IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDQA

CASE NO. 07-20693-CIV-ALTONAGA

TAKE-TWO INTERACTIVE SOFTWARE, INC.,

Plaintiff/Counterdefendant,

v.

JOHN B. THOMPSON,

Defendant/Counterplaintiff.

ANSWER, INCLUDING AFFIRMATIVE DEFENSES, AND COUNTERCLAIM

COMES NOW defendant/counter-plaintiff, John B. Thompson, (hereinafter Thompson)on his own behalf and by and through undersigned co-counsel, and files this is answer to the complaint of plaintiff Take-Two Interactive Software, Inc., (hereinafter Take-Two) and also files this his counterclaim against Take-Two as well, stating:

ANSWER

Thompson responds as follows, below, to the various paragraphs of the complaint, with the numbers of the responses corresponding to the numbers of the complaint, to-wit:

1. Admitted.

2. Denied. No one is a citizen of a state. People are citizens of countries, and Thompson is a citizen of the United States. He is a resident of Florida, living in Miami-Dade County, Florida.

3. Admitted.

4. Without knowledge.

5. Admitted.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. If the court has jurisdiction, which it does not, then this would be the proper venue.

14. Admitted as to this allegation in its recitation of a portion of the First Amendment. Plaintiff has omitted the "right of the people to petition the government for a redress of grievances," which petitioning activity has generated the constitutional nuisances laws of Florida and elsewhere.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Admitted.

20. Admitted.

21. Admitted.

22. Denied. Thompson sought to enjoin the sale of *Bully* to minors, not to the general public. Further, Thompson brought a similar lawsuit much earlier against Best Buy, Inc., which was successful and resulted in Best Buy's changing of its policy, nationwide. As a result of Thompson's suit using Florida's nuisance laws, Best Buy

agreed not to sell Mature-rated games to anyone under seventeen years of age anywhere in the country.

23. Admitted.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Admitted or denied or without knowledge as applicable.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Admitted, denied, or without knowledge, as applicable.

48. Denied.

49. Denied.

50. Denied.

AFFIRMATIVE DEFENSES TO COMPLAINT

Thompson's affirmative defenses are set forth below, the first of which is found in paragraph 1, and so forth, labeled consecutively as follow:

1. The public nuisance laws of the State of Florida afford a citizen the legal right to proceed against a public nuisance by attempting to secure a temporary injunction against it. If and only if Thompson or any citizen is successful at that initial stage, then the state attorney is to take over the prosecution of this criminal activity, as set forth by statute. Take-Two in bringing this preemptive action against Thompson, then, seeks unconstitutionally to infringe upon Thompson's First Amendment right "to petition the government for a redress of grievances." Thompson thereby would simply initiate the process that the State Attorney must then, if Thompson were persuasive, continue and complete.

Engaging in activity that constitutes a public nuisance is literally a "crime," and is listed as such in the Florida Statutes. Thus, this lawsuit itself is a brazen attempt to infringe upon Thompson's civil rights, specifically his right to report a crime to the courts

and to the State Attorney, who would then presumably do something about it. Thus, this affirmative defense rests upon Thompson's absolute right to petition the government.

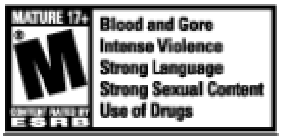
2. Should Thompson improperly bring such an action against the nuisance of selling adult material to children under 17 years of age, there is an adequate remedy available to Take-Two to defeat such an action *and* to assess costs against Thompson, as provided by the statute itself. Thus, the attempt in this federal action to preempt the state approach which adequately protects both the public and the defendant in such an action if it has been improperly brought.

3. Additionally, should Thompson bring such an action in state court without a basis in law or in fact, then Take-Two has a fully adequate remedy to recover attorney's fees improperly incurred. It would be a claim under Florida Statute 57.105, which is the state equivalent of a federal "Rule 11" claim. Take-Two did just that in the prior suit over *Bully*.

4. Thompson never, as Take-Two has incorrectly alleged, proceeded against Take-Two's *Bully* nor threatened to similarly come against *Grand Theft Auto IV* and *Manhunt 2* in an attempt to prevent either game's commercial release. Thompson seeks to apply the meaning and purpose of the games' rating of "Mature," which Take-Two itself admits will be the rating, unlike the rating on *Bully*. This "Mature" rating means that such games are, by definition, harmful to anyone under 17 and should not be sold to anyone under 17. That is the purported purpose of the label which Take-Two actively seeks to circumvent. Indeed, Take-Two brazenly states in its complaint that it wants to be free to sell these "Mature" games to children.

There is a huge difference between Take-Two's fallacious assertion to this court that Thompson is seeking to enjoin either game's release altogether, and the fact that he is simply trying to make Take-Two adhere to the meaning of the label, which is indicative of the harmful to minors content of the games. Thus, this affirmative defense rests upon the fact that Thompson is seeking to enforce what is actually an industry standard which Take-Two routinely violates.

5. Thompson has never indicated to Take-Two that he was proceeding against these two games on the basis of "violent content" alone, as falsely alleged in paragraph 6 of the complaint. As Take-Two knows, but its lawyers may not know, all of the *Grand Theft Auto* games contain sexual material that most juries would consider to be "sexual material harmful to minors." The "descriptors" that are affixed to the *Grand Theft Auto: San Andreas* "Mature" rated game, state right on the package that the content in this Take-Two game includes "Strong Sexual Content." Here is the label from that game itself:



Thus, if and when Thompson brings a suit under Florida nuisance law, then he shall be addressing in both games the possible and likely sexual content, not just the violent content. Even Take-Two and its lawyers have to admit that distribution of sexual material harmful to minors is a crime. In all of the *Grand Theft Auto* games, the protagonist (who is the surrogate for the person playing the game) has sex with prostitutes and then kills them to get his money back. Take-Two's position, then, in this attempt to preempt Thompson's legal right to stop the distribution of that sexual material

harmful to minors, which is also a crime under Florida law, is that a game whose previous incarnations contain "Strong Sexual Content" could not possibly contain such material that may be harmful to minors. Take-Two wants this court to adjudge the content of the game, then, without even seeing it. This is a practical and legal absurdity.

