

3:16cv-247-DJH

ATTACHMENT TO FORM ANSWER
OF DEFENDANT MATTHEW WARREN HEIMBACH
TO COMPLAINT OF PLAINTIFFS KASHTYA NWANGUMA, MOLLY SHAW AND
HENRY BROUSSEAU

DEFENDANT MATTHEW WARREN HEIMBACH, erroneously sued as
MATTHEW JOHN HEIMBACH, ("HEIMBACH") Answers, admits and denies
allegations of the Complaint herein of Plaintiffs KASHTYA NWANGUMA, MOLLY
SHAW AND HENRY BROUSSEAU ("PLAINTIFFS") unless otherwise indicated) for
himself and for no other party as follows:

[INTRODUCTION]

Responding to the allegations set forth in the INTRODUCTION, HEIMBACH
admits that PLAINTIFFS have filed the instant action in Kentucky State Court which was
thereafter removed to the United States District Court of the Western District of Kentucky,
Louisville Division, but other than admitted HEIMBACH denies, generally and
specifically each and every other allegation in the so called INTRODUCTION of the
VERIFIED COMPLAINT.

[JURISDICTION AND VENUE]

1. Responding to ¶ 1 HEIMBACH denies generally and
specifically each and every allegation in said paragraph.
2. Responding to ¶ 2, HEIMBACH denies that PLAINTIFFS were injured in
Jefferson County and has no information as to where PLAINTIFFS reside, and based
thereon, denies generally and specifically each allegation in said paragraph.

[PARTIES]

3. Responding to ¶ 3, HEIMBACH admits that he was a supporter of Defendant Donald J. Trump.

4. Responding to ¶ 4, HEIMBACH has no information or belief as to how he has been “described” by the Southern Poverty Law Center and based on said lack of information and belief denies, generally and specifically, each allegation of said paragraph.

5. Responding to ¶ 5, HEIMBACH admits that he is affiliated with the Traditionalist Worker Party, but other than admitted, denies generally and specifically every other allegation in said paragraph. HEIMBACH has no information or belief as to how he has been “quoted” and on that basis denies, generally and specifically any allegations as to how he has been “quoted.”

6. Responding to ¶ 6, HEIMBACH has no knowledge or information or belief as to the purported actions of the United Kingdom and based on such lack denies, generally and specifically, each and every allegation of said paragraph.

7. Responding to ¶ 7, HEIMBACH has no information or belief as to whether he has been “quoted” as alleged in said paragraph and based on said lack of information and belief denies generally and specifically each and every allegation set forth in said paragraph.

8. Responding to ¶ 8, HEIMBACH admits those allegations.

9. Responding to ¶ 9, HEIMBACH admits the allegations.

10. Responding to ¶ 10, HEIMBACH denies the allegations therein.

11. Responding to ¶ 11, HEIMBACH has no information or belief as to

whether Alvin Bamberger is a “supporter” of Defendant Donald J. Trump and based on said lack of information and belief denies generally and specifically each allegation of said paragraph.

12. Responding to ¶ 12, HEIMBACH has no information or belief about Alvin Bamberger and based on said lack of information and belief denies generally and specifically each allegation of said paragraph.

13. Responding to ¶ 13, HEIMBACH has no information or belief about Alvin Bamberger’s residence and based on said lack of information and belief denies generally and specifically each allegation of said paragraph.

14. Responding to ¶ 14, HEIMBACH has no personal knowledge or information or belief about Defendant Donald Trump except that TRUMP was elected to the Presidency of the United States and was inaugurated as such on January 20, 2017. Accordingly, except other than as admitted, HEIMBACH denies generally and specifically each and every other allegation of said paragraph.

15. Responding to ¶ 15, HEIMBACH has no personal knowledge or information or belief about Defendant Donald Trump’s legal residency. HEIMBACH is informed and believes that TRUMP is the current President of the United States and has residences in the White House, in New York City and in Mira Lago Florida. Other than as admitted, HEIMBACH denies generally and specifically each allegation of said paragraph.

16. Responding to ¶ 16, HEIMBACH has no personal knowledge or information or belief about Defendant Donald J. Trump for President, Inc.’s legal status or state of incorporation and based on said lack of information and belief denies, generally

and specifically each allegation in said paragraph.

