

To the within named parties, you are hereby notified to plead to the enclosed New Matter within twenty (20) days from service hereof Or a judgment maybe entered against you.

/s/Curtis C. Johnston
CURTIS C. JOHNSTON

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ATTORNEY FOR DEFENDANT
Robin A. Horner

CHRISTOPHER B. YOUNG	:	COURT OF COMMON PLEAS OF
	:	LANCASTER COUNTY,
v.	:	PENNSYLVANIA
	:	
ROBIN A. HORNER	:	CIVIL ACTION NO.: CI-18-04369
	:	JURY TRIAL DEMANDED

DEFENDANT ROBIN HORNER'S ANSWER
TO PLAINTIFF'S COMPLAINT WITH NEW MATTER

1. Admitted on information and belief.
2. Admitted on information and belief.
3. Admitted.
4. Denied as stated. The averments contained in paragraph 4 of Plaintiff's Complaint constitute conclusions of law to which no response is required.
5. Denied as stated. The averments contained in paragraph 5 of Plaintiff's Complaint constitute conclusions of law to which no response is required.
6. Admitted in part, denied in part. It is admitted that Answering Defendant is the mother of Darby Horner. Darby Horner had a daughter with Plaintiff, who is Answering

Defendant's granddaughter. The remaining averments are generally denied pursuant to Pa.R.C.P. Rule 1029(e). Strict proof thereof, if relevant, is demanded at trial.

7. -9. Admitted in part, denied in part. The averments contained in paragraphs 7-9 of Plaintiff's Complaint constitute conclusions of law to which no response is required. By way of further answer, it is admitted that Answering Defendant "filed" a written Complaint with the East Earl Township Police Department, which is a written document(s) which speaks for itself. It is further averred that Answering Defendant was privileged and/or justified in doing so. It is further averred admitted that Plaintiff Young has harassed, bullied, disrespected, and stalked Answering Defendant including, but not limited to, his making statements to Answer Defendant that he had been running vehicle registrations and driver's license searches on Darby Horner's friends including her previous boyfriend and/or other individuals related to Answering Defendant. If the information provided or statements made by Plaintiff Young were "false and without foundation", then he has only himself to blame. It is denied that Answering Defendant has "filed" any written Complaint with any other police department. The remaining averments are generally denied pursuant to Pa.R.C.P. Rule 2019(e). Strict proof thereof, if relevant, is demanded at trial.

10. Denied as stated. The averments contained in paragraph 10 of Plaintiff's Complaint constitute conclusions of law to which no response is required. The averments are further generally denied pursuant to Pa.R.C.P. Rule 1029(e). Strict proof thereof, if relevant, is demanded at trial.

11. Denied as stated. The averments contained in paragraph 11 of Plaintiff's Complaint constitute conclusions of law to which no response is required. The averments are further generally denied pursuant to Pa.R.C.P. Rule 1029(e). Strict proof thereof, if relevant, is demanded at trial.

12. Admitted in part, denied in part. The averments contained in paragraph 12 of Plaintiff's Complaint constitute conclusions of law to which no response is required. It is admitted that Answering Defendant attempted in good faith and in writing by certified letter dated July 18, 2017 to instruct Plaintiff Young to cease and desist texting her in the late evening/early morning hours while she is at home in bed and/or while she is at work, with his harassing, bullying, and disrespectful text messages, and to cease and desist his other disrespectful, bullying, stalking and harassing behavior. Plaintiff refused to sign for the letter, so it was hand delivered to him by East Earl Police Chief Kevin C. McCarthy on August 26, 2017. Notwithstanding said notice, Plaintiff continued to engage in a long course of disrespectful, harassing, bullying and/or stalking behavior including, but not limited to, sending more late night texts to Answering Defendant on or about May 8, 2018. All statements made by Answering Defendant were protected by privilege, justification, and/or were substantially true.

13. Denied. To the contrary, the information reported by Answering Defendant was substantially true and correct, and Plaintiff Young has only himself to blame for his behavior.

14. Denied. The averments contained in paragraph 14 of Plaintiff's Complaint constitute conclusion of law to which no response is required. By way of further answer, at all times material to Plaintiff's Complaint, the statements made by Answering Defendant were protected by privilege, justification, and/or were substantially true.

15. Denied as stated. The averments contained in paragraph 15 of Plaintiff's Complaint constitute conclusions of law to which no response is required. It is specifically denied that any act or statement by Answering Defendant was the cause of any damage to Plaintiff Young's reputation as a police officer. Plaintiff Young has only himself to blame for his choices and behavior, and any alleged damage to his reputation as a police officer.

COUNT I – DEFAMATION

16. Answering Defendant incorporates by reference paragraphs 1 through 15 as though more fully set forth at length herein.

17.a.-b. Denied. The averments contained in paragraph 17 (a. and b) constitute conclusions of law to which no response is required. It is further specifically denied that Answering Defendant “filed” any false complaint related to Plaintiff Young. To the contrary, any information provided by Answering Defendant was based on Plaintiff Young’s own statements and/or conduct and, therefore, Plaintiff Young has only himself to blame for the results. At all times material to Plaintiff’s Complaint, the statements made by Answering Defendant were protected by privilege, justification, and/or were substantially true.

