

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Greenpeace, Inc.

*

Plaintiff

*

v.

*

The Dow Chemical Company, et al,

*

Defendants

*

*

Case No. 1:10-CV-02037-RMC

* * * * *

ANSWER TO COMPLAINT

Now comes the Defendant, Timothy Ward, by and through his attorneys, Roy B. Cowdrey, Jr., David R. Thompson, Brynja M. Booth, and Cowdrey Thompson, PC, and W. Scott Sonntag, and files this Answer to the Plaintiff’s Complaint, and each and every count thereof, as follows:

Defendant Ward sets forth the following specific defenses:

I

The Plaintiff’s Complaint, and each count therein, fails to state claim(s) upon which relief may be granted.

II

This Court lacks subject matter jurisdiction over the claims alleged in Plaintiff’s Complaint.

III

Defendant contends that the Plaintiff’s claims are barred by the following affirmative defenses:

- a. Assumption of Risk
- b. Estoppel
- c. Laches
- d. Release
- e. Res Judicata
- f. Statute of Limitations
- g. Waiver

IV

Defendant reserves the right to raise such other defenses as are warranted by facts revealed in discovery.

V

In response to the individually numbered paragraphs of the Complaint, Defendant answers each and every paragraph of the Complaint as follows:

- 1. Defendant denies that he is liable as alleged in paragraph 1.
- 2. Defendant denies the allegations set forth in paragraph 2.
- 3. Paragraph 3 is a legal conclusion for which no response is required, but Defendant denies that there is any cause of action as alleged.
- 4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4; therefore, those allegations are denied.
- 5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5; therefore, those allegations are denied.
- 6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6; therefore, those allegations are denied.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7; therefore, those allegations are denied.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8; therefore, those allegations are denied.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9; therefore, those allegations are denied.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10; therefore, those allegations are denied.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11; therefore, those allegations are denied.

12. Defendant admits that he is a resident of Maryland, and that he was employed by BBI from approximately June, 1996 until January 26, 2001. All remaining allegations of paragraph 12 are denied.

13. Defendant admits that Jay Bly worked as an employee of BBI. The remaining allegations in paragraph 13 are denied.

14. Defendant admits that Mike Mika was employed by BBI. The remaining allegations in paragraph 14 are denied.

15. Defendant admits that George Ferris worked at BBI. All other allegations are denied.

16. Defendant denies the allegations set forth in paragraph 16.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17; therefore, those allegations are denied.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18; therefore, those allegations are denied.

19. Defendant denies the allegations set forth in paragraph 19.

20. Defendant denies the allegations set forth in paragraph 20.

21. Defendant denies the allegations set forth in paragraph 21.

22. Defendant denies the allegations set forth in paragraph 22.

23. Defendant denies the allegations set forth in paragraph 23.

24. Defendant denies the allegations set forth in paragraph 24.

25. Defendant denies the allegations set forth in paragraph 25.

26. Defendant denies the allegations set forth in paragraph 26.

27. Defendant denies the allegations set forth in paragraph 27.

28. Defendant denies the allegations set forth in paragraph 28.

29. Defendant denies the allegations set forth in paragraph 29.

30. Defendant denies the allegations set forth in numbered paragraph 30.

31. Defendant denies the allegations set forth in paragraph 31.

32. Defendant denies the allegations set forth in paragraph 32.

33. Defendant denies the allegations set forth in paragraph 33, including its subparts.

34. Defendant denies the allegations set forth in paragraph 34, including its subparts.

35. Defendant denies the allegations set forth in paragraph 35, including its subparts.

36. Defendant denies the allegations set forth in paragraph 36, including its subparts.

37. Defendant denies the allegations set forth in paragraph 37.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38; therefore, those allegations are denied.

39. Defendant denies the allegations set forth in paragraph 39.

40. Defendant denies the allegations set forth in numbered paragraph 40.

41. Defendant denies the allegations set forth in numbered paragraph 41.

42. Defendant denies the allegations set forth in numbered paragraph 42.

43. Defendant denies the allegations set forth in numbered paragraph 43.

44. Defendant denies the allegations set forth in numbered paragraph 44.

45. Defendant denies the allegations set forth in numbered paragraph 45.

46. Defendant denies the allegations set forth in paragraph 46.

47. Defendant denies the allegations set forth in paragraph 47.

48. Defendant denies the allegations set forth in paragraph 48.

49. Defendant denies the allegations set forth in paragraph 49.

50. Defendant denies the allegations set forth in paragraph 50.

51. Defendant denies the allegations set forth in paragraph 51.

52. Defendant denies the allegations set forth in paragraph 52.

53. Defendant denies the allegations set forth in paragraph 53.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54; therefore, those allegations are denied.