17. Responding to ¶ 17, HEIMBACH has no personal knowledge or information or belief about Defendant Donald J. Trump for President, Inc.'s relationship with the Kentucky International Convention Center ("KICC"), or the legal status of the KICC and based on such lack of information and belief denies generally and specifically each allegation of said paragraph.

18. Responding to ¶ 18 COMPLAINT, HEIMBACH has no personal knowledge or information or belief about the purported "Unknown Defendant" or his/her actions as alleged and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

19. Responding to ¶ 19, HEIMBACH has no personal knowledge or information or belief about any purported affiliation of the Unknown Defendant and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

20. Responding to ¶ 20, HEIMBACH has no personal knowledge or information or belief about any purported political support by the Unknown Defendant and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

21. Responding to ¶ 21, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF NWANGUMA and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

22. Responding to ¶ 22, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF NWANGUMA and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

23. Responding to ¶ 23, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF NWANGUMA and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

24. Responding to ¶ 24, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF SHAH and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

25. Responding to ¶ 25, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF SHAH and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

26. Responding to ¶ 26, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF SHAH and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

27. Responding to the allegations of ¶ 27 of the COMPLAINT, HEIMBACH has no personal knowledge or information or belief about any purported

personal details of the PLAINTIFF BROUSSEAU and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

28. Responding to ¶ 28, HEIMBACH has no personal knowledge or information or belief about any purported personal details of the PLAINTIFF BROUSSEAU and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

[FACTUAL BACKGROUND]

29. Responding to ¶ 29, HEIMBACH has no personal knowledge or information or belief about any purported “agreement” and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

30. Responding to ¶ 30, HEIMBACH has no personal knowledge or information or belief about whether or not any such unidentified “individuals” were “forcibly removed” or otherwise removed and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

31. Responding to ¶ 31, HEIMBACH has no personal knowledge or information or belief about how tickets were distributed and based on the lack of such information and belief denies generally and specifically each and every allegation in such paragraph.

32. Responding to ¶ 32, HEIMBACH has no personal knowledge or information or belief about how tickets were distributed and based on the lack of such

information and belief denies generally and specifically each and every allegation in such paragraph. admits that during his speech Defendant Donald J. Trump said “Get ‘em out of here” but other than admitted, HEIMBACH has no personal knowledge or information or belief about any other facts and based on the lack of such information and belief denies generally and specifically each and every other allegation in such paragraph.

33. Responding to ¶ 33, HEIMBACH has no personal knowledge or information or belief about whether or not Defendant Donald J. Trump was or was not referring to the named PLAINTIFFS and, and based on the lack of such information and belief denies generally and specifically each and every other allegation in such paragraph.

34. Responding to ¶ 34, HEIMBACH has no information or belief about when or how or even if PLAINTIFFS sustained “injuries” or when they occurred, or at what state of the speech by Defendant Donald J. Trump and on the basis of such lack of information and belief denies every allegation of said paragraph.

35. Responding to ¶ 35, HEIMBACH has no information or belief or recollection of the specific wording of the speech of Defendant Donald J. Trump or its orders, as alleged in this paragraph and based on such lack of information and belief denies every allegation in said paragraph.

36. Responding to ¶ 36, HEIMBACH has no information or belief or knowledge about the personal details of the life of PLAINTIFF and based thereon denies generally and specifically each and every allegation of said paragraph.

37. Responding to ¶ 37, HEIMBACH has no information or belief regarding the PLAINTIFF’s purported intentions in attending the rally and based on said lack of

information and belief denies generally and specifically each and every allegation in said paragraph.

38. Responding to ¶ 38, HEIMBACH has no information or belief regarding allegations of how PLAINTIFF traveled to the Rally, whether individually or in group, and based on such lack of information and belief denies generally and specifically each allegation of said paragraph.

39. Responding to ¶ 39, HEIMBACH has no information or belief regarding allegations of PLAINTIFF's affiliations with Black Lives Matter or any other group and based on such lack of information and belief denies generally and specifically each allegation of said paragraph.

