

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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JANE DOE NO. 1, JANE DOE NO. 2, and))	
JANE DOE NO. 3,))	
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Plaintiffs,))	
))	
v.))	Docket No. C.A. 17-cv-11069-LTS
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BACKPAGE.COM, LLC, CARL))	
FERRER, MICHAEL LACEY, and))	
JAMES LARKIN,))	
))	
Defendants.))	
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DEFENDANT MICHAEL LACEY’S ANSWER TO FIRST AMENDED COMPLAINT

Defendant Michael Lacey, by and through counsel, answers the allegations in Plaintiffs’ Complaint, on behalf of himself and no other party. Each allegation not specifically admitted is denied. Answers to allegations in the First Amended Complaint by other Defendants shall be made separately. The paragraph numbers and headings correspond to those in the First Amended Complaint.

INTRODUCTION

1. This is in part an introductory paragraph to which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

2. To the extent that this paragraph characterizes federal court or other litigation no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

3. To the extent that this paragraph characterizes legislative documents no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

4. To the extent that this paragraph characterizes legislative documents no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

5. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

6. To the extent that this paragraph characterizes Plaintiffs' claims no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

PARTIES

7. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

8. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

9. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

10. This paragraph contains averments pertaining exclusively to a separate Defendant for which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

11. This paragraph contains averments pertaining exclusively to a separate Defendant for which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

12. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

13. This paragraph contains averments pertaining exclusively to a separate Defendant for which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

JURISDICTION AND VENUE

14. This paragraph contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

15. This paragraph contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

FACTS COMMON TO ALL COUNTS

A. This is a heading to which no response is required. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

16. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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B. This is a heading to which no response is required. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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22. This paragraph contains characterizations of the Senate Report and does not require a response. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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26. To the extent that this paragraph characterizes legislative documents no answer is required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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C. This is a heading to which no response is required. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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29. This paragraph contains characterizations of the Senate Report and testimony by a “police investigator” and does not require a response. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

30. This paragraph contains characterizations of the Senate Report and testimony by a “police investigator” and does not require a response. Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

31. This paragraph in part contains characterizations of the Senate Report and to that extent does not require a response. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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38. This paragraph contains characterizations of the Senate Report and testimony by a “police investigator” and does not require a response. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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51. This paragraph contains characterizations of the documents in litigation and to that extent does not require a response. To the extent a response is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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CLAIMS FOR RELIEF

COUNT I

111. Defendant Lacey reasserts each answer contained above and below to the extent necessary to answer Plaintiffs' incorporation by reference.

112. This paragraph contains conclusions of law to which an answer is not required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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COUNT II

118. Michael Lacey reasserts each answer contained above and below to the extent necessary to answer Plaintiffs' incorporation by reference.

119. This paragraph contains conclusions of law to which an answer is not required. To the extent an answer is required, Defendant Lacey, on the advice of counsel, declines to answer based on the Fifth Amendment.

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PRAYER FOR RELIEF

In response to the "WHEREFORE" provision, Defendant Lacey denies that Plaintiffs are entitled to any relief sought in the Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiffs fail to state a claim upon which relief may be granted.
2. Plaintiffs' claims are barred in whole or in part based on Section 230 of the Communications Decency Act (47 U.S.C. § 230).
3. Plaintiffs' claims are barred in whole or in part by the First Amendment to the U.S. Constitution and Article XVI of the Massachusetts Declaration of Rights.

4. Plaintiffs' claims are barred because they pose unreasonable barriers and substantial burdens on interstate commerce, in violation of the Dormant Commerce Clause, set forth in Article 1, Section 8 of the United States Constitution.

5. Plaintiffs' claims are barred by the doctrine of laches.

6. Plaintiffs' claims are barred by the doctrine of waiver.

7. Plaintiffs' claims are barred by the doctrine of estoppel.

8. Plaintiffs' claims are barred by the doctrine of unclean hands.

9. Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations.

10. Plaintiffs' claims are brought against the wrong parties.

11. Plaintiffs fail to plead any facts demonstrating that the corporate form of any of the Defendant corporate entities should be pierced or otherwise disregarded.

12. Plaintiffs are not entitled to relief to the extent that Plaintiffs' purported injuries and damages were not proximately caused by any act or omissions of Defendant Lacey.

13. Defendant Lacey is not liable for Plaintiffs' alleged damages because Plaintiffs' damages, if any, were proximately caused by the acts and omissions of individuals over whom Defendant Lacey had no control or right of control, including Plaintiffs themselves, their traffickers, and other unknown individuals over whom Defendant Lacey has or had no legal responsibility or control. Said acts or omissions were superseding and intervening causes, and the proximate cause or causes, of Plaintiffs' alleged injuries.

14. Defendant Lacey owed no duty of care towards Plaintiffs, and breached no duty of care towards Plaintiffs.

15. The risk of any injuries or damages purportedly suffered by Plaintiffs was not reasonably foreseeable by Defendant Lacey.

16. Defendant Lacey did not participate in any venture, agreement, collusion or conspiracy to cause or contribute to Plaintiffs' alleged injuries and damages.

17. Plaintiffs failed to mitigate their damages.

18. Any liability apportioned to Defendant Lacey must be diminished proportionately based on the fault of Plaintiffs and third parties, and any liability attributed to Defendant Lacey is several only.

Defendant Lacey continues to investigate the allegations in (and related to) the Complaint, and therefore reserves the right to assert additional affirmative defenses if they are discovered.

REQUEST FOR RELIEF

Wherefore, Defendant Lacey prays for judgment:

1. Dismissing the claims in the Complaint with prejudice and without costs; and
2. Awarding such further relief as the Court deems just and equitable.

DEFENDANT LACEY

By his attorneys,

/s/ Robert Corn-Revere

Robert Corn-Revere (*pro hac vice*)

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Ronald G. London (*pro hac vice*)

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/s/ Dan Booth
Dan Booth (MA Bar No. 672090)
dbooth@boothsweet.com
BOOTH SWEET LLP
32R Essex Street #1A
Cambridge, MA 02139
Tel: (617) 250-8629

Dated: July 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2018, the foregoing document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and by first-class mail to any non-registered participants.

/s/ Robert Corn-Revere
Robert Corn-Revere