

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY**

IDEOLOGICAL FIGHTBACK, INC.,)

Plaintiff,)

v.)

AMERICAN COUNCIL OF BOLSHEVIKS,)

AMERICAN WORKERS FOR PEACE AND)

PROSPERITY, LLC AND JUSTIN)

STEWART)

Defendants.)

Civil Action No. 3:23-CV-247-CHB

ANSWER AND AFFIRMATIVE DEFENSES

Comes Defendants, American Council of Bolsheviks (“ACB”), American Workers for Peace and Prosperity, LLC (“AWPP”), and Justin Stewart (collectively, “Defendants”) and for their Answer and Affirmative Defenses to the Complaint of Plaintiff, Ideological Fightback, Inc. (“Plaintiff”), state as follows:

PARTIES, JURISDICTION AND VENUE

1. Defendants lack the sufficient information to admit or deny the allegations in Paragraph 1 of the Complaint and therefore deny same.
2. Defendants deny the allegations in Paragraph 2 of the Complaint.
3. Defendants admit the allegations in Paragraph 3 of the Complaint.
4. Defendants admit the allegations in Paragraph 4 of the Complaint.
5. Defendants deny the allegations in Paragraph 5 of the Complaint.
6. Defendants deny the allegations in Paragraph 6 of the Complaint.
7. Defendants admit the allegations in Paragraph 7 of the Complaint.

8. Defendants admit the allegations in Paragraph 8 of the Complaint.

9. Defendants deny the allegations in Paragraph 9 of the Complaint.

10. Defendants lack sufficient knowledge to admit or deny the allegations in Paragraph 10 of the Complaint.

11. Defendants deny the allegations in Paragraph 11 of the Complaint.

FACTUAL BACKGROUND

12. Defendants deny the allegations in Paragraphs 13, 14, 17, 18, 19, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, 36, 37, 39, 42, 43, 44, 45, 48, 50, 51, and 52 of the Complaint.

13. Defendant denies the allegations in Paragraph 32 of the Complaint insofar as they imply wrongdoing. Otherwise, the Tweet speaks for itself.

14. Defendants admit the allegations in Paragraphs 36, 38, 45, and 47 of the Complaint.

15. Defendant denies the allegations in Paragraph 46 of the Complaint insofar as they imply an obligation to act upon the demand of the cease and desist letter.

16. Defendants lack sufficient knowledge to admit or deny the allegations in Paragraphs 12, 15, 16, 23, 27, 37, 40, 41 and 49 and therefore deny same.

LEGAL COUNTS

17. Paragraph 53 of the Complaint is a reiteration paragraph not specifically requiring an admission or denial.

18. Defendants deny the allegations in Paragraphs 54, 55, 56, 58, 57, 59, 60, 61, 62, 63, 64 and any prayed for relief thereafter in the Complaint.

19. Paragraph 65 of the Complaint is a reiteration paragraph not requiring an admission or denial.

20. Defendants deny the allegations in Paragraphs 66, 67, 68, 69, 70, 71, 72, 73, 74 and any prayed for relief thereafter in the Complaint.

21. Paragraph 75 of the Complaint is a reiteration paragraph not requiring an admission or denial.

22. Defendants deny the allegations in Paragraphs 76, 77, 78, 79, 80, 81 and any prayed for relief thereafter in the Complaint.

23. Paragraph 82 of the Complaint is a reiteration paragraph not requiring an admission or denial.

24. Defendants deny the allegations in Paragraphs 83, 84, 85, 85, 86, 87,88, 89, 90, 91 and any prayed for relief thereafter in the Complaint.

25. Paragraph 92 of the Complaint is a reiteration paragraph not requiring an admission or denial.

26. Defendants deny the allegations in Paragraphs 93, 94, 95, 96, and any prayed for relief thereafter in the Complaint.

27. Paragraph 97 of the Complaint is a reiteration paragraph not requiring an admission or denial.

28. Defendants deny the allegations in Paragraphs 98, 99, 100, 101, 102, 103 and any prayed for relief thereafter in the Complaint.

29. Defendants deny any and all allegations not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. Defendants affirmatively plead that the Court lacks subject matter jurisdiction.

3. Defendants affirmatively plead that the Court lacks personal jurisdiction over one or more of the Defendants.

4. Defendants affirmatively plead fraud, labor, estoppel, waiver, unclean hands, and comparative fault.

5. Defendants affirmatively plead that any damages or other causes of action Plaintiff may have, are the liability of some unnamed party or otherwise due to their own conduct.

6. Some or all of Plaintiff's claims are barred by the applicable statutes of limitations or laches.

7. ACB is not an entity with the capacity to be sued pursuant to Fed. R. Civ. P. 9.

8. Defendants reserve the right to amend their Answer and Affirmative Defenses with leave of the Court as justice may require or as discovery may indicate.

WHEREFORE, Defendants respectfully demand that the Complaint be dismissed and held for naught and that Defendant be awarded any and all other relief to which they may be entitled.

Respectfully submitted,

/s/Christopher A. Bates

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CERTIFICATE OF SERVICE

I hereby certify that a copy has been electronically filed with the Clerk of the Court via KY-ECF system, and a true copy has been served via U.S. Mail, postage prepaid, on this 12th day of June, 2023 to the following:

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