40. Responding to ¶ 40, HEIMBACH has no information or belief regarding allegations that PLAINTIFF was called a "nigger" and/or a "cunt" and based on such lack of information and belief denies generally and specifically each allegation of said paragraph. HEIMBACH denies that he called PLAINTIFF a "nigger" or a "cunt."

41. Responding to ¶ 41, HEIMBACH has no information or belief regarding allegations that PLAINTIFF "heard a number of other racial slurs and ethnic slurs" from "Trump's supporters" or anyone else, and, based on such lack of information and belief, denies generally and specifically each allegation in said paragraph. HEIMBACH has no way of knowing what PLAINTIFF "heard."

42. Responding to ¶ 42, HEIMBACH has no information or belief regarding the PLAINTIFF's purported intentions in attending the rally and based on said lack of information and belief denies generally and specifically each and every allegation in said

paragraph.

43. Responding to ¶ 43, HEIMBACH denies generally and specifically each allegation set forth therein.

44. Responding to ¶ 44, HEIMBACH denies generally and specifically each allegation set forth therein.

45. Responding to ¶ 45, HEIMBACH has no information or belief regarding the intentions of Defendant Donald J. Trump or the identities of the persons to whom Defendant Donald J. Trump was referring by his statements which did NOT refer to any person by name, and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

46. Responding to ¶ 46, HEIMBACH has no information or belief regarding the PLAINTIFF's allegations of being "violently assaulted by numerous protestors" (unnamed) and based on such lack of information and belief denies generally and specifically each and every allegation in said paragraph.

47. Responding to ¶ 47, HEIMBACH has no information or belief regarding acts or omissions of any police officers as alleged and based on such lack of information and belief generally and specifically denies any allegations so regarding. Regarding the remaining allegations, HEIMBACH has no information or belief regarding the allegations of "use of physical force to remove her from the building" pursuant to Trump's purported command or for any other reason and based on such lack of information and belief denies generally and specifically all such allegations in said paragraph.

48. Responding to ¶ 48, HEIMBACH has no information or belief regarding

the purported levels of aggressiveness of any person who “assaulted” PLAINTIFF and based on such lack of information and belief, denies generally and specifically all allegations of said paragraph.

49. Responding to ¶ 49, HEIMBACH denies generally and specifically each allegation set forth therein.

50. Responding to ¶ 50, HEIMBACH denies that he “returned to the crowd,” as alleged. HEIMBACH was at all times lawfully present at the rally and was on the main floor with most of the rest of the persons in attendance. HEIMBACH has no information or belief as to the actions of BAMBERGER and based on such lack of information and belief denies generally and specifically all such allegations of said paragraph.

51. Responding to ¶ 51, HEIMBACH has no information or belief regarding the intentions of PLAINTIFF SHAH and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

52. Responding to ¶ 52, HEIMBACH has no information or belief regarding the conduct of PLAINTIFF SHAH at the event and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

53. Responding to ¶ 53, HEIMBACH has no information or belief regarding the allegations of what was “heard” by PLAINTIFF SHAH, and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

54. Responding to ¶ 54, HEIMBACH has no information or belief regarding

the allegations of what PLAINTIFF SHAH “saw” while in attendance and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

55. Responding to ¶ 55, HEIMBACH has no information or belief regarding the allegations of what PLAINTIFF SHAH “saw” or “observed” or “witnessed” while she was present at the rally and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

56. Responding to ¶ 56, HEIMBACH denies acting in concert with any “group”, denies “rushing in”, denies physically assaulting “protestors.”

57. Responding to ¶ 57, HEIMBACH has no information or belief regarding the allegations of what PLAINTIFF SHAH “witnessed” regarding the purported “Unknown Defendant” or whether or not such Unknown Defendant was with HEIMBACH’S “group” and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

58. Responding to ¶ 58, HEIMBACH denies generally and specifically each allegation set forth therein.

59. Responding to ¶ 59, HEIMBACH has no information or belief regarding the allegations of what happened to PLAINTIFF SHAH as she walked out of the rally as alleged, and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

60. Responding to ¶ 60, HEIMBACH has no information or belief regarding the allegations of whether or not PLAINTIFF suffered “pain and difficulty sleeping for

several days after the Rally” as alleged and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

61. Responding to ¶ 61, HEIMBACH has no information or belief regarding the allegations of the intentions of PLAINTIFF BROUSSEAU as alleged, and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

62. Responding to ¶ 62, HEIMBACH has no information or belief regarding the allegations that PLAINTIFF BROUSSEAU did or did not make harmful physical contact with any attendee at the rally and based on such lack of lack of information and belief denies generally and specifically each and every allegation in said paragraph.

