

FILED

SEP 24 2009

Debbie McMillan Barrett
Circuit Court

GWEN SHAMBLIN AND)
TEDD ANGER)
)
Plaintiffs,)
)
VS)
)
RAFAEL MARTINEZ)
)
Defendant.)

Case No. 09476

ANSWER

COMES NOW the Defendant Reverend Rafael Martinez, by and through counsel, and for answer to the Complaint filed against him states as follows:

1. To the extent an answer is required of Defendant to the allegations in Paragraph 1, Defendant denies same and demands strict proof.
2. Defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 2, and therefore denies same and demands strict proof.
3. Admitted.
4. Denied.
5. Defendant admits he posted the statement, but denies the statement is false.
6. Denied.
7. Denied.
8. Denied.
9. Denied.

10. No response is required to Paragraph 10.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. To the extent any allegation herein has not been admitted or denied, it is hereby denied.
17. The Defendant denies that the Plaintiffs are entitled to the relief set forth in their prayer for relief, or to any relief whatsoever.

The Defendant would rely upon the following affirmative defenses:

1. The Plaintiffs are Public Figures or Limited Purpose Public Figures;
2. The statements made are opinion;
3. The statements made are true;
4. The statements made were previously published and in the public domain;
5. The statements made are protected by the First Amendment to the Constitution of the United States and by Section 19 of the Constitution of the State of Tennessee.
6. Plaintiffs' claim is barred by the statute of limitations.
7. Plaintiffs' claim is barred by laches.
8. Plaintiffs' Complaint should be stricken as it appears the Complaint is not signed by an attorney as required by Rule 11.
9. The Plaintiffs' claims should be barred by the doctrine of unclean hands. The Plaintiffs are using the legal system to harass this Defendant and to cause him to incur expenses. Plaintiffs' brought a virtually identical lawsuit against this Defendant in November, 2006, which was subsequently dismissed.
10. Defendant reserves the right to assert additional affirmative defenses that may arise as a result of discovery.

NOW HAVING fully answered, the Defendant prays the Complaint against him be dismissed with all costs taxed to the Plaintiffs.

Respectfully submitted,



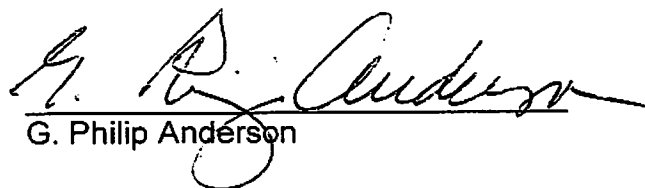
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Answer was sent via U.S. Mail, postage prepaid, to Samuel J. Harris, 320 East broad Street, # 200, Cookeville, Tennessee, 38501, this 24 day of September, 2009.



G. Philip Anderson