55. Defendant denies the allegations set forth in paragraph 55.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56; therefore, those allegations are denied.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57; therefore, those allegations are denied.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58; therefore, those allegations are denied.

59. Defendant denies the allegations set forth in paragraph 59.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60; therefore, those allegations are denied.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61; therefore, those allegations are denied.

62. Defendant denies the allegations set forth in paragraph 62.

63. Defendant denies the allegations set forth in paragraph 63.

64. Defendant denies the allegations set forth in paragraph 64.

65. Defendant denies the allegations set forth in paragraph 65.

66. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 66; therefore, those allegations are denied.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67; therefore, those allegations are denied.

68. Defendant denies the allegations set forth in paragraph 68.

69. Defendant denies the allegations set forth in paragraph 69.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 70; therefore, those allegations are denied.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 71; therefore, those allegations are denied.

72. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 72; therefore, those allegations are denied.

73. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73; therefore, those allegations are denied.

74. Defendant denies the allegations set forth in paragraph 74.

75. Defendant denies the allegations set forth in paragraph 75.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76; therefore, those allegations are denied.

77. Defendant denies the allegations set forth in paragraph 77.

78. Defendant denies the allegations set forth in paragraph 78.

79. Defendant denies the allegations set forth in paragraph 79.

80. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80; therefore, those allegations are denied.

81. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81; therefore, those allegations are denied.

82. Defendant denies the allegations set forth in paragraph 82.

83. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 83; therefore, those allegations are denied.

84. Defendant denies the allegations set forth in paragraph 84.

85. Defendant denies the allegations set forth in paragraph 85.

86. Defendant denies the allegations set forth in paragraph 86.

87. Defendant denies the allegations set forth in paragraph 87.

88. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 88; therefore, those allegations are denied.

89. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89; therefore, those allegations are denied.

90. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90; therefore, those allegations are denied.

91. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91; therefore, those allegations are denied.

92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92; therefore, those allegations are denied.

93. Defendant denies the allegations set forth in paragraph 93.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94; therefore, those allegations are denied.

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95; therefore, those allegations are denied.

96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96; therefore, those allegations are denied.

97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97; therefore, those allegations are denied.

98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98; therefore, those allegations are denied.

99. Defendant denies the allegations set forth in paragraph 99.

100. Defendant denies the allegations set forth in paragraph 100, including all of its subparts.

101. Defendant denies the allegations set forth in paragraph 101.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 102; therefore, those allegations are denied.

103. Defendant denies the allegations set forth in paragraph 103.

104. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 104; therefore, those allegations are denied.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 105; therefore, those allegations are denied.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106; therefore, those allegations are denied.

107. Defendant denies the allegations set forth in paragraph 107.

108. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108; therefore, those allegations are denied.