63. Responding to ¶ 63, HEIMBACH has no information or belief regarding the allegations that PLAINTIFF BROUSSEAU was a 17 year old high school student and who was “peacefully” protesting, and based on such lack of lack of information and belief denies generally and specifically that allegation. HEIMBACH denies that he was part of any group that “rushed in and began physically assaulting the protestors” or that he did so himself.

64. Responding to ¶ 64, HEIMBACH has no information or belief regarding the allegations regarding the acts or omissions of the purported “Unknown defendant” and based on such lack of information and belief denies generally and specifically each allegation relevant thereto.

65. Responding to ¶ 65, HEIMBACH has no information or belief regarding the allegations that PLAINTIFF BROUSSEAU experienced anxiety and nightmares and

based on such lack of information and belief denies generally and specifically the allegations of said paragraph.

66. Responding to ¶ 66, HEIMBACH admits the allegations therein.

67. Responding to ¶ 67, HEIMBACH admits the allegations therein.

68. Responding to ¶ 68, HEIMBACH denies, generally and specifically, each allegation therein.

69. Responding to ¶ 67, HEIMBACH admits that he wrote and spoke about the March 1, 2016 rally, but denies generally and specifically, “admitting his role in the physical altercation and implying that Nwanguma had initiated it” as alleged.

70. Responding to ¶ 70, HEIMBACH admits he wrote the blog post set forth therein.

71. Responding to ¶ 71, HEIMBACH has no information or belief regarding the allegations that “there is no videographic evidence of Nwanguma or any other Plaintiff ‘shoving, barking and screaming’” at the rally, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph. Major and minor broadcast networks, and thousands of individuals were present recording at the rally and it is a matter of pure speculation for HEIMBACH to know the contents that massive unspecified quantity of videographic evidence.

72. Responding to ¶ 72, HEIMBACH admits the allegations therein.

73. Responding to ¶ 73, HEIMBACH has no information or belief regarding the allegations regarding the acts or omissions of defendant BAMBERGER and based on such lack of information and belief denies generally and specifically each allegation in

said paragraph.

74. Responding to ¶74, HEIMBACH admits DEFENDANT BAMBERGER appeared to be wearing some kind of uniform, but HEIMBACH has no information or belief regarding the allegations that it was from the Korean War Veterans Association or any other organization and, based on such lack of information and belief, denies generally and specifically each and every other allegation in said paragraph.

75. Responding to ¶ 75, HEIMBACH has no information or belief regarding the allegations that DEFENDANT BAMBERGER wrote a letter of any kind and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

76. Responding to ¶ 76, HEIMBACH has no information or belief regarding the allegations that DEFENDANT BAMBERGER wrote a letter or of any of its contents and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

77. Responding to ¶ 77, HEIMBACH has no information or belief regarding the allegations that DEFENDANT BAMBERGER wrote a letter or of any of its contents and based on said lack of information and belief denies generally and specifically each allegation in said paragraph. HEIMBACH has no information or belief about whether or not BAMBERGER regards The Traditionalist Worker Party as a “hate group” and based on such lack of information and belief denies that allegation.

79. Responding to ¶ 79, HEIMBACH has no information or belief regarding the allegations that DEFENDANT BAMBERGER wrote a letter or of any of its contents

and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

80. Responding to ¶ 80, HEIMBACH has no information or belief regarding the allegations that DEFENDANT BAMBERGER wrote a letter or of any of its contents, or on the allegations of what motivated “actions taken” against PLAINTIFFS and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

81. Responding to ¶ 81, HEIMBACH denies generally and specifically each allegation in said paragraph.

82. Responding to ¶ 82, HEIMBACH has no information or belief regarding the allegations of TRUMP’S intentions and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

83. Responding to ¶ 83, HEIMBACH has no information or belief regarding the allegations of of PLAINTIFFS’ contacts with the police or anything else after the rally except that PLAINTIFFS filed the instant law suit, and based on such lack of information and HEIMBACH belief denies generally and specifically each allegation in said paragraph.