As part of this lengthy affirmative defense, Thompson posits the fact, not the surmise, that indeed Take-Two embedded, illegally and clandestinely, interactive oral and anal sex in the aforementioned *Grand Theft Auto: San Andreas* game which it did not disclose to the Entertainment Software Rating Board, which rates the games. Thompson prepared Senator Hillary Clinton in July 2005 for her news conference at which she disclosed this illegal, fraudulent activity of Take-Two, which resulted in a 355-21 condemnation of Take-Two by the U.S. House of Representatives and a subsequent finding by the U.S. Federal Trade Commission that in fact Take-Two had illegally placed this additional sexual material in this *Grand Theft Auto* game over and above what the "descriptor" disclosed. The FTC adjudicated Take-Two guilty of "fraud and deception" in doing this, and even before the FTC found that, and Take-Two paid the FTC penalties, the ESRB found that Take-Two had lied to it about the real level of sexual content in the game, which resulted in a worldwide recall of all copies of *GTA: San Andreas* and a forced re-rating of the game as "AO," which stands for "Adults Only." Thus, Take-Two knowingly and illegally has a history of distributing sexual material harmful to minors. This is and was a criminal act.

Even after Take-Two was caught lying about the sexual content in *GTA: San Andreas,* it released another game *Oblivion* which was rated "Teen." The ESRB found that Take-Two had not fully disclosed the sexual content in that game either, and the

game had to be re-rated "Mature." Thus, Take-Two has a history of hiding and misrepresenting the sexual content in games, and in doing so it has illegally, even criminally, marketed and sold, clearly, "sexual material harmful to minors." Take-Two thus seeks to prevent Thompson from doing anything effectual about will be the distribution of sexual material harmful to minors.

As to *Manhunt 2,* Sony's Playstation web site called the first iteration of this game franchise, called *Manhunt,* "pornographic" as to the level of sadomasochism and body fluids spewed in this game in which one stalks one's prey and, for example, suffocates humans with blue plastic bags as they struggle for air. *Manhunt 2*, Take-Two is proudly crowing to its prospective buyers, is a game in which the protagonist can by violence remove the testicles of one's opponent. Is this "sexual material harmful to minors?" It may be, but Take-Two asks this court to remove Thompson's state remedy against such material without anyone ever seeing *Manhunt 2*. In doing so, Take-Two literally seeks to deny the State of Florida a remedy.

6. Once either or both of these games are released and sold to kids under 17, the "horse will be out of the barn," and it will be too late to protect children from the harm resulting from direct sales to them with no parents involved in the sales transaction. Take-Two is upfront about this. It wants to release these games, sight unseen, to an unsuspecting public despite the documented failings of the rating system as well as Take-Two's circumvention of the whole rating system. Thus, this affirmative defense rests upon the need and Thompson's right to inspect these two games prior to their release to assure that they are not harmful to minors.

7. The Federal Trade Commission has recently found that 42% of the sales of "Mature" rated video games, such as *Grand Theft Auto* and *Manhunt* are to children under 17, despite empty promises by Take-Two and retailers and others to stop this harmful practice. Thus, the game rating system, as Senator Clinton has repeatedly pointed out, is utterly broken and needs to have the force of law behind it. Thus, Take-Two is already aggressively marketing these two "Mature" games to children well before their release. Just last holiday season, despite Take-Two's and the industry's promises to the contrary, Take-Two was running ads on the sides of public transportation in major metropolitan areas, having promised not to do any such thing because the juvenile demand for these adult products that would be created thereby. Thus, this affirmative defense rests upon the fact that the game rating system is ineffectual and designed to be just that, and Take-Two has a documented history of violating it.

8. As to Thompson's allegedly unsuccessful suit against Take-Two and Wal-Mart which sought to enjoin the sale of *Bully* to anyone under 17, the suit was unsuccessful because Take-Two representatives lied to Miami-Dade Circuit Court Judge Ronald Friedman as to what was actually in the game. As proof, after this "Teen" game was released, the leading public interest organization regarding video games and their harmfulness, the National Institute on Media and the Family, played the game and reported that its "Teen" rating was an utter sham and that it contained levels of violence so extreme that it should have received a "Mature" rating. This same organization provides to the U.S. Congress, at its request, the "Annual Video Game Report Card" which reports on the most dangerous games and the video game industry's most dangerous practices. Take-Two was also found, after the release of *Bully* homosexual

sex in the game, which Take-Two "forgot" to tell the ESRB and Judge Friedman about. Thus, this affirmative defense rests upon the specific instance of Take-Two's deception in the context of a lawsuit that Take-Two seeks to prevent the filing of.

9. Take-Two's representations notwithstanding, Thompson has been very successful against it and the video game industry generally. He filed a Florida nuisance suit against Best Buy over two years ago which stopped Best Buy from selling "Mature" games to kids and persuaded Best Buy to initiate a new policy by which it age IDs anyone who appears to be 21 years of age or less in order to stop sales of "Mature" games to anyone under 17. This procedure is working at Best Buy. Take-Two refuses to participate in such a voluntary plan because it is making too much money going around parents who are not at the point of sale and selling, by collaboration with unscrupulous retailers like Wal-Mart, "Mature" games to underage kids with no parents in sight. Thus, this affirmative defense rests substantially on the fact that such a state suit by Thompson has been very successful and its results agreed to by Best Buy through agreement.

10. Thompson has repeatedly offered to Take-Two to cease all future efforts against this company if it would simply instruct retailers not to sell its "Mature" products to children under 17. Take-Two refuses. Yet here is Take-Two, in this suit, presenting to this court how unreasonable Thompson is being. Thus, the gravamen of this affirmative defense is that Take-Two is corporately set upon collaborating with retailers to sell adult products to children, and they will not abide even voluntary restrictions on that harmful activity. Thus, the force of law must be brought to bear upon this illegal activitgy.

