IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,	§	
	§	
Plaintiff,	§	
	§	**Civil Action No.** 4:09-CV-00085 BSM
v.	§	
	§	
NATALIE PASDAR, Individually, and NATALIE PASDAR, EMILY ROBISON, and MARTHA SEIDEL d/b/a DIXIE CHICKS,	§	
	§	
Defendants.	§	

DEFENDANTS' ORIGINAL ANSWER

Defendants Natalie Pasdar, Individually, and Natalie Pasdar, Emily Robison and Martha Seidel d/b/a Dixie Chicks respond to Plaintiff Terry Hobbs' ("Hobbs") Complaint and for same would show as follows:

I.

ANSWER

Jurisdiction

1. Based on information and belief, Defendants admit the factual allegations contained in paragraph 1 of Plaintiff's Complaint.

2. Defendants admit the allegations in paragraph 2 of Plaintiff's Complaint.

3. Defendants deny the factual allegations in paragraph 3 of Plaintiff's Complaint. Ms. Pasdar is a citizen of the State of California.

4. Defendants admit the factual allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Defendants admit the factual allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Defendants deny the allegations contained in paragraph 6 of the Complaint, and deny that the Circuit Court of Pulaski County, Arkansas has jurisdiction in this matter, because Defendants have properly removed this matter to the United States District Court for the Eastern District of Arkansas, Western Division.

Factual Allegations

7. Upon information and belief, Defendants admit the factual allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Upon information and belief, Defendants admit the factual allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Upon information and belief, Defendants admit the factual allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Upon information and belief, Defendants admit the factual allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Upon information and belief, Defendants admit the factual allegations contained in paragraph 11 of Plaintiff's Complaint.

12. Defendants admit upon information and belief, that a retrial or reversal of the convictions has not yet been obtained based upon the new evidence.

13. Upon information and belief, Defendants admit the factual allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Defendants deny the factual allegations contained in paragraph 14 of Plaintiff's Complaint.

15. Defendants deny the factual allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Defendants do not possess sufficient information to admit or deny the facts and allegations in paragraph 16 of Plaintiff's Complaint and therefore deny same.

17. Defendants admit that Pasdar spoke at a rally in Little Rock, Arkansas on December 19, 2007. Defendants deny the remaining factual allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Defendants do not possess sufficient information to admit or deny the factual allegations contained in paragraph 18 of Plaintiff's Complaint and therefore deny same.

19. Defendants deny the factual allegations contained in paragraph 19 of Plaintiff's Complaint.

Defamation/Libel

20. Defendants incorporate their responses to paragraphs 1 through 19 the same as if set forth at length.

21. Defendants deny the factual allegations contained in paragraph 21 of Plaintiff's Complaint.

Intentional Infliction of Emotional Distress/Outrageous Conduct

22. Defendants incorporate their responses to paragraphs 1 through 21 the same as if set forth at length.

23. Defendants deny the factual allegations contained in paragraph 23 of Plaintiff's Complaint.

False Light Invasion of Privacy

24. Defendants incorporate their responses to paragraphs 1 through 23 the same as if set forth at length.

25. Defendants deny the factual allegations contained in paragraph 25 of Plaintiff's Complaint.

26. Defendants deny the factual allegations contained in paragraph 26 of Plaintiff's Complaint.

27. Defendants deny the factual allegations contained in paragraph 27 of Plaintiff's Complaint.

Damages

28. Defendants incorporate their responses to paragraphs 1 through 27 the same as if set forth at length.

29. Defendants deny the factual allegations contained in paragraph 29 of Plaintiff's Complaint.

30. Defendants deny the factual allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Defendants deny the factual allegations contained in paragraph 31 of Plaintiff's Complaint.

32. Defendants deny that Hobbs is entitled to any of the relief requested in his prayer for relief.

33. To the extent not expressly admitted, Defendants deny all paragraphs and allegations not specifically admitted herein above.

II.