84. Responding to ¶ 84, HEIMBACH has no information or belief regarding the allegations this was not the “first or last incident of its kind,” (Whatever that means) and based on said lack of information and belief denies generally and specifically each allegation in said paragraph.

85. Responding to ¶ 85, HEIMBACH has no information or belief regarding

the purported Trump Rally of November 21, 2015 in Birmingham, Alabama and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

86. Responding to ¶ 86, HEIMBACH has no information or belief regarding the purported Trump Rally of February 1, 2016 at Cedar Rapids, Iowa, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

87. Responding to ¶ 87, HEIMBACH has no information or belief regarding the purported Trump Rally of February 22, 2016 at Las Vegas, Nevada, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

88. Responding to ¶ 88, HEIMBACH has no information or belief regarding the purported statement of TRUMP and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

89. Responding to ¶ 89, HEIMBACH has no information or belief regarding the purported Trump Rally of March 4, 2016 at Warren, MI, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

90. Responding to ¶ 90, HEIMBACH has no information or belief regarding the purported altercation or aftermath on March 8, 2016 between Michelle Fields and Trump Campaign Manager and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

91. Responding to ¶ 91, HEIMBACH has no information or belief regarding

the purported Trump Rally of March 9, 2016 at Fayetteville NC, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

92. Responding to ¶ 87, HEIMBACH has no information or belief regarding the purported Trump Rally of March 11, 2016 at St Louis MO, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

93. Responding to ¶ 93, HEIMBACH has no information or belief regarding the purported Trump Rally of March 19, in Arizona, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

94. Responding to ¶ 94, HEIMBACH has no information or belief regarding the purported Trump Rally of March 29, 2016 at Janesville, WI, and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

95. Responding to ¶ 95, HEIMBACH has no information or belief regarding the allegations therein and based on such lack of information and belief denies generally and specifically each allegation in said paragraph.

CAUSES OF ACTION

[COUNT 1]

[BATTERY]

96. Responding to ¶ 86, HEIMBACH admits allegations are incorporated by reference. HEIMBACH incorporates by reference his own, prior responses to them.

97. Responding to ¶ 97, HEIMBACH denies generally and specifically each

allegation set forth in said paragraph.

98. Responding to ¶ 98, HEIMBACH denies generally and specifically each allegation set forth in said paragraph.

[COUNT II]

[ASSAULT]

99. Responding to ¶ 99, HEIMBACH admits allegations are incorporated by reference and incorporates his own responses by reference to them hereat.

100. Responding to ¶ 100, HEIMBACH denies generally and specifically each allegation set forth in said paragraph.

101. Responding to ¶ 101, HEIMBACH denies generally and specifically each allegation set forth in said paragraph.

[COUNT III]

[INCITEMENT]

102. Responding to ¶ 102, HEIMBACH admits paragraphs are pleaded and incorporates by reference his own prior responses to them.

103. Responding to ¶ 103, HEIMBACH has no information or belief about the capacity in which TRUMP acted on March 1, 2016, whether as an individual or as an agent, and based on the lack of such information and belief denies generally and specifically each allegation of said paragraph.

104. Responding to ¶ 104, HEIMBACH has no information or belief about TRUMP's intentions as alleged on March 1, 2016, and based on the lack of such

information and belief denies generally and specifically each allegation of said paragraph.

105. Responding to ¶ 105, HEIMBACH has no information or belief about the legal issue set forth therein and based on the lack of such information and belief denies generally and specifically each allegation of said paragraph.

106. Responding to ¶ 106, HEIMBACH has no information or belief about the legal contentions alleged therein and based on the lack of such information and belief denies generally and specifically each allegation of said paragraph.

[COUNT IV]

[AGENCY/VICARIOUS LIABILITY]

107. Responding to ¶ 107, HEIMBACH admits that paragraphs are repleaded and incorporates by reference his prior responses to them.