11. GameStop, Inc., on the other hand, which is owned by Barnes & Noble, and which is the largest video games-only store in the United States, has recently announced

a new policy that any employee caught selling a "Mature" game to anyone under 17 will be immediately terminated, as will the store manager at which that sale occurs. Thus, GameStop, possibly because Thompson sued it in Alabama for its role in the death of three cops killed by a teen who trained to kill them on a *Grand Theft Auto* game he bought at GameStop, has voluntarily decided to do what Best Buy has done and what Take-Two and Wal-Mart and other corporate giants refuse to do. Thus, this affirmative defense rests upon the fact that Take-Two is the one being unreasonable, capricious, and reckless in marketing and selling adult sex and violence to children. All Take-Two would have to do to avoid all of this is agree to stop selling adult products to children, which its complaint seeks an injunction to allow it to do. Thus, this affirmative defense, put simply, arises out of the fact that Take-Two seeks a court order to protect an illegal activity.

12. There is no constitutional right under the First Amendment to market and sell adult material to children. The Alabama Supreme Court has struck down Take-Two's First Amendment defenses in the aforementioned cop-killer wrongful death case. Thompson should know. He is the one who successfully argued the inapplicability of the First Amendment to protect such harmful corporate activities to the trial court, which wholly agreed with him, as does now the Alabama Supreme Court. Thus, this affirmative defense rests upon the fact that the First Amendment protects what Thompson does and does not protect what Take-Two does.

13. Take-Two is asking this court to adjudicate both of these games perfectly safe and harmless to children *without ever seeing them*. That is absurd, as it asks this court to accede to the following: "Trust us. We're Take-Two. You can trust us that this material

is not harmful to minors." This is from a company that lied to the American people and to the ESRB about whether it had hidden interactive oral and anal sex in a *Grand Theft Auto* game previously. Thus, this company seeks, in effect, prior restraint upon what it wrongly calls "prior restraint." Take-Two seeks to thwart the petition clause of the First Amendment.

14. Contrary to the representations by Take-Two, the settled, overwhelming conclusion of the law enforcement, scientific, education, public health, psychiatric, medical, and psychological communities is that there is a *direct causal link* between games like *Grand Theft Auto* and *Manhunt* and increased teen aggression and even violence. Just one finding in that regard is that of the American Psychological Association in August 2005 of a direct causal link (not a mere correlation) between such games and teen aggression. Indiana and Harvard Universities, for example, have done brain scan studies that show that teens process this type of material in a different part of the brain than do adults, and it is the part that leads to copycatting. Take-Two is saying to this court: Don't believe the largest association of psychologists in the world. Don't believe Harvard or Indiana Universities. Don't believe MRIs. Don't believe a joint statement of the heads of six health care organizations, including the AMA, to Congress about this copycat phenomenon. And surely don't believe the US Supreme Court in *Roper v. Simmons* which two years ago struck down the juvenile death penalty in part because of brain scan studies that show the processing of violent information in the brains of teens in a different cranial sector. Believe, instead, Take-Two. We have no financial interest in skewing this debate, but all of these public health and other organizations do!"

This affirmative defense then, is that the settled opinion of the scientific community is that what Take-Two proposes to do with these two games is dangerous.

15. Take-Two's request for attorney's fees and costs under 42 USC 1988 is not only absurd but not authorized by statute. Take-Two is bringing this preemptive action, trying to thwart Thompson's mere bringing of an action, which he has not even brought, and thus its scope and nature is not yet known, claiming that it will be as baseless as Take-Two says it is, asking also that damages be awarded based upon mere speculation as to what Thompson's lawsuit will look like!

We have already seen that Take-Two has misrepresented to this court that Thompson has tried to stop the release of *Bully* for sale to everyone, which is false. We have already seen that Take-Two has falsely stated that Thompson is trying to prevent the release to everyone of *these* two games. He is not; he is trying to stop their sale to children, since they are "Mature" games. Thus, this affirmative defense rests upon the fact that Take-Two is falsely characterizing a lawsuit that Thompson has not yet brought and which he might in fact win. Take-Two seeks punishment, then, for an act yet untaken and which, if taken, might be successful. This is prior restraint of a citizen not because he surely won't be successful but because Take-Two fears he will be. The filing of this preemptive suit informs this court, then, of just how much this company fears a lone citizen. What Thompson would seek, if he seeks it at all, is not prior restraint but rather the enjoining, not by him but by the State of Florida, of a public nuisance.

16. This court lacks jurisdiction to enjoin a state action not yet even taken. "Abstention" prohibits the federal judiciary from interfering, unnecessarily and improperly, with state actions and remedies.

17. Any action brought by Thompson under the nuisance laws of Florida will in fact not chill any First Amendment right of Take-Two. All Take-Two would have to do is submit each game to a court of law to see if it contains material harmful to minors or if it does in fact constitute a nuisance of any kind under Florida law. The games are finished. There is plenty of time to submit the games, and doing so will not in fact impede their release—unless they are in fact harmful to children.

18. Contrary to Take-Two's assertions, purveyors of obscenity and sexual material harmful to minors are specifically identified as constituting possible public nuisances under Florida law. Take-Two's assertion that the nuisance laws cannot be used to enjoin such operations and establishments is patently false, as Florida Nuisance Statute 823.13 prohibits trafficking in this kind of sexual material. Further, the nuisance laws enable the enjoining of the distribution of materials that either impair "public morals" or pose a public safety hazard, as these two games most assuredly will if sold to minors who as a class of individuals are far more likely to have their behavior modified than would adults.

19. Take-Two is asking this court to enjoin Thompson even from seeking the application of Florida's nuisance laws *after* the release of these games. That is what their complaint says. This is absurd. This position posits the notion that even an ongoing criminal activity or nuisance activity cannot be enjoined and Thompson, a citizen, cannot even seek a post-release injunction. This not only stands the First Amendment on its head. This position obliterates the First Amendment petition right.

20. The relief sought by Take-Two is counter to public policy, as it attempts to limit the right of a citizen to petition his government for a redress of grievances *before* he even does so.

