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*Pro Bono* Attorney for Defendants  
Perverted Justice Foundation, Inc., and  
Xavier Von Erck

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

JAN E. KRUSKA,  
  
Plaintiff,  
  
v.  
  
PERVERTED JUSTICE  
FOUNDATION INCORPORATED, *et*  
*al.*,  
  
Defendants.

Case No. CIV-08-0054 PHX SMM  
  
Assigned to the Honorable  
Stephen M. McNamee  
  
**DEFENDANTS PERVERTED  
JUSTICE FOUNDATION, INC.'S  
AND XAVIER VON ERCK'S  
ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT WITH  
AFFIRMATIVE DEFENSES**

1 Pursuant to the order issued by the Court on August 4, 2009, Defendants  
2 Perverted Justice Foundation, Inc. and Xavier Von Erck (collectively “Defendants”)  
3 hereby answer the Amended Complaint filed by Plaintiff Jan E. Kruska, responding  
4 in like numbered paragraphs,<sup>1</sup> and asserting Affirmative Defenses against Plaintiff.  
5 All averments of the Amended Complaint not specifically admitted or denied below  
6 are hereby denied.

7 **PARTIES**

8 1. To the extent a response is deemed necessary, at this time, Defendants  
9 are without sufficient knowledge or information to form a belief as to the truth of the  
10 allegations contained in Paragraph 1, and on that basis, the allegations are denied.

11 2. Defendants admit that Defendant Perverted Justice Foundation, Inc. is a  
12 non-profit organization whose principal place of business and place of incorporation  
13 is in the State of California. The remaining allegations of Paragraph 2 are denied.

14 3. Defendants admit that Defendant Xavier Von Erck is a resident of the  
15 State of Oregon. Defendants further admit that Defendant Von Erck received a  
16 \$10,000 donation from an Arizona resident on behalf of Godaddy.com. The  
17 remaining allegations of Paragraph 3 are denied.

18 4. To the extent a response is deemed necessary, at this time, Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth of the  
20 allegations contained in Paragraph 4, and on that basis, the allegations are denied.

21 5. To the extent a response is deemed necessary, at this time, Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth of the  
23 allegations contained in Paragraph 5, and on that basis, the allegations are denied.

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25  
26 <sup>1</sup> Plaintiff’s Amended Complaint does not contain a uniform or sequential  
27 numbering of its paragraphs. Moreover, Plaintiff does not include any numbered  
28 paragraphs in the “Facts” section of her Amended Complaint. In order to effectively  
respond to each of Plaintiff’s allegations, the Defendants reference the page number  
for paragraphs for which Plaintiff has not provided any form of number designation.



1 information to form a belief as to the truth of the remaining allegations appearing on  
2 Page 8, and on that basis, the allegations are denied. To the extent that the  
3 allegations appearing on Page 8 are conclusions of law, no response is required.

4 5. As to Page 9, Defendants only admit that Plaintiff appears on Defendant  
5 Perverted Justice Foundation Inc.'s websites and/or sub-sites. To the extent a  
6 response is deemed necessary, at this time, Defendants are without sufficient  
7 knowledge or information to form a belief as to the truth of the remaining allegations  
8 appearing on Page 9, and on that basis, the allegations are denied. To the extent that  
9 the allegations appearing on Page 9 are conclusions of law, no response is required.

10 6. To the extent a response is deemed necessary, at this time, Defendants  
11 are without sufficient knowledge or information to form a belief as to the truth of the  
12 allegations appearing on Page 10, and on that basis, the allegations are denied.

13 7. To the extent a response is deemed necessary, at this time, Defendants  
14 are without sufficient knowledge or information to form a belief as to the truth of the  
15 allegations appearing on Page 11, and on that basis, the allegations are denied.

16 8. As to Page 12, Defendants only admit that Defendant Xavier Von Erck  
17 is the president of "Wikisposure." To the extent a response is deemed necessary, at  
18 this time, Defendants are without sufficient knowledge or information to form a  
19 belief as to the truth of the allegations appearing on Page 12, and on that basis, the  
20 allegations are denied. To the extent that the allegations appearing on Page 12 are  
21 conclusions of law, no response is required.

22 9. The allegations appearing on Page 13 state legal conclusions to which  
23 no response is required. To the extent a response is deemed necessary, at this time,  
24 Defendants are without sufficient knowledge or information to form a belief as to the  
25 truth of the remaining allegations appearing on Page 13, and on that basis, the  
26 allegations are denied.

27 10. As to Page 14, Defendants only admit that the "Wikisposure" webpage  
28 on Plaintiff contains the information that Plaintiff "is a pedophile/RSO activist who

1 says she was convicted of molesting a child about 15 years ago” and that Plaintiff is  
2 a “pro-pedophile activist.” To the extent a response is deemed necessary, at this time,  
3 Defendants are without sufficient knowledge or information to form a belief as to the  
4 truth of the remaining allegations appearing on Page 14, and on that basis, the  
5 allegations are denied. Page 14 also states legal conclusions to which no response is  
6 required.

### 7 **JURISDICTION**

8 I. Paragraph I, pages 14-15, states legal conclusions to which no response  
9 is required.

10 II. Paragraph II, page 15, states legal conclusions to which no response is  
11 required.

12 III. Paragraph III, pages 15-23, states legal conclusions to which no  
13 response is required. Moreover, to the extent allegations in Paragraph III of the  
14 Amended Complaint relate to claims dismissed in the August 4, 2009 Order issued  
15 by the Court, no response by Defendants is required.