108. Responding to ¶ 108, HEIMBACH admits the allegations therein.

109. Responding to ¶ 109, HEIMBACH admits the allegations therein.

110. Responding to ¶ 110, HEIMBACH admits the allegations therein.

111. Responding to ¶ 111, HEIMBACH has no information or belief regarding the purported acts or omissions of the Trump Campaign or Trump as alleged and based on such lack of information and belief deny generally and specifically every allegation in said paragraph. himself admits the allegations therein.

112. Responding to ¶ 112, HEIMBACH admits the allegations therein.

113. Responding to ¶ 113, HEIMBACH denies generally and specifically each allegation of said paragraph.

114. Responding to ¶ 114, HEIMBACH denies generally and specifically each

and every allegation therein.

115. Responding to ¶ 115, HEIMBACH admits the allegations.

[COUNT V NEGLIGENCE, GROSS NEGLIGENCE AND RECKLESSNESS]

116. Responding to ¶ 116, HEIMBACH admits paragraphs have been repleaded. and incorporates by reference his own prior responses hereat.

117. Responding to ¶ 117, HEIMBACH admits the allegations therein.

118. Responding to ¶ 118, HEIMBACH denies generally and specifically each and every allegation therein.

119. Responding to ¶ 119, HEIMBACH has no information or belief regarding the allegations of said paragraphs and based thereon denies generally and specifically each and every allegation therein.

120. Responding to ¶ 120, HEIMBACH admits the allegations therein.

121. Responding to ¶ 121, HEIMBACH denies each and every allegation therein.

122. Responding to ¶ 121, HEIMBACH denies each and every allegation therein.

123. Responding to ¶ 123, HEIMBACH denies generally and specifically each allegation therein.

[COUNT VI]

[PUNITIVE DAMAGES]

124. Responding to ¶ 124, HEIMBACH admits that allegations are

incorporated by reference and incorporates his own responses to prior paragraphs hereat.

125. Responding to ¶ 125, HEIMBACH denies generally and specifically every allegation therein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

126. The PLAINTIFFS consented to the actions of the DEFENDANTS.

SECOND DEFENSE

127. The PLAINTIFFS barred from any recovery by reason of the doctrine of unclean hands.

THIRD DEFENSE

128. The PLAINTIFFS failed to mitigate their damages.

FOURTH DEFENSE

129. The PLAINTIFFS provoked a response by DEFENDANT by reason of PLAINTIFFS' efforts to disrupt a free assembly and campaign event and to infringe rights of the DEFENDANTS and other attendees to freedom of speech, freedom of assembly, freedom to vote and other constitutional rights. PLAINTIFFS admit they went to the rally to disrupt its proceedings and interfere the constitutional rights of DEFENDANT and others.

FIFTH DEFENSE

130. Any damages, if any, sustained by any PLAINTIFF was the result of his/her own failure to exercise due care for his/her own well being.

SIXTH DEFENSE

131. DEFENDANT HEIMBACH acted, if at all, in self defense.

SEVENTH DEFENSE

132. DEFENDANT HEIMBACH acted, if at all, in reasonable defense of others.

EIGHTH DEFENSE

133. DEFENDANT herein acted pursuant to the directives and requests of DONALD J. TRUMP and DONALD J. TRUMP FOR PRESIDENT Inc. and any liability must be shifted to one or both of them.

NINTH DEFENSE

134. PLAINTIFFS have sustained no legally cognizable damages.

TENTH DEFENSE

135. PLAINTIFFS are barred from any recovery by their own unclean hands and intentional misconduct.

ELEVENTH DEFENSE

136. PLAINTIFFS have failed to state any claim upon which relief can be granted against this DEFENDANT.

TWELFTH DEFENSE

137. DEFENDANT acted, if at all, pursuant to the authority and direction of the person or persons who had lawful possession of the premises and was privileged to use reasonable means to remove persons who were disrupting the rally.

THIRTEENTH DEFENSE

138. PLAINTIFF HENRY BROUSSEAU has plead no allegations against

HEIMBACH and is entitled to no recovery from him.

FOURTEENTH DEFENSE

139. PLAINTIFFS' claim(s) for punitive damages are barred, in whole or part, by provisions of the United States Constitution including the 1st Amendment, the 14th Amendment and the Due Process Clause.