21. There is nothing "vague" about the question of whether a game that contains sex with prostitutes and a killing of them to get your money back is "sexual material harmful to minors." Juries decide obscenity and sexual material harmful to minors cases all the time, applying the three prongs of *Miller v. California*.

22. Thompson is not seeking in any fashion to limit the artistic or other First Amendment expression of Take-Two or anyone else. These folks can create "Mature" games to their hearts' content. They just should not sell adult material to children, and they should not arrogantly tell the court system of the State of Florida that it can do absolutely nothing about it. The claim of prior restraint and the chilling of artistic freedom is a fabrication.

23. The placement of a "Mature" label on a video game is a clear admission that that product is inappropriate for anyone under 17 and thus also harmful to such a minor person. Distributing it directly to children under 17 would in fact undermine public morals. Why else is the label on the game? Further, the sale of such a labeled game to someone under 17 constitutes a public safety hazard, as the evidence is clear that such material leads to increased aggression and violence, particularly in minor. Thus, there is a compelling state interest—public safety—in prohibiting the sale of adult material to children which those children literally process differently in their immature brains, which differential leads to copycat violence. Thus, the strict scrutiny test in restricting the sale of such otherwise First Amendment-protected material to children under 17 is met

because there is a compelling state interest in providing for and assuring public safety. This case is primarily about public safety and welfare, which Take-Two wants Thompson and the state of Florida powerless to assure.

24. A state judicial system is the best judicial system in which to interpret and apply state laws. The federal system should defer to the state judicial system in this instance, as in others, not only for abstention grounds but on the common sense notion that state judges are adequately equipped to apply state laws.

25. Nearly all of the case authorities cited to this court in their paragraph 7 that purportedly explain the basis for striking down state video game laws turn on whether the games in question were in fact *harmful to minors* and detrimental to public safety. In nearly every instance, and possibly in every instance, the various attorneys general and other state officials defending these laws didn't have a clue as to the scientific and other evidence that proves these games harmful. Harm must be shown to survive the strict scrutiny test that is applied to efforts to restrict speech.

In point of fact, the one lawyer in America who has survived that strict scrutiny test, because of the harm he has demonstrated scientifically to the courts and also as to the public safety hazard these games pose, is the defendant/counterplaintiff herein. That is *precisely* why Take-Two is so keen on filing this action and destroying Thompson financially with a claim for attorneys' feel and costs for an action he hasn't even brought! Take-Two knows Thompson has the law and the facts and the science to win these fights, which is why Take-Two wants this court, preemptively, to block Thompson, without ever seeing either one of these games and without seeing the scientific and other evidence that Thompson has at his disposal from experts who have testified before Congress on this

very issue of harm and public safety. Thus, this affirmative defense rests upon the demonstrable fact that Thompson has the proof that will survive a strict scrutiny test. Take-Two wants this court, on faith alone, to assume he does not have it, despite Thompson's success in Alabama.

COUNTERCLAIM

COMES NOW defendant/counterplaintiff, and files this his counterclaim against plaintif/counterdefendant, stating:

PREFACE

Human rights can only be assured among a virtuous people. The general government . . . can never be in danger of degenerating into a monarchy, an oligarchy, an aristocracy, or any despotic or oppressive form so long as there is any virtue in the body of the people. George Washington

It is in the manners and spirit of a people which preserve a republic in vigour. . . . degeneracy in these is a canker which soon eats into the heart of its laws and constitution. Thomas Jefferson

To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea. James Madison

Thirty-eight years ago, Thompson was the Student Mayor for a day of his all white town in Northeastern Ohio. Thompson took that privilege to propose to the town's City Council that evening that it pass a "fair housing" ordinance that would end the segregation in the lily white suburb. That was the first time Thompson's life was threatened, as a teenager, for taking an unpopular, but as history would show, correct public stance, in what was then known and is now known as "the civil rights movement."

Now a multinational corporation that makes billions of dollars marketing and selling Mature-rated sexually-charged and ultraviolent video games to teenagers, and even pre-teens, is seeking to use, of all things, a federal *civil rights* law in order to silence and destroy its most abiding and most successful critic, all the better to mentally molest minors for money. The irony that this company, Take-Two, would try to use the civil rights laws to infringe upon the civil right of the undersigned to "petition the government for a redress of grievances" is a hypocrisy so grand that the very word describing this hypocrisy seems inadequate.

The cravenness of Take-Two is so deep that its attempt to enlist the aid of the very courts that so prominently and correctly played a crucial role in the civil rights movement is an irony undoubtedly lost upon the technologically adroit and morally challenged cultural Neanderthals in the Edinburgh, Scotland, software design studios of Take-Two's Rockstar Games. Take-Two/ Rockstar, after all, has graced the world with what is benignly called a "game," *Grand Theft Auto: Vice City,* set in the very city—Miami—in which this "civil rights" lawsuit has been filed. *GTA: Vice City* is a violence and sex simulation game in which the protagonist, whose role is literally assumed by the player of the game, exclaims "let's get all the dirty Haitians" as well as "let's kill all the Cubans," while perpetuating all of the grotesque racial stereotypes of African Americans as brutal thugs. What else would one expect of Scottish sociopaths sipping their single malt Glenlivet in between brainstorming software programming sessions? Now this same company seeks to grace this nation's youth with the latest iteration of the *Grand Theft Auto* franchise, *GTA: IV,* which promises its teen audience it will be more violent, filled with more racial and ethnic stereotypes, and more graphically realistic than all

earlier versions because of video game technological enhancements. Says Microsoft's Bill Gates: "The cool thing about these games now is the fact that they are able, with their new chips, to transport you to a world that you think is real."

This is the same Take-Two/Rockstar Games which excreted into the teen world the game *Manhunt* which inspired the copycat bludgeoning murder by hammer blows of a Leicester, England, youth, Stefan Pakeerah, by a teenager who rehearsed the kill on the *Manhunt* "game." Thompson represents the boy victim's father, who is bracing himself for the imminent release of *Manhunt 2* in the U.K.

