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5 Attorney for Defendants  
6 MARK STEYN & MARK STEYN  
ENTERPRISES (US) INC.  
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9

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 CARY KATZ, an individual,  
13 Plaintiff,

CASE NO. 2:18-cv-00997-JAD-GWF

14 vs.

15 MARK STEYN, an individual; MARK STEYN  
16 ENTERPRISES (US) INC., a New Hampshire  
corporation; and DOES 1-10, inclusive,  
17 Defendants.

18  
19 ANSWER AND AFFIRMATIVE DEFENSES OF MARK STEYN AND MARK STEYN  
20 ENTERPRISES (US) INC.

21 Defendants Mark Steyn (“Steyn”) and Mark Steyn Enterprises (US) Inc. (“MSE” and  
22 collectively as “Defendants”), incorrectly named by the Plaintiff as Mark Steyn Enterprises, Inc.,  
23 by and through their attorneys, Kolesar & Leatham, state the following answers and defenses in  
24 response to the Complaint:

25 1. Lack knowledge or information sufficient to form a belief as to the truth of the  
26 allegations contained in Paragraph 1 of the Complaint.

27 2. Admit that MSE is a New Hampshire corporation and deny the remaining  
28 allegations contained in Paragraph 2 of the Complaint.

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- 1           3.       Admit the allegations contained in Paragraph 3 of the Complaint.
- 2           4.       Deny the allegations contained in Paragraph 4 of the Complaint.
- 3           5.       To the extent that the allegations in Paragraph 5 of the Complaint set forth legal
- 4 conclusions, no responsive answer is necessary.
- 5           6.       Deny the allegations contained in Paragraph 6 of the Complaint.
- 6           7.       To the extent that the allegations in Paragraph 7 of the Complaint set forth legal
- 7 conclusions, no responsive answer is necessary.
- 8           8.       Defendants restate and incorporate their answers to the preceding allegations
- 9 contained in Paragraphs 1 through 7.
- 10          9.       Lack knowledge or information sufficient to form a belief as to the truth of the
- 11 allegations contained in Paragraph 9 of the Complaint and deny the allegations set forth in
- 12 footnote 1 to Paragraph 9.
- 13          10.      Lack knowledge or information sufficient to form a belief as to the truth of the
- 14 allegations contained in Paragraph 10 of the Complaint.
- 15          11.      Deny that CRTV is “dedicated to promoting conservative values, patriotism, and
- 16 liberty” and also deny that “CRTV is home to quality shows hosted by famous personalities.”
- 17 Defendants lack knowledge and information sufficient to form a belief as to the truth of the
- 18 remaining allegations contained in Paragraph 11, however, their past relationship with Plaintiff
- 19 suggests that his role in CRTV is far more substantial than simply being its “largest investor.”
- 20          12.      Deny the allegations contained in Paragraph 12 of the Complaint.
- 21          13.      Admit that CRTV contracted with Defendants in May 2016, and that Steyn has
- 22 regularly hosted the Rush Limbaugh Show, appeared on Fox News, and publishes
- 23 SteynOnline.com[SIC]. Defendants deny knowledge or information sufficient to form a belief as
- 24 to the costs associated with CRTV’s contractual obligations to the Defendants, and deny the
- 25 remaining allegations contained in Paragraph 13.
- 26          14.      Deny the allegations contained in Paragraph 14, and also note that Plaintiff’s false
- 27 contentions therein were adjudicated in Defendants’ favor through a binding AAA arbitration.
- 28 Defendants filed a petition to confirm the AAA award in New York Supreme Court (Index No.

1 650887/2018), and Defendants motion to confirm the award was granted by the Hon. Justice  
2 Eileen Bransten on April 19, 2018.

3 15. Deny the allegations contained in Paragraph 15, specifically note Plaintiff's  
4 failure to properly categorize the prior AAA proceedings as a binding arbitration, and refer the  
5 Court to the AAA arbitration award itself for a determination of its contents, construction, and  
6 meaning.

7 16. Deny that "CRTV has challenged the award and that confirmation proceedings  
8 are pending in the State of New York" as Justice Bransten denied CRTV's motion to vacate on  
9 April 25, 2018. While Defendants admit that a judgment has not yet been entered in the New  
10 York proceedings, Defendants motion to confirm that award has been granted and a proposed  
11 judgment has been submitted, so a final judgment should be entered in a matter of days.

12 17. Deny the allegations contained in Paragraph 17 of the Complaint.

13 18. Deny the allegations contained in Paragraph 18 of the Complaint.

14 19. Deny the allegations contained in Paragraph 19 of the Complaint.

15 20. Admit the allegations contained in Paragraph 20 of the Complaint.