109. Defendant denies the allegations and legal conclusions set forth in paragraph 109.

110. Defendant incorporates by reference each of his responses to paragraphs 1 through 109 as if fully set forth herein.

111. Defendant denies the allegations and legal conclusions set forth in paragraph 111.

112. Defendant denies the allegations and legal conclusions set forth in paragraph 112.

113. Defendant denies the allegations and legal conclusions set forth in paragraph 113.

114. Defendant denies the allegations and legal conclusions set forth in paragraph 114.

115. Defendant denies the allegations and legal conclusions set forth in paragraph 115.

116. Defendant incorporates by reference each of the responses to paragraphs 1 through 115 as if fully set forth herein.

117. Defendant denies the allegations and legal conclusions set forth in paragraph 117.

118. Defendant denies the allegations and legal conclusions set forth in paragraph 118.

119. Defendant denies the allegations and legal conclusions set forth in paragraph 119.

120. Defendant denies the allegations and legal conclusions set forth in paragraph 120.

121. Defendant denies the allegations and legal conclusions set forth in paragraph 121.

122. Defendant incorporates by reference each of the responses to paragraphs 1 through 121 as if fully set forth herein.

123. Defendant denies the allegations and legal conclusions set forth in paragraph 123.

124. Defendant denies the allegations and legal conclusions set forth in paragraph 124.

125. Defendant denies the allegations and legal conclusions set forth in paragraph 125.

126. Defendant denies the allegations and legal conclusions set forth in paragraph 126.

127. Defendant denies the allegations and legal conclusions set forth in paragraph 127.

128. Defendant denies the allegations and legal conclusions set forth in paragraph 128.

129. Defendant denies the allegations and legal conclusions set forth in paragraph 129.

130. Defendant denies the allegations and legal conclusions set forth in paragraph 130.

131. Defendant incorporates by reference each of the responses to paragraphs 1 through 130 as if fully set forth herein.

132. Defendant denies the allegations and legal conclusions set forth in paragraph 132.

133. Defendant denies the allegations and legal conclusions set forth in paragraph 133.

134. Defendant denies the allegations and legal conclusions set forth in paragraph 134.

135. Defendant denies the allegations and legal conclusions set forth in paragraph 135.

136. Defendant denies the allegations and legal conclusions set forth in paragraph 136.

137. Defendant denies the allegations and legal conclusions set forth in paragraph 137.

138. Defendant incorporates by reference each of the responses to paragraphs 1 through 137 as if fully set forth herein.

139. Defendant denies the allegations and legal conclusions set forth in paragraph 139.

140. Defendant denies the allegations and legal conclusions set forth in paragraph 140.

141. Defendant denies the allegations and legal conclusions set forth in paragraph 141.

142. Defendant denies the allegations and legal conclusions set forth in paragraph 142.

143. Defendant denies the allegations and legal conclusions set forth in paragraph 143.

144. Defendant denies the allegations and legal conclusions set forth in paragraph 144.

145. Defendant denies the allegations and legal conclusions set forth in paragraph 145.

146. Defendant incorporates by reference each of the responses to paragraphs 1 through 145 as if fully set forth herein.

147. Defendant denies the allegations and legal conclusions set forth in paragraph 147

148. Defendant denies the allegations and legal conclusions set forth in paragraph 148.

149. Defendant denies the allegations and legal conclusions set forth in paragraph 149.

150. Defendant denies the allegations and legal conclusions set forth in paragraph 150.

151. Defendant denies the allegations and legal conclusions set forth in paragraph 151.

152. Defendant denies the allegations and legal conclusions set forth in paragraph 152.

153. Defendant denies the allegations and legal conclusions set forth in paragraph 153.

154. Defendant denies the allegations and legal conclusions set forth in paragraph 154.

155. Defendant denies the allegations and legal conclusions set forth in paragraph 155.

156. Defendant denies the allegations and legal conclusions set forth in paragraph 156.

157. Defendant denies the allegations and legal conclusions set forth in paragraph 157.

158. Defendant denies the allegations and legal conclusions set forth in paragraph 158.

159. Defendant incorporates by reference each of the responses to paragraphs 1 through 158 as if fully set forth herein.

160. Defendant denies the allegations and legal conclusions set forth in paragraph 160.

161. Defendant denies the allegations and legal conclusions set forth in paragraph 161.

162. Defendant denies the allegations and legal conclusions set forth in paragraph 162.

163. Defendant denies the allegations and legal conclusions set forth in paragraph 163.

164. Defendant incorporates by reference each of the responses to paragraphs 1 through 163 as if fully set forth herein.

165. Defendant denies the allegations and legal conclusions set forth in paragraph 165.

166. Defendant denies the allegations and legal conclusions set forth in paragraph 166.

167. Defendant denies the allegations and legal conclusions set forth in paragraph 167.

168. Defendant denies the allegations and legal conclusions set forth in paragraph 168.

169. Defendant denies the allegations and legal conclusions set forth in paragraph 169.

170. Defendant denies the allegations and legal conclusions set forth in paragraph 170.

171. Defendant denies the allegations and legal conclusions set forth in paragraph 171.

172. Defendant denies the allegations and legal conclusions set forth in paragraph 172.

173. Defendant denies the allegations and legal conclusions set forth in paragraph 173.

174. Defendant denies the allegations and legal conclusions set forth in paragraph 174.

175. Defendant denies the allegations and legal conclusions set forth in paragraph 175.

176. Defendant denies the allegations and legal conclusions set forth in paragraph 176.

177. Defendant incorporates by reference each of the responses to paragraphs 1 through 176 as if fully set forth herein.

178. Defendant denies the allegations and legal conclusions set forth in paragraph 178.

179. Defendant denies the allegations and legal conclusions set forth in paragraph 179.

180. Defendant denies the allegations and legal conclusions set forth in paragraph 180.

181. Defendant denies the allegations and legal conclusions set forth in paragraph 181.

WHEREFORE, all the material allegations of the Complaint having been denied, Defendant Timothy Ward prays that the Complaint be dismissed as to this Defendant, with prejudice, and that the appropriate costs and attorneys' fees be awarded, along with such other and further relief as justice requires.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Complaint by Timothy Ward was filed and served this 18th day of February, 2011, electronically by the U. S. District Court for the District of Columbia Electronic Document Filing System (ECF) and/or mailed, postage prepaid, to the following persons on record.

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