Mark Twain once wrote that "Man is the only species of animal who blushes, and needs to." The United States, which is becoming the land of the totally free and the utterly depraved, is one of the few nations and possibly the only nation on Earth that rates video games as inappropriate and harmful to minors and yet allows the marketing and sale of them to children despite the self-damning labels. This is not the case in Canada, Japan, Germany, the U.K., Brazil, Spain, Australia, New Zealand, and elsewhere. These nations' laws criminalize the sale of these adult games to children, and their free societies have not fallen into tyrannies because of the logical protection of their children.

Indeed, more contraction of liberty in our schools has come from the video game-inspired massacre of Columbine than from anything Thompson has done or would like to do. Indeed, Thompson, understanding the concept of "ordered liberty" is the real friend of liberty in that he seeks to slow down the growing body count that makes parents restive that something be done. Indeed, recent studies find that violence in our American cities is exploding, not receding. Said one city's police chief: "It's as if these guys are acting out one giant violent video game."

Only in America, then, does a shameless, blush-free company such as Take-Two, whose "corporate headquarters is in New York City," as proclaimed in the complaint herein, claim a "right" to market and sell adult violence and sex simulators to children. Another irony is also lost on New York's Take-Two: That nearly 3,000 men, women, and children died at the hands of terrorists because of our way of life. Is our "way of life" to be defined by Take-Two's depravity in selling adult games to kids behind their parents' backs, or it to be defined by *all* of us, in the public square, who have at our disposal laws, democratically enacted and held constitutional, which protect not only our children but the access of *all* to the "public square?" Take-Two does not have a "civil right" to market and sell to children a product that the very industry of which it is a part says, by its labels, is harmful to children and to us all.

Take-Two's whose official registered lobbyist in the US House and Senate is the 500-lawyer giant Blank Rome, which leads the world in the bundling of campaign cash to the Republican National Committee. Blank Rome who signed off on this complaint. Blank Rome and Take-Two, as will be alleged below and as will be shown at trial, have combined to try to infringe, for years, the civil rights of Thompson. Take-Two has chosen a civil rights sword that has two edges. Take-Two has civil rights, and so does Thompson.

Thompson is struck, finally, by the irony that this nation is engaged in a so-called war on terror with Islamic Fascists who recruit to their cause with a number of arguments, one of which is that America's exportation of its pop culture sewage proves the depravity of the West. Reverend Billy Graham's wife once famously said, "If God

does not judge America for her immorality [lack of public virtue], then He owes an apology to Sodom and Gomorrah."

With Take-Two spewing its pop culture sewage to the world's children from a headquarters a mere walk away from where the World Trade Center Towers used to be, what is America's rebuttal to the Islamic Fascist recruitment call? This counterclaim is the rebuttal, not just to these terrorists but to Take-Two.

George Will seventeen years ago, in commenting on the controversy the undersigned Thompson ignited over the sale of 2 Live Crew's Miami rap/rape album called *As Nasty As They Wanna Be*, noted that the album, sold to children until Thompson came along, was clear proof of "America's slide into the sewer." We have slid deeper into that sewer, thanks in large part to Take-Two. Most Americans know that liberty cannot survive without public virtue. Thompson is one of them.

Thompson has no desire and no right to define or limit access to the public square. That is precisely what Take-Two seeks to do with this SLAPP (strategic litigation against public participation) "civil rights" lawsuit. Thompson, like any citizen, has a right to be in that public square and to use the tools democratically provided him, including the public nuisance laws of this state. Take-Two cannot repeal them, and this court cannot ignore them. Nor can this court, by fiat, wipe out the state court system, which Take-Two wants it to do. Nor can this court ignore the counterclaim that is hereby brought against those who have sought to arrogate to themselves the role of keepers of the public square, and raisers of our children.

FACTS

1. Take-Two is a Delaware corporation whose principal place of business, along with its wholly owned subsidiary, Rockstar Games, Inc., is New York, New York.

2. Thompson is a United States citizen and a resident of Florida, living in Miami-Dade County. Thompson seeks damages well in excess of the jurisdictional minimums of this court, exclusive of interest and costs, from this resident of another state. Thus, this is the right jurisdiction and the correct venue for this counterclaim.

3. In 2002, Thompson warned Take-Two, in writing, that its murder simulation *Grand Theft Auto* games were leading to violence, even killings, across the country. Thompson predicted publicly that such copycat killings would continue and increase. Take-Two threatened Thompson with retribution for saying so. Thompson has been proven correct in making that warning that the sales of these adult games to children must stop.

4. In the fall of 2002, Thompson was asked on NBC's *Today* show by host Matt Lauer who he thought the "DC Beltway Sniper" triggerman was. Thompson opined that it would likely be a teen trained on a sniper video game. It was.

5. Prior to that prediction, in early April 1999, Thompson appeared on NBC's *Today* show, for the first of eight times, and was asked by Matt Lauer what had been learned by the undersigned and the Paducah parents of three girls slain by a 14-year-old video gamer who trained to kill them on the game *Doom*. Said Thompson: "We fear that other boys in other American high schools will do the same thing or worse, having trained on the same murder simulation game." Eight days later, "Columbine" happened.

Klebold and Harris had explained that they trained for the worst massacre in American schools on *Doom.*

6. In 2003, Thompson was asked on the Fox News Channel for the profile of the then at-large "Columbus Ohio Serial Highway Shooter." Thompson said to the national tv audience that Thanksgiving weekend that it was likely the sniper was someone who trained himself to do this on violent first-person shooter video games, like *Grand Theft Auto*. Indeed, that is precisely what Charles A. McCoy, Jr., had done. The Columbus prosecutor who put McCoy in jail for 27 years was so keen on the connection between what McCoy did and the games he trained on to do it, that he insisted that *Grand Theft Auto: Vice City* be identified specifically as part of the problem in the negotiated written plea agreement, struck with Thompson's help.