16 21. Admit that Defendants "have posted and/or written commentary and/or columns  
17 and/or essays specifically regarding Nevada" (e.g. the October 1, 2017 mass shooting) and have  
18 successfully intervened in a separate case, *Cary Katz v. CRTV, LLC*, (Index No. A-18-773251-  
19 C), as became necessary in order to prevent Plaintiff from fraudulently transferring assets from  
20 CRTV to himself in an effort to thwart judgment collection efforts by Defendants with respect to  
21 their pending New York judgment. Prior to Defendants' intervention, Plaintiff initiated the  
22 Nevada action in order to sue his own company, CRTV, into pseudo-insolvency with the hope  
23 that he could cloak any fraudulent conveyances from CRTV to himself with judicial approval.

24 22. Defendants admit that they have made true, non-defamatory statements that  
25 correctly describe Plaintiff Katz as "deadbeat," "scofflaw," "dishonorable," "criminal," and  
26 characterize Katz's view of Steyn's time in Europe as a "gang rape sabbatical." Defendants also  
27 admit that SteynOnline contains a "CRTV Scofflaws & Deadbeats Clock" that allows Steyn's  
28 readers to keep track of the amount of time Katz spends in his present attempt to fraudulently

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1 misuse the legal system and frustrate Plaintiffs lawful efforts to collect on their AAA award  
2 against CRTV. Defendants deny Plaintiff's legal conclusion that any such statements are  
3 defamatory, deny that "Mr. Katz has never had any criminal record, or other history of acting  
4 unlawfully," and also deny the remaining allegations contained in Paragraph 22 of the  
5 Complaint.

6 23. Deny the allegations contained in Paragraph 23 of the Complaint and note that  
7 Plaintiff is terribly confused if he thinks that attempted collection of a debt is extortion.

8 24. Deny the allegations contained in Paragraph 24 of the Complaint.

9 25. Deny the allegations contained in Paragraph 25 of the Complaint.

10 26. Defendants restate and incorporate their answers to the preceding allegations  
11 contained in Paragraphs 1 through 25.

12 27. Deny the allegations contained in Paragraph 27 of the Complaint.

13 28. Deny the allegations contained in Paragraph 28 of the Complaint.

14 29. Deny the allegations contained in Paragraph 29 of the Complaint.

15 30. Deny the allegations contained in Paragraph 30 of the Complaint.

16 31. Deny the allegations contained in Paragraph 31 of the Complaint.

17 32. Deny the allegations contained in Paragraph 32 of the Complaint.

18 33. Deny the allegations contained in Paragraph 33 of the Complaint.

19 34. Deny the allegations contained in Paragraph 34 of the Complaint.

20 35. Any allegation not specifically admitted is deemed to be denied.

21 WHEREFORE, Defendants deny that they owe Plaintiff any of the relief requested in its  
22 prayer for relief and denies that Plaintiff should receive a judgment against Defendants.

23 **DEFENSES**

24 1. Plaintiff's Complaint fails to state any claim on which relief can be granted.

25 2. Plaintiff's claims are barred because any statements made by Defendants  
26 concerning the Plaintiff were true and therefore not defamatory.

27 3. Plaintiff's claims are barred because any statements made by Defendants  
28 concerning the Plaintiff were privileged.

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- 4. Plaintiff's claims are barred in whole or in part by the doctrine of laches.
- 5. Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.
- 6. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.
- 7. Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations.
- 8. Plaintiff's claims are barred in whole or in part because Plaintiff's failed to mitigate their damages.
- 9. Plaintiff's claims are barred in whole or in part because Defendants' are entitled to a set-off.
- 10. Any harm allegedly sustained by the Plaintiff was the result of his own acts, wrongful conduct, and/or omissions.
- 11. Defendants reserve the right to assert additional affirmative defenses as such time and to such extent as warranted by discovery and the factual developments of the case.

DATED this 7<sup>th</sup> day of June, 2018.

**KOLESAR & LEATHAM**

By \_\_\_\_\_



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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 7<sup>th</sup> day of June, 2018, I caused to be served a true and correct copy of foregoing ANSWER AND AFFIRMATIVE DEFENSES OF MARK STEYN AND MARK STEYN ENTERPRISES (US) INC. in the following manner:

(ELECTRONIC SERVICE) Pursuant to Rule 5-4 of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.


Jeffery A. Bendavid, Esq.  
Stephanie J. Smith, Esq.  
MORAN BRANDON BENDAVID MORAN  
630 S. 4<sup>th</sup> Street  
Las Vegas, Nevada 89101

*Attorneys for Plaintiff  
Cary Katz*

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last-known mailing addresses, on the date above written:

Kathryn E. Stuart, Esq.  
Eric M. George, Esq.  
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*Attorneys for Plaintiff  
Cary Katz*

  
An Employee of KOLESAR & LEATHAM