18. Denied as stated. The averments contained in paragraph 18 of Plaintiff’s Complaint constitute conclusions of law to which no response is required. The averments are further generally denied pursuant to Pa.R.C.P. 1029(e). Strict proof thereof if relevant is demanded at trial. By way of further answer, Answering Defendant further submits that any alleged damage to the “reputation” of Plaintiff Young which is denied, occurred solely by his own conduct both before and after and separate and distinct from Plaintiff Young’s contentions in this lawsuit.

WHEREFORE, Defendant, Robin Horner, respectfully requests that judgment be entered in her favor and against Plaintiff, plus all other relief available under law.

COUNT II - ABUSE OF PROCESS

19. Answering Defendant incorporates by reference paragraphs 1 through 18 as though more fully set forth at length herein.

20.a.-b. Denied. The averments contained in paragraph 20 (a. and b) constitute conclusions of law to which no response is required. It is further specifically denied that Answering Defendant

“filed” any false complaint related to Plaintiff Young. To the contrary, any information provided by Answering Defendant was based on Plaintiff Young’s own statements and/or conduct and, therefore, Plaintiff Young has only himself to blame for the results. At all times material to Plaintiff’s Complaint, the statements made by Answering Defendant were protected by privilege, justification, and/or were substantially true.

21. Denied as stated. The averments contained in paragraph 21 of Plaintiff’s Complaint constitute conclusions of law to which no response is required. The averments are further generally denied pursuant to Pa.R.C.P. 1029(e). Strict proof thereof if relevant is demanded at trial. By way of further answer, Answering Defendant further submits that any alleged damage to the “reputation” of Plaintiff Young which is denied, occurred solely by his own conduct both before and after and separate and distinct from Plaintiff Young’s contentions in this lawsuit.

WHEREFORE, Defendant, Robin Horner, respectfully requests that judgment be entered in her favor and against Plaintiff, plus all other relief available under law.

NEW MATTER

Defendant, Robin Horner, hereby asserts the following New Matter in accordance with PA.R.C.P. 1030 and states as follows:

22. Plaintiff’s claims are barred for failure to state a claim upon which relief may be granted.

23. Plaintiff’s claims are barred by the applicable statute of limitations.

24. Plaintiff’s claims are barred in full or in part to the extent that Defendant made no publication about Plaintiff which was made maliciously or negligently.

25. Plaintiff’s claims are barred in full or in part by the doctrine of justification, 42 Pa.C.S.A. §8342.

26. Plaintiff's claims are barred in full or in part by Defendant's absolute privilege and/or conditional or qualified privilege.

27. Plaintiff's claims are barred in full or in part by the extent Defendant's statements were substantially true.

28. Plaintiff's claims are barred in full or in part to the extent Defendant's statements related to matters of public concern.

29. Plaintiff's claims are barred in full or in part by Plaintiff's consent, waiver, and/or estoppel.

30. Plaintiff's claims are barred in full or in part by application of the single publication rule, 42 Pa. C.S.A. §8341.

31. Plaintiff's claims are barred in full or in part to the extent that Plaintiff has suffered no special damages or other special harm.

32. At all times material to Plaintiff's Complaint, Defendant exercised reasonable care and was not negligent.

33. Plaintiff's claims are barred in full or in part by his own intentional, malicious, abusive, disrespectful, and/or negligent conduct.

34. Plaintiff's claims are barred in full or in part to the extent that Defendant's conduct was not the proximate cause of any harm that Plaintiff alleges that he sustained, the existence of any such harm being denied.

35. Plaintiff is a public figure.

36. Any communications allegedly made by Defendant are protected by the United States Constitution, the Constitution of the Commonwealth of Pennsylvania and/or the First Amendment to the United States Constitution.

37. Plaintiff's claims are barred and/or limited by the United States Constitution, the Constitution of the Commonwealth of Pennsylvania, and/or the First Amendment to the United States Constitution.

38. Plaintiff's claims for attorneys fees are barred by the applicable American Rule.

39. Plaintiff has failed to state a claim for punitive damages upon which relief may be granted.

BENNETT, BRICKLIN & SALTZBURG LLC



BY: _____
Curtis C. Johnston, Attorneys for Defendant
Robin A. Horner


Date: October 17, 2018

VERIFICATION

I verify that the statements made in the foregoing Answer to Plaintiff's Complaint with New Matter which are within the personal knowledge of the undersigned, are true and correct, and as to facts based on the information of others, the undersigned, after diligent inquiry, believes them to be true. And further, as to language and averments which may constitute legal conclusions, I sign this verification on the recommendation of my attorneys who advise that the allegations and language in the Answer to Plaintiff's Complaint with New Matter constituting legal conclusions are required legally to raise issues for resolution at trial, by the Court, or by continuing investigation and preparation for trial. I understand that some of these allegations may prove inappropriate after investigation and trial preparation are complete and I leave determination of these matters to my attorneys on their advice.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 10-17-2018



Robin A. Horner

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Defendant's Answer to Plaintiff's Complaint with New Matter on the person listed below by first class mail, postage prepaid and electronic mail:

Matthew T. Boyer, Esquire
Dell Law Firm
1821 Oregon Pike, Suite 212
Lancaster, PA 17601
(Attorneys for Plaintiff)

BENNETT, BRICKLIN & SALTZBURG LLC



BY: _____
Curtis C. Johnston, Attorneys for Defendant
Robin A. Horner

Date: October 17, 2018