7. In June 2003, an Alabama teen by the name of Devin Moore shot and killed three Alabama police officers. Upon his arrest, Moore said, "Life is like a video game. You have to die sometime." Thompson knew what that meant. It meant, as has been now proven, that Devin Moore obsessively played *Grand Theft Auto III* and *Grand Theft Auto: Vice City* to unwittingly train himself to kill these three men. This past week, Thompson met with Devin Moore on death row and confirmed, with his appellate criminal defense lawyer there, that all that we knew about his training on these two Take-Two games is true. Four expert witnesses in that Alabama case, which is now proceeding to trial in January 2008, have told the court that *but for* Moore's training on the cop-killing simulator *Grand Theft Auto* games he would not have killed those three cops. All four of those experts have testified to the US Congress about this video game copycat phenomenon acted out by kids who have consumed these adult products. All four are

available to this court and to any state court, provided by Thompson to testify as to the demonstrable public nuisance these games pose to public safety and welfare.

8. Thompson has not been shy about telling the world about the dangers posed by violent video games played by teens. This annoys Take-Two. Take-Two and its Blank Rome lawyers have acted upon their annoyance. This suit is just the latest SLAPP attack upon Thompson. Note:

9. The Sunday after "Columbine," Thompson appeared in April 1999 on CBS' *60 Minutes,* interviewed by Ed Bradley because of his accurate prediction, see *supra*, of Columbine and one of its causative factors.

10. Six years later, Thompson was interviewed again by Ed Bradley about the link between teen violence and video games for *60 Minutes* in a story about the Alabama cop-killing case in which Thompson, along with co-counsel, represents the cops' three families. Ed Bradley was terminally ill with leukemia, yet Mr. Bradley was so personally committed to exposing the dangers of these murder simulation "games" that he journeyed to Fayette, Alabama, to interview Thompson and the brother of one of the slain officers. Mr. Bradley then had to be rushed back to New York, the home of Take-Two, to be immersed in ice water to reduce his raging, leukemia-induced fever.

11. Years earlier, Jeffrey Weigand, the whistleblower of the tobacco industry's targeting of minors with another adult product, appeared on CBS' *60 Minutes,* the most watched news program in the United States. Weigand exposed Big Tobacco on *60 Minutes* just as Thompson exposed the video game industry on the same television program.

Actor Russell Crowe has portrayed Weigand in *The Insider*, a Hollywood motion picture which recounts, among other things, both the targeting of Weigand by the industry in retaliation for his appearance on *60 Minutes*, and Big Tobacco's threats to sue CBS if they dared to air the story.

12. Thompson was contacted personally by Ed Bradley after the cop-killing lawsuit was filed in Alabama. Mr. Bradley wanted to do the "video games can train teens to kill" story again, this time regarding a different game. Thompson had lost the federal lawsuit in Paducah when the judge ruled, not on the First Amendment, as Take-Two's lawyers have falsely alleged in paragraph 7 of its deceptive complaint (See *James v. MeowMedia*). That federal judge instead found that it was not "foreseeable" that a video game could train a teen to kill. Since that time, all of the science has proven otherwise. Said Ed Bradley's producer, Michael Ratdutzsky, riding in the car with Mr. Bradley when they called, "Jack, they can't claim lack of foreseeability this time, can they?" No, not after Columbine. Not after the mountain of science that Take-Two seeks to wish away.

13. No, but Take-Two could threaten and seek to intimidate the one man who has been saying there is a mountain. Take-Two is a member of the Entertainment Software Association (ESA), along with Sony, Microsoft, and other giants of the video game industry. The chief lobbyist and head of ESA, since its inception, was Doug Lowenstein who recently stepped down and in doing so gave a "You won't have Dick Nixon to kick around anymore" exit speech in which he targeted Thompson by name as having too much "power."

Mr. Lowenstein was interviewed by Ed Bradley for the story about ESA member Take-Two and its *Grand Theft Auto* cop killing games on which Thompson appeared. Mr. Lowenstein, like Big Tobacco before it, actually threatened CBS and Mr. Bradley with a libel action if it dared put Jack Thompson on *60 Minutes* again. Mr. Bradley told Mr. Lowenstein to get lost.

14. The copycatting of the script of *The Insider* by Take-Two and its operatives did not end there. Take-Two and its lawyers know their history, even if they have learned nothing from it. Just as Weigand was targeted for destruction for blowing the whistle on Big Tobacco, Thompson was similarly targeted by Take-Two. The *60 Minutes* appearance of Thompson spawned an original article about the Alabama wrongful death video game case in *Reader's Digest*, the most read magazine in the world. Take-Two had heard and seen and read enough about Thompson. The plan to try to destroy Thompson was hatch and immediately implemented.

15. Thompson had been admitted to practice *pro hac vice* in Alabama to litigate and try the wrongful death case. After Thompson's *60 Minutes* appearance and after the *Reader's Digest* article, Blank Rome supposedly "discovered," a full six months after Thompson had provided Blank Rome and the Alabama court with his *pro hac vice* application, that Thompson had allegedly "hidden his colorful disciplinary history by The Florida Bar" from Take-Two and the court. This was an utter, demonstrable lie, and it will be shown to be a lie and a fraud perpetrated upon the Alabama court.

16. Thompson, in point of fact, had already written a book, published by Tyndale House, disclosing fully, in detail, his "colorful disciplinary history" by The Florida Bar, the protagonists of which history had been the shock radio industry. Thompson was and

is proud of that "colorful disciplinary history." More importantly, Thompson had disclosed in full detail that same history to the court in Alabama. Blank Rome and Take-Two simply lied to the court in saying he had not.

17. The trial judge in Alabama, who never "took a cotton" to Thompson and for reasons that need not be fleshed out here and now, became upset that Thompson so strenuously defended himself with this fraudulent attempt by Take-Two to revoke Thompson's *pro hac vice* status. When it became clear to Thompson that his continuation in the case as record counsel had become a distraction, he withdrew from the case. The Alabama judge would not let him withdraw, and instead kept him in the case in order to throw him out. What followed was a flurry of Bar complaints filed by and inspired by Blank Rome. Getting Thompson out of the case was not enough. Additional frauds had to be authored in order to try to destroy him. Thompson is not easily deterred.

