

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

FILED BY: [Signature]  
03 MAR 31 PM 12:08  
CLERK OF COURT  
U.S. DISTRICT COURT  
MIAMI

ANSWERTHINK CONSULTING  
GROUP, INC.,

CASE NO. 00-00709-CIV-MOORE  
Magistrate Judge O'Sullivan

Plaintiff,

vs.

Jury Trial Demanded

JOHN DOE #1 a/k/a  
"ansr\_sucks", et al.,

Defendants.

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT**  
**JOHN DOE #3 a/k/a "aquacool 2000"**

Defendent, JOHN DOE #3, a/k/a "aquacool\_2000" ("this Defendant") answers Plaintiff's  
Complaint and states as follows:

**ANSWER**

1. Paragraph 1 of Plaintiff's Complaint contains no factual allegations to which this Defendant can respond.
2. This Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Complaint. Further responding, this Defendant states that this Court lacks subject matter jurisdiction because Plaintiff has failed to plead the existence of complete diversity.
3. This Defendant denies the allegations contained in Paragraph 3 of Plaintiff's Complaint.

[Signature]

4. This Defendant is without sufficient knowledge to admit or deny the allegation contained in Paragraph 4 of Plaintiff's Complaint regarding John Doe 1, John Doe 2, and John Doe 4-10 ("the Other John Does"). This Defendant denies each and every remaining allegation contained in Paragraph 4 of Plaintiff's Complaint.

5. This Defendant admits that AnswerThink Consulting Group, Inc. ("AnswerThink") is a Florida corporation, but is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. This Defendant admits the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. This Defendant admits the Internet is the world's largest network of computer networks, and is a decentralized, global medium of communications that links people and businesses around the world. This Defendant is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. This Defendant admits that anyone with access to the Internet and the proper software can post content on the Web. This Defendant is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. This Defendant admits that Yahoo! Inc. offers message boards, but is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. This Defendant admits that one of Yahoo!'s Message Boards is dedicated to topics concerning AnswerThink, and that one of the URL's for that Message Board is <http://messages.yahoo.com/?action=q&board=ansr>. This Defendant is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. This Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. This Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. This Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

22. The responses to paragraphs 1 – 21 are hereby restated and incorporated herein by reference.

23. This Defendant denies publishing any false or defamatory statements regarding AnswerThink on the Yahoo Finance Message Boards. This Defendant is without sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 23 of Plaintiff's Complaint.

24. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 24 of Plaintiff's Complaint concerning the Other John Does, and denies each and every remaining allegation contained in Paragraph 24 of Plaintiff's Complaint.

25. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 25 of Plaintiff's Complaint concerning the Other John Does, and denies each and every remaining allegation contained in Paragraph 25 of Plaintiff's Complaint.

26. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 26 of Plaintiff's Complaint concerning the Other John Does, and denies each and every remaining allegation contained in Paragraph 26 of Plaintiff's Complaint.

27. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 27 of Plaintiff's Complaint concerning the Other John Does, and denies each and every remaining allegation contained in Paragraph 27 of Plaintiff's Complaint.

28. This Defendant denies the allegations contained in Paragraph 28 of Plaintiff's Complaint.

29. This Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 29 of Plaintiff's Complaint concerning the Other John Does, and denies each and every remaining allegation contained in Paragraph 29 of Plaintiff's Complaint.

30. The responses to paragraphs 1 – 29 are hereby restated and incorporated herein by reference.

31. This Defendant denies the allegations contained in Paragraph 31 of Plaintiff's Complaint.

32. This Defendant denies the allegations contained in Paragraph 32 of Plaintiff's Complaint.

33. This Defendant denies the allegations contained in Paragraph 33 of Plaintiff's Complaint.

34. This Defendant denies the allegations contained in Paragraph 34 of Plaintiff's Complaint.

**AFFIRMATIVE DEFENSES**

1. This Court lacks subject matter jurisdiction over the claims asserted in Plaintiff's Complaint.

2. This Court is not the proper venue for the claims asserted in Plaintiff's Complaint.

3. This Court lacks personal jurisdiction over this Defendant.

4. Plaintiff's Complaint fails to state a claim for which relief may be granted.

5. The Plaintiff in this action is “libel proof” – i.e., any statements made by this Defendant could have no adverse impact upon Plaintiff’s reputation due to the statements of others made in the same forum as well as the Plaintiff’s own actions.

6. Each and every statement complained of in Plaintiff’s Complaint is true.

7. Plaintiff is a public figure and cannot prove that this Defendant made the statements complained of in Plaintiff’s Complaint with malice.

8. This Defendant has no liability for the acts complained of in Plaintiff’s Complaint because the statements complained of are non-actionable opinion, hyperbole and/or rhetoric.

9. Each and every statement complained of in Plaintiff’s Complaint is protected by the common-interest privilege arising under the First Amendment of the United States Constitution and the cognate provisions of any state constitution(s) that may apply to this Defendant’s actions.

10. Plaintiff’s Complaint is barred because it seeks to impose improper prior restraints upon this Defendant’s free speech rights arising under and protected by the First Amendment of the United States Constitution and the cognate provisions of any state constitution(s) that may apply to this Defendant’s actions.

11. Plaintiff’s Complaint is barred by the applicable statute(s) of limitation.

WHEREFORE, this Defendant prays for dismissal of Plaintiff’s Complaint and/or judgment in this Defendant’s favor and for such other or further relief to which this Defendant may be entitled.

**JURY DEMAND**

NOW COMES the Defendant, John Doe #3 a/k/a "aqua\_cool 2000", by and through the undersigned and hereby demands a trial by jury on all claims that are so triable by a jury.

Respectfully submitted,

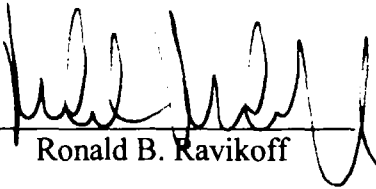
Ronald B. Ravikoff, Esq.  
Florida Bar No. 244155  
Attorney for Defendant, John Doe #3  
Zuckerman, Spaeder, Taylor  
& Evans LLP  
201 South Biscayne Boulevard  
Suite 900  
Miami, Florida 33131  
Telephone: (305) 579-0110  
Facsimile: (305) 579-9749  
E-Mail: [Rravikoff@zuckerman.com](mailto:Rravikoff@zuckerman.com)

By: 

Ronald B. Ravikoff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail this 31<sup>st</sup> day of March, 2000 to: S. Daniel Ponce, Esq., Wallace, Bauman, Legon, Fodiman, Ponce & Shannon, P.A., 1200 Brickell Avenue, Suite 1720, Miami, Florida 33131.

By:   
Ronald B. Ravikoff