

V I R G I N I A:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

U.S. NEWS & WORLD REPORT, INC.,		
Plaintiff,		
v.		At Law No. 95-1318
RAM AVRAHAMI,		
Defendant.		

RAM AVRAHAMI'S GROUNDS FOR DEFENSE
TO U.S. NEWS & WORLD REPORT, INC.'S MOTION FOR DECLARATORY JUDGMENT

Responding specifically to the numbered paragraphs of the Motion For Declaratory Judgment filed by U.S. News & World Report, Inc. ("U.S. News"), Plaintiff, Ram Avrahami ("Avrahami"), admits, denies or avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted, except that the action referred to in the General District Court was dismissed for lack of jurisdiction, and that decision has been appealed to this Court.
6. Admitted.
7. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of Paragraph 7, so the same therefore are denied. The allegations of the second sentence of paragraph 7 are denied.
8. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8, so the same therefore are denied.
9. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9, so the same therefore are denied.
10. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10, so the same

- therefore are denied.
11. Avrahami admits that he is aware of the existence of the Mail Preference Service. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11, so the same therefore are denied.
 12. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12, so the same therefore are denied.
 13. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13, so the same therefore are denied.
 14. Avrahami admits that he has had no contact with Consumer Reports regarding the subject matter of this case. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14, so the same therefore are denied.
 15. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15, so the same therefore are denied.
 16. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16, so the same therefore are denied.
 17. Admitted.
 18. Admitted.
 19. Admitted.
 20. Admitted.
 21. The allegations of the first sentence of Paragraph 21 are admitted. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 21, so the same therefore are denied.
 22. The allegations of the first sentence of Paragraph 22 are admitted. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 22, so the same therefore are denied.
 23. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23, so the same therefore are denied.
 24. Admitted, except Avrahami lacks knowledge or information to form a belief as to the truth of the similarity alleged in the second sentence of Paragraph 24.
 25. Denied.
 26. Admitted, except the Motion for Judgment was filed on July 21, 1996. The Motion for Judgment speaks for itself and Plaintiff's characterizations thereof are denied.

27. Denied, except that Avrahami admits that Virginia Code Section 8.01-40 protects individuals whose names or likenesses are used in advertising.
28. Denied.
29. Denied.
30. All allegations not heretofore specifically admitted are hereby denied.

Affirmative Defenses

Avrahami further alleges the following affirmative defenses:

1. Plaintiff's Motion For Declaratory Judgment fails to state a claim for which relief can be granted.
2. The Motion for Declaratory Judgment is moot insofar as it seeks to enjoin the General District Court from proceeding in the case of Avrahami v. U.S. News and World Report, Inc.

WHEREFORE, Plaintiff, Avrahami, asks the Court to dismiss U.S. News's Motion For Declaratory Judgment with prejudice and to award Avrahami its reasonable attorneys' fees and the costs of this suit.

RAM AVRAHAMI
By Counsel

BEAN, KINNEY & KORMAN, P.C.
2000 North 14th Street, Suite 100
Arlington, Virginia 22201
(703) 525-4000
(703) 525-2207 (Fax)

By: /s/
James Bruce Davis, VSB #13654
Counsel for Plaintiff