18. At the same time that Take-Two's lawyers, counsel herein, launched their *pro hac vice* ploy, Take-Two placed on its official corporate web site at www.rockstargames.com a parody description of Thompson as a bisexual pedophile. This ploy generated the sending of sex aid products to Thompson's wife and other harassment, by design. Thompson has asked Take-Two to remove this material. It is still there, nearly two years later.

19. Blank Rome also represents Comcast as its outside general counsel, and both are headquartered in Philadelphia. One of Comcast's vice presidents is the wife of Blank Rome Managing Partner and CEO of the entire firm, Carl M. Buchholz, who is also a huge Bush-Cheney campaign cash bundler to the RNC.

Comcast owns a cable television channel called G4, which covers exclusively "all video games, all the time." G4's *Attack of the Show* did a parody piece about Thompson, which included a scene depicting Thompson as masturbating while playing the *Grand Theft Auto: San Andreas* game which Thompson helped Senator Clinton prove contained embedded oral and anal sex scenes, which resulted in the aforementioned FTC adjudications for fraud and deception. More harassment from video gamers was generated by the Comcast/G4 attack, with one Houston teen arrested and put in jail for threatening to castrate Thompson and then kill him. This teen video gamer called Thompson to impress upon the latter that Take-Two's games had no effect upon his attitudes and behaviors.

20. Undeterred by this harassment at the epicenter of which was Take-Two and Blank Rome, Thompson in 2006 filed his lawsuit, discussed *supra,* regarding the anticipated sale of the mature game *Bully* to children. It is a Columbine simulation game and identified as such by experts who deal with school violence and bullying.

21. Take-Two and Blank Rome, not content with the unfortunate but explicable outcome in that *Bully* case, have now asked a Miami-Dade Circuit Court to hold Thompson in criminal contempt of court for doing something he did not do—violate that court's order regarding public disclosure of the content of the *Bully* game. The show cause hearing is set for Friday of this week. The criminal contempt finding is not being sought by the court, but by Blank Rome and Take-Two! Whom Take-Two cannot silence by a temporary court victory it now seeks to stigmatize by putting into jail. This is simply yet another SLAPP ploy by a corporate porn-to-kids enterprise frustrated by its inability to obliterate its persistent nemesis.

22. What Take-Two's/Blank Rome's Bar complaints, multiple public and false allegations of his sexual perversion, Rule 11 threats, and threats and ploys to incarcerate him could not achieve, these people now seek to accomplish by a bizarre "civil rights" lawsuit whose stated purpose is two-fold: to make clear the path to children for its adult products, and b) the assessment of what would be hundreds of thousands of dollars in legal fees and costs against Thompson *for a lawsuit he has not even filed*.

23. Not content with just bringing the lawsuit, Blank Rome and Take-Two decided to harass Thompson's wife directly after it was filed. The earlier sending of sex aid products to his wife was not enough. Thompson's wife is a lawyer and an equity partner in the oldest law firm in Florida, Carlton Fields. Blank Rome's lawyers knew that Thompson's wife has been operated on recently for ovarian cancer. They knew this. It can be proven that they knew this. This past week she underwent her first round of debilitating chemotherapy. Despite knowing that, Blank Rome, for no legitimate reason whatsoever, attempted to serve the complaint herein on his wife at their home. Because Thompson's wife could not arise from her chair, Blank Rome's/Take-Two's process server served their 14-year-old son after six o'clock p.m. As Mr. Welch, an attorney said to Senator Joe McCarthy at the Army-McCarthy hearings: "Have you no sense of decency?" Of course Take-Two and Blank Rome have no sense of decency. These are the people that sell to children games with hidden oral and anal interactive sex as well as unhidden depictions of having sex with prostitutes who are then killed. Why should anyone be surprised that these same people would harass a mere woman struggling against cancer when they have targeted the entire gender? This company is run by a

bunch of men who apparently get satisfaction from pixilated sex and who do not understand the concept of being a gentleman.

Thompson, a conservative Republican, has addressed, at their request, the largest chapter of the National Organization for Women (Manhattan) about this objectification of women in the *Grand Theft Auto* games a couple of years ago and then walked down the street to be interviewed live by CNN's Paul Zahn, to whom Thompson showed, along with the national audience, the killing of prostitutes in this "game." Take-Two was not amused.

24. An additional reason for bringing this lawsuit is the soon-to-be accomplished take-over of Take-Two by a shareholder group holding 46% of the shares of Take-Two, traded on NASDAQ. These investors are sick and tired of the woeful mismanagement of this company, which led the Dow Jones-owned *MarketWatch* to proclaim Take's Two's CEO Paul Eibeler "America's Worst CEO of 2005" for Eibeler's participation in the fraud and deceit and other missteps of Take-Two, which saw Take-Two's "audit chair" on its Board resign in December 2005, writing a letter to the Securities and Exchange Commission alleging fraud upon the board by Take-Two's senior management, which still includes Eibeler.

25. The outside general counsel advising Take-Two's senior management during this period of time has been, of course, Blank Rome. The Take-Two take-over group has announced that on March 29 it will seize control of the company, fire its entire management and flush its entire board. Not only, then, is Take-Two's management and board in peril, so too is the law firm that has advised them. Blank Rome and Take-Two's lame duck management have dreamed up this lawsuit to try to prove, in a panic, that it

can "handle" the man who threatens to derail the twin releases of two of its most violent games at a time that the company that is hemorrhaging red ink needs a cash infusion from these two games' sales this summer and fall, respectively. This is Take-Two's lame duck management's last quack at Thompson.

26. Blank Rome, then, hopes to hold onto this cash cow client by getting itself on-board in a creative lawsuit against the company's chief nemesis, hoping that no one will notice in the new management how baseless this bizarre lawsuit is.

27. Finally, although the above is not a full recounting of all that Take-Two has done, in the light of day, to try to destroy Thompson, it suffices to inform this court as to the tenor of what Take-Two has done to Thompson, to his family, and to all of those, by way of intimidation, who might speak out about this company's sale of adult games to other people's children.

