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6 Attorneys for Defendant
JAMES O'KEEFE III

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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JUAN CARLOS VERA, an individual,
Plaintiff,
v.
JAMES O'KEEFE III, an individual,
HANNA GILES, an individual, and
DOES 1-20 inclusive,
Defendants.

Case No. CV 10-1422-L-JMA
Hon. M. James Lorenz
ANSWER TO COMPLAINT

1 Defendant James O’Keefe III (“Defendant”) hereby answers the Complaint
2 filed by Juan Carlos Vera (“plaintiff”) as follows:

3 1. The allegations set forth in paragraph 1 are denied.

4 2. The allegations set forth in paragraph 2 are admitted as to venue being
5 proper in the Southern District of California and denied as to the remaining
6 allegations set forth in the paragraph.

7 3. The allegations set forth in paragraph 3 are denied.

8 4. Defendant O’Keefe lacks sufficient information to admit or deny the
9 allegations set forth in paragraph 4 and on that basis, denies the allegations.

10 5. The allegations set forth in paragraph 5 are admitted.

11 6. Defendant O’Keefe lacks sufficient information to admit or deny the
12 allegations set forth in paragraph 6 and on that basis, denies the allegations

13 7. Paragraph 7 is a statement of plaintiff’s legal position or contentions,
14 to which no response is necessary. To the extent that a response is required,
15 Defendant O’Keefe denies the allegations set forth in paragraph 7.

16 8. Defendant O’Keefe incorporates his responses to paragraphs 1 through
17 7.

18 9. Defendant O’Keefe lacks sufficient information to admit or deny the
19 allegations set forth in paragraph 9 and on that basis, denies the allegations.

20 10. The allegations set forth in paragraph 10 are admitted.

21 11. The allegations set forth in paragraph 11 are admitted.

22 12. The allegations set forth in paragraph 12 are denied.

23 13. The allegations set forth in paragraph 13 are admitted regarding
24 Defendant O’Keefe’s having a conversation with plaintiff and denied as to the
25 remaining allegations set forth in the paragraph.

26 14. The allegations set forth in paragraph 14 are admitted regarding
27 Defendant O’Keefe’s asking whether the conversation would be kept confidential
28 and denied as to the remaining allegations set forth in the paragraph.

1 15. The allegations set forth in paragraph 15 are admitted regarding
2 Defendant O'Keefe's videotaping employees of other ACORN offices and denied
3 as to the remaining allegations set forth in the paragraph.

4 16. Defendant O'Keefe incorporates his responses to paragraphs 1 through
5 15.

6 17. Paragraph 17 is a statement of plaintiff's legal position or contentions,
7 to which no response is necessary. To the extent that a response is required,
8 Defendant O'Keefe denies the allegations set forth in paragraph 17.

9 18. The allegations set forth in paragraph 18 are admitted regarding the
10 passage of the Invasion of Privacy Act in 1967 and denied as to the remaining
11 allegations set forth in the paragraph.

12 19. Defendant O'Keefe lacks sufficient information to admit or deny the
13 allegations set forth in paragraph 19 and on that basis, denies the allegations.

14 20. Paragraph 20 is a statement of plaintiff's legal position or contentions,
15 to which no response is necessary. To the extent that a response is required,
16 Defendant O'Keefe denies the allegations set forth in paragraph 20.

17 21. Paragraph 21 is a statement of plaintiff's legal position or contentions,
18 to which no response is necessary. To the extent that a response is required,
19 Defendant O'Keefe denies the allegations set forth in paragraph 21.

20 22. Paragraph 22 is a statement of plaintiff's legal position or contentions,
21 to which no response is necessary. To the extent that a response is required,
22 Defendant O'Keefe denies the allegations set forth in paragraph 22.

23 23. Paragraph 23 is a statement of plaintiff's legal position or contentions,
24 to which no response is necessary. To the extent that a response is required,
25 Defendant O'Keefe denies the allegations set forth in paragraph 23.

26 24. Paragraph 24 is a statement of plaintiff's legal position or contentions,
27 to which no response is necessary. To the extent that a response is required,
28 Defendant O'Keefe denies the allegations set forth in paragraph 24.

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THIRD AFFIRMATIVE DEFENSE

32. Plaintiff's damages, if any, were not caused by Defendant O'Keefe and are not attributable to the acts or omissions of Defendant O'Keefe.

FOURTH AFFIRMATIVE DEFENSE

33. Plaintiff's Complaint is barred in whole or in part by the applicable statutes of limitations.

FIFTH AFFIRMATIVE DEFENSE

34. Plaintiff's Complaint is barred in whole or in part by plaintiff's unclean hands.

PRAYER

WHEREFORE Defendant prays that:

Plaintiff takes nothing by reason of the Complaint, and that the Court enter judgment in favor of Defendant;

Defendant be awarded the costs incurred in the defense of this suit; and

Defendant be awarded such other and further relief as this Court deems just and proper.

Dated: October 19, 2010

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

By /s/Eric A. Gressler
ERIC A. GRESSLER, Attorneys for Defendant
JAMES O'KEEFE III