SEPARATE AND ADDITIONAL DEFENSES

34. Defendants Emily Robison and Martha Seidel are not liable in the capacity in which they are sued.

35. Plaintiff has failed to state a claim upon which relief can be granted to the extent Plaintiff brings claims for libel, libel *per se*, defamation, intentional infliction of emotional distress and outrageous conduct, false light invasion of privacy, and punitive damages.

36. Defendants' actions were legally justified because they constituted a bona fide exercise of their constitutional and first amendment rights. All statements Defendants allegedly made were part of an official report and/or a public meeting, and/or Defendants' actions constituted a protected comment on matters of public interest. Accordingly, Defendants' actions are excused and/or privileged.

37. Plaintiff is a public figure.

38. The matters complained of by the Plaintiff were published without actual malice or any other degree of fault required by the First and Fourteenth Amendments to the United States Constitution and Article II, § 6 of the Constitution of Arkansas.

39. Punitive damages are unconstitutional under the First and Fourteenth Amendments to the United States Constitution and under Article II, § 6 of the Constitution of Arkansas. The statements complained of by the Plaintiff were published in good faith without any sort of malice or any other degree of fault required by the First and Fourteenth Amendments to the United States Constitution, Article II, § 6 of the Constitution of Arkansas, and Arkansas Code Annotated § 16-55-206. Accordingly, said matters cannot provide a basis for a claim of punitive damages.

40. Plaintiff is not entitled to punitive damages because he has not pled and cannot show the requisite elements for a punitive damage award.

41. Plaintiff's claims are barred because the statements complained of are true and/or substantially true.

42. Alternatively, Plaintiff's claims are barred because Defendants were fully and/or conditionally justified and/or privileged to make the subject statements and take the subject action.

43. The allegedly defamatory statements and any statements related thereto, are privileged pursuant to Article II, § 6 of the Constitution of Arkansas, the First Amendment of the United States Constitution and at common law.

44. Plaintiff cannot satisfy his burden of proof in this case to show that Defendants knew or should have known any statement made was false.

45. Plaintiff cannot satisfy his burden of proof in this case to show that the content of any statement made by Defendants was foreseeably defamatory.

46. The allegedly defamatory statements are expressions of opinion and/or were statements made in good faith on a subject matter in which Defendants had a common interest with Plaintiff.

47. Plaintiff cannot show that he suffered any actual injury because of any statement made by Defendants.

48. Defendants affirmatively plead entitlement to all defenses and relief available to it under the Arkansas Civil Justice Reform Act, Act 649 of 2003.

III

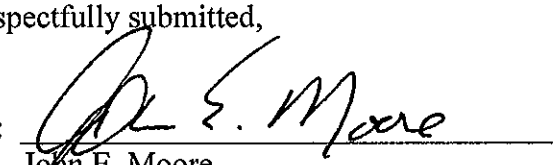
JURY DEMAND

Defendants request a trial by jury on all matters to the full extent allowed by law.

WHEREFORE, Defendants Pasdar, individually, and Pasdar, Robison and Seidel d/b/a as Dixie Chicks respectfully request that Plaintiff take nothing by reason of this suit, that Defendants recover their attorneys' fees, costs, and other damages, and for such other and further relief, both in law and at equity, to which Defendants may show they are justly entitled.

Dated: January 7, 2009

Respectfully submitted,

By: 

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NATALIE PASDAR, EMILY ROBISON,
AND MARTHA SEIDEL d/b/a DIXIE
CHICKS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served in compliance with the Federal Rules of Civil Procedure on all counsel of record on the 7th day of January, 2009 as noted below:

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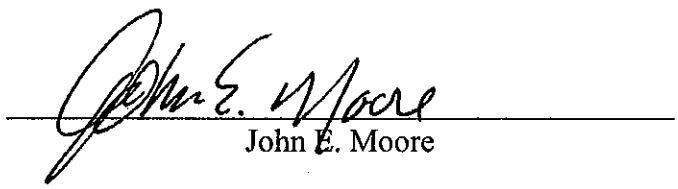

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