16 IV. Paragraph IV, pages 23-24, relates to the RICO claim which was  
17 dismissed by the Court’s August 4, 2009 Order, and therefore, no response by  
18 Defendants is required.

19 V. Paragraph V, page 24, states legal conclusions to which no response is  
20 required.

21 VI. Paragraph VI, pages 24-25, states legal conclusions to which no  
22 response is required.

23 VII. Paragraph VII, pages 25-27, states legal conclusions to which no  
24 response is required.

25 VIII. Paragraph VIII, page 27, states legal conclusions to which no response  
26 is required.

27 IX. Paragraph IX, pages 27-28, states legal conclusions to which no  
28 response is required.

1 X. Paragraph X, page 28, states legal conclusions to which no response is  
2 required.

3 XI. Paragraph XI, pages 28-29, states legal conclusions to which no  
4 response is required.

5 XII. Paragraph XII, pages 29-30, states legal conclusions to which no  
6 response is required. To the extent a response is deemed necessary, at this time,  
7 Defendants are without sufficient knowledge or information to form a belief as to the  
8 truth of the remaining allegations contained in Paragraph XII, and on that basis, the  
9 allegations are denied.

10 XIII. Paragraph XIII, page 30, states legal conclusions to which no response  
11 is required.

12 XIV. Paragraph XIV, pages 30-32, states legal conclusions to which no  
13 response is required.

14 XV. Paragraph XV, page 32, states legal conclusions to which no response is  
15 required.

16 XVI. Paragraph XVI, pages 32-33, states legal conclusions to which no  
17 response is required.

18 XVII. Paragraph XVII, pages 33-34, states legal conclusions to which no  
19 response is required.

20 XVIII. Defendants only admit that the “Wikisposure” site allows users to  
21 interact and modify information within its pages. Paragraph XVIII, pages 34-35,  
22 also states legal conclusions to which no response is required. To the extent a  
23 response is deemed necessary, at this time, Defendants are without sufficient  
24 knowledge or information to form a belief as to the truth of the remaining allegations  
25 contained in Paragraph XVIII, and on that basis, the allegations are denied.

26 XIX. Paragraph XIX, page 35-36, states legal conclusions to which no  
27 response is required.

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**PRAYER FOR RELIEF**

**I. REQUEST FOR PRELIMINARY INJUNCTION**

A. To the extent a response is deemed necessary, at this time, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph A, and on that basis, the allegations are denied. Moreover, Paragraph A of the Amended Complaint states legal conclusions to which no response is required.

B. To the extent a response is deemed necessary, at this time, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph B, and on that basis, the allegations are denied. Moreover, Paragraph B of the Amended Complaint states legal conclusions to which no response is required

**II. REQUEST FOR PERMANENT INJUNCTION**

This request contains no allegations of fact, and therefore no response is required. To the extent Plaintiff’s request for permanent injunction does contain allegations of fact, those allegations are denied.

**III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Pursuant to the Court’s Order issued on August 4, 2009 with respect to Defendants Perverted Justice Foundation, Inc.’s and Xavier Von Erck’s Motion to Dismiss Amended Complaint, Claim III was dismissed with prejudice. Therefore, no response is required.

**IV. DEFAMATION**

Pursuant to the Court’s Order issued on August 4, 2009 with respect to Defendants Perverted Justice Foundation, Inc.’s and Xavier Von Erck’s Motion to Dismiss Amended Complaint, Claim IV was dismissed with prejudice. Therefore, no response is required.

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**V. R.I.C.O.**

Pursuant to the Court’s Order issued on August 4, 2009 with respect to Defendants Perverted Justice Foundation, Inc.’s and Xavier Von Erck’s Motion to Dismiss Amended Complaint, Claim V was dismissed with prejudice. Therefore, no response is required.

**VI. CYBERSTALKING**

Pursuant to the Court’s Order issued on August 4, 2009 with respect to Defendants Perverted Justice Foundation, Inc.’s and Xavier Von Erck’s Motion to Dismiss Amended Complaint, Claim VI was dismissed with prejudice. Therefore, no response is required.

**VII. DIGITAL MILLENNIUM COPYRIGHT ACT  
(COPYRIGHT VIOLATION)**

A. Defendants hereby incorporate their foregoing responses to the Amended Complaint as if fully set forth herein.

1. Paragraph 1, page 43, of the Amended Complaint states legal conclusions to which no response is required.

2. Paragraph 2, page 43, of the Amended Complaint states legal conclusions to which no response is required. To the extent Paragraph 2 contains allegations of fact, they are denied.

3. Paragraph 3, page 43, of the Amended Complaint states legal conclusions to which no response is required.

4. Paragraph 4, page 43, of the Amended Complaint states legal conclusions to which no response is required.

5. To the extent a response is deemed necessary, at this time, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5, page 43, and on that basis, the allegations are denied.







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**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2009, I electronically transmitted this document to the Clerk's office using CM/ECF System for filing and served a copy of the foregoing document by U.S. First Class Mail on the following, who is not a registered participant of the CM/ECF System:

Jan E. Kruska  
4102 W. Woodridge Drive  
Glendale, Arizona 85308.

\_\_\_\_\_/s/  
Matthew Donald Umhofer