

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

JOHN R. BENN,

*

Plaintiff,

*

v.

*

Case Number: CV-2002-184

ROBERT NOVAK,

*

Defendant.

*

DEFENDANT'S ANSWERS TO INTERROGATORIES

1. State the name and residence address of the person who posted the message on the Aquaria/Fish Forum which is made the basis of this lawsuit.

Answer: Defendant has no information as to the identity of such person. Upon information and belief Plaintiff already named such party as Jack Nolan, Medford NY.

2. For the period January 1, 2000, to present state the names, residence addresses, social security numbers and inclusive dates of employment for all Defendant's employees.

Answer: Defendant does not employ anyone.

3. For the period January 1, 2000, to present state the names and addresses of all "Affiliates" of the web site "Petswarehouse.com".

Answer: PetsWarehouse.com is not a party to this action.

4. For the period January 1, 2000 to present state the names, addresses, order number and date of transactions for all web transactions or purchases submitted to "Petswarehouse.com".

Answer: PetsWarehouse.com is not a party to this action.

5. For the period January 1, 2000 to present state the names, addresses and account numbers of all suppliers of products used to list items on "Petswarehouse.com" or otherwise involved in inventory or purchases for retail sales.

Answer: PetsWarehouse.com is not a party to this action.

6. In paragraph 36 of your "First Counterclaim" you allege that "Novak has been damaged by counsel fees and other amounts". With respect to such allegation state:

Answer: Two law firms have been paid in connection with this frivolous lawsuit

(a) State in detail the facts upon which you base this contention.

Answer: Plaintiff does not have jurisdiction against Robert novak. This I a frivolous law suit contemplated to harass Defendant for his action against John Ben in NY eastern District Court case no. CV – 02-2978.

(b) State the name, residence address, residence telephone number of all persons who have or claim to have any knowledge or information regarding any facts stated in subpart a.

Answer: Not applicable.

7. With respect to your allegation that you have incurred "counsel fees" state:

(a) The name and business address of any attorneys you have consulted about this matter.

Answer: London & Yancy 400 Park Place Tower, Birmingham Al. and Perkins & Dunnigan 45 Rockefeller Plaza NY, NY.

(b) Whether you are related by blood or marriage to the above.

Answer: No they are not.

(c) The date(s) of any consultations.

Answer: 5/23/02

(d) The date and amounts paid for any legal services.

Answer: Perkins & Dunnigan \$1,000, London & Yancy \$240

(e) The method of payment for the above items.

Answer: Check

8. If your response to any request for admission is other than an unqualified admission, state for each such request for admission the following:

Answer: That question is irrelevant it appears to part of another document you sent so many you must have lost track.

(a) All facts (not opinions) that you contend support in any manner your refusal to admit.

(b) Identify all documents, notes, reports, memorandums, electronic and/or tape recordings, photographs, oral statements, or other tangible or intangible thing that supports in any manner your refusal to admit or your qualification of any admission. Identification is to be sufficient to identify the aforesaid things in a request for production.

(c) The name and address of all persons, including consultants, purporting to have any knowledge or factual data upon which you base your refusal to admit or the qualifications to any admission.