

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)