Winston Churchill was once asked, "What is the hardest thing about watercolor painting." Churchill replied, "Knowing when to stop." These thuggish pornographers do not know when to stop. This "civil rights" suit by these alleged "First Amendment" enthusiasts proves that they do not know when to stop hectoring, threatening, and bullying Thompson, now evidenced by the harassment of his beloved wife of 31 years. Enough already. The counterclaim that they people deserve, the underlying facts having been set forth, is hereby brought against those who need to learn when to stop.

COUNT ONE: RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (CIVIL RICO)

28. Thompson incorporates paragraphs 1-27 as if fully set forth herein.

29. Take-Two has, since July 2005, been at the center of an effort to violate Thompson's civil and constitutional rights in violation of 18 USC 241, which states:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;... They shall be fined under this title or imprisoned not more than ten years, or both;

30. In addition to the RICO predicate act of extortion (intimidation) of Thompson by Take-Two, Take-Two has committed other predicate RICO acts, including but not limited to fraud, distribution of obscene and/or sexual material harmful to minors, as already determined by the United States Federal government (see *supra*), and other predicate racketeering acts. Additionally, upon information and belief, Take-Two, through its Blank Rome lawyers, sought in Alabama to tamper with a witness in a pending criminal case, according to that witness' lawyer.

31. These RICO predicate activities also include but are not limited to perjury, in the filing of SLAPP Bar complaints against Thompson by Blank Rome lawyers, in misrepresenting, under oath, the actions of Thompson. In doing so these agents of Take-Two have obstructed justice. Such obstruction is also a predicate acts under RICO.

32. Upon information and belief, Take-Two either directly or through its agents, also obstructed justice by derailing an FBI investigation of its criminal infringement of the civil rights of Thompson by persuading the Justice Department, improperly, to drop that FBI investigation of Take-Two. This conforms to the now known politicization of

the Justice Department by the Bush Administration on behalf of political cronies, none of whom is better connected than Blank Rome. All of this and other instances of obstruction of justice by Take-Two, including perjury and the subornation of perjury, constitute predicate RICO acts, along with fraud and distribution of obscene or sexual material harmful to minors.

33. These activities, in which Take-Two and its collaborators have engaged, are marked by "open-ended continuity," and "these predicate acts alleged herein establish a threat of continued racketeering activity projecting into the future."

34. Take-Two, either directly or through its agents, including but not limited to Blank Rome, has collaborated and conspired with third parties to commit these racketeering activites, including but not limited to the Entertainment Software Association, the Entertainment Software Rating Board, the Entertainment Consumer Association, www.gamepolitics.com, www.kotaku.com, www.spong.com, www.joystiq.com, www.gamespot.com, www.ign.com, *Game Informer*, *Electronic Gaming Weekly*, Penny Arcade, Doug Lowenstein, and others.

35. As a result of this collaboration, individuals have repeatedly threatened the life of Thompson, visited his residential neighborhood to hand out libelous pamphlets, filed SLAPP Bar complaints against Thompson, having been encouraged to do so by gaming web sites, sent dozens of items to Thompson's home and office via overnight courier and mail, sent sex aid products to his wife, threatened Thompson's son, shot at his home, sought to incarcerate Thompson, "bookstormed" his book, *Out of Harm's Way,* at Amazon.com, orchestrated and knowingly incited harassing phone calls and letters, and

generally engaged in a knowing, purposeful, and illegal "shoot the messenger" strategy against Thompson directly and through surrogates.

36. Any and all other applicable racketeering activities as set forth and proscribed by 18 USC 1961, *et sequitur*, which Take-Two and others may be found to have engaged in and arising out of the facts set forth herein and other facts which may yet become known, provide the basis for this count.

37. Take-Two was and is a racketeer influenced corrupt organization within the meaning of the federal RICO statute which itself and through various of its employees and other agents operated or managed the racketeering activity through a pattern of racketeering activity, and Thompson was injured in his business, person, and/or property by reason of the pattern of racketeering activity

RELIEF SOUGHT AND DAMAGES SUFFERED

38. Thompson has been damaged by the multi-faceted racketeering activity of Take-Two by virtue of the violation of his civil rights.

39. Others, including the community generally, have been damaged by virtue of Take-Two's distribution of sexual material harmful to minors, its fraud, and its other racketeering activities.

40. As a result, Thompson seeks an award of treble civil damages as provided by 18 USC 1961, *et sequitur,* and any other relief the court might deem appropriate, including attorneys fees and costs.

COUNT II. CIVIL RIGHTS CLAIM

41. Thompson incorporates paragraphs 1-27 and the facts set forth in paragraphs 28-40, as if fully set forth herein.

42. 42 USC 1985 provides in relevant part the following:

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

43. Take-Two, on its own as well as in collaboration with others, has violated 18 USC 241, for which violations 42 USC 1985 affords a remedy, in an illegal attempt to infringe upon Thompson's various constitutional rights, including his First Amendment

right to petition the government for a redress of grievances as well as to intimidate and harass him for the exercise of his First Amendment-protected speech in the more general public square.

44. The complaint filed herein is yet another example of this outrageous conduct, as it is merely a SLAPP lawsuit transparently designed to punish Thompson by seeking to secure hundreds of thousands of dollars in legal fees for a lawsuit that Thompson has not even filed.

45. As a result of Take-Two's and its collaborators' multiple violations of the aforementioned federal civil rights laws, Thompson has been harmed, and he has incurred as well legal fees and costs for which Thompson, under 42 USC 1988 and other authority, seeks recompense.

RELIEF SOUGHT AND DAMAGES SUFFERED

46. WHEREFORE, Thompson seeks an award of compensatory damages and any other relief this court deems appropriate.

PUNITIVE DAMAGES AS TO BOTH COUNTS I AND II

47. Thompson incorporates paragraphs 1-27 and the facts set forth in paragraphs 28-39, as if fully set forth herein.

48. Thompson believes that the actions of Take-Two will be shown to give rise to punitive damages, but in deference to the better pleading practice of not asserting initially a prayer for punitive damages, Thompson reserves his right to do so once this case proceeds further, and after discovery is taken.

DEMAND FOR JURY TRIAL

Thompson demands a trial by jury of all issues so triable.

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