

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  
AMENDED MOTION FOR DECLARATORY RELIEF

Responding specifically to the numbered paragraphs of the Amended Motion for Declaratory Relief 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.
6. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of Paragraph 6, so the same therefore are denied. The allegations of the second sentence of Paragraph 6 are denied.
7. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7, so the same therefore 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 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 10, so the same therefore are denied.
11. Avrahami admits that he registered his name with the DMA MPS when he lived at a previous address and that he did not re-register his name when he moved to Arlington, Virginia. 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. Admitted.
  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. Avrahami admits that he accepted U.S. News' offer to subscribe and that he intentionally misspelled his name on an order form; otherwise, the allegations of Paragraph 18 are denied.
  19. Admitted with the understanding that Avrahani is a misspelling of Avrahami, and refers to the same person.
  20. Admitted, except that Avrahami has sued U.S. News to enjoin the use of his name.
  21. Admitted.
  22. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22, so the same therefore are denied.
  23. The allegations of the first sentence of Paragraph 23 are admitted. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 23, so the same therefore are denied.
  24. Avrahami lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24, so the same therefore are denied.
  25. Admitted, except Avrahami denies the allegation that he subscribed to U.S. News & World Report under a false name (but admits an

intentional misspelling of his name); further, Avrahami lacks knowledge or information to form a belief as to the truth of the similarity of the direct mail solicitation, also, alleged in the second sentence of Paragraph 25.

26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Denied.
31. Denied.
32. All allegations not heretofore specifically admitted are hereby denied.

#### Affirmative Defenses

Avrahami further alleges the following affirmative defenses:

1. U.S. News' Amended Motion for Declaratory Relief fails to state a claim for which relief can be granted.

WHEREFORE, Plaintiff, Avrahami, asks the Court to dismiss U.S. News' AMENDED MOTION FOR DECLARATORY RELIEF with prejudice and to award Avrahami its reasonable attorneys' fees and the costs of this suit.

RAM AVRAHAMI  
By Counsel

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By:                   /s/  
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