FIFTEENTH DEFENSE

140. PLAINTIFF have failed to state facts sufficient to constitute a valid claim for punitive damages under any law.

CROSS-CLAIM

141. HEIMBACH was present at the March 1, 2016 Rally (the "RALLY") organized by DEFENDANT DONALD J. TRUMP ("TRUMP") and DEFENDANT DONALD J. TRUMP FOR PRESIDENT, Inc. ("TRUMP, INC") ("TRUMP DEFENDANTS" unless otherwise indicated) with the consent of the TRUMP DEFENDANTS.

142. HEIMBACH is informed and believes that the RALLY was held at the Kentucky Exposition Center aka Kentucky International Convention Center ("KICC") pursuant to a written Lease ("LEASE") between KICC, on the one hand, and DEFENDANT DONALD J. TRUMP FOR PRESIDENT INC., on the other hand.

143. HEIMBACH is informed and believes, and thereon alleges, that pursuant to the LEASE, TRUMP INC. promised to have in place, at all times, sufficient security to maintain order and protect persons and property from any and all injuries. HEIMBACH was among those people to whom a contractual duty was owed.

144. In addition to the contractual duty of providing security, TRUMP DEFENDANTS owed to HEIMBACH, as a person on the premises with their consent, a duty of reasonable care and protection.

145. Throughout the TRUMP campaign, agitators and demonstrators had appeared for the stated purpose of disrupting the TRUMP rallies by means of interfering with the 1st Amendment rights of TRUMP and the attendees by noise, signs, name calling and pushing and shoving against TRUMP supporters, all under the fraudulent guise of “peaceful protest.”

146. Through out the course of the Campaign, TRUMP DEFENDANTS urged TRUMP supporters to assist in the removal of so called “demonstrators” and “protestors.” Specifically as follows, TRUMP stated:

(a) On February 1, 2016 at a rally at Cedar Rapids, Iowa, TRUMP instructed his supporters to “knock the crap out of” anyone who was “getting ready to throw a tomato.” TRUMP said, “Seriously. Okay? Just known the hell...” At said time and place, TRUMP also said, “I promise you. I will pay for the legal fees. I promise. I promise.”

(b) On February 22, 2016 at a rally in Las Vegas, NV, TRUMP responded to the issue of protestors as follows: “I love the old days. You know what they used to do to guys like that when they were in a place like this? They’d be carried out on a stretcher.”

147. At the RALLY, PLAINTIFFS, among others, were disrupting the rally, interfering with the ability of TRUMP to be heard by other attendee, using a banner to block the view of the stage by other attendees, and to engage in name calling, shouting

screaming and pushing and shoving. During one episode of disruption TRUMP interrupted his prepared remarks and made the following statement: "Get 'em out of here."

148. TRUMP is a world famous businessman, worth, according to his own claims, billions of dollars, and who relies on various professionals including attorneys and other professional advisors.

149. HEIMBACH relied on TRUMP's reputation and expertise in doing the things alleged. HEIMBACH relied on TRUMP's authority to order disruptive persons removed and that TRUMP was legally within his rights to ask other attendees to assist in defending their constitutional rights against "protestors" who were disrupting.

150. HEIMBACH alleges, on information and belief, that the TRUMP DEFENDANTS were negligent in the exercise of their legal authority.

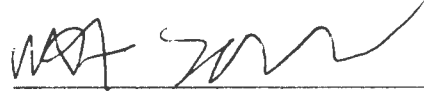
151. Accordingly, if HEIMBACH is found legally liable to PLAINTIFFS, or any of them, for any amount, HEIMBACH requests that he be indemnified by the TRUMP DEFENDANTS, having relied on their expertise and authority to request and authorize the actions taken.

WHEREFORE this DEFENDANTS prays the following:

1. Judgment by this court that PLAINTIFFS recover nothing by their suit;
2. If HEIMBACH is found liable in any amount to any or all of the PLAINTIFFS, HEIMBACH requests entry of JUDGMENT on his behalf in an equal amount against the TRUMP DEFENDANTS.
3. Costs of suite incurred herein.

4. Such other and further relief as the court may deem proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew Warren Heimbach', written over a horizontal line.

MATTHEW WARREN HEIMBACH,
IN PRO SE DEFENDANT
619 N. Gospel Street, Lot 3
Paoli, IN 47454
301-525-1474
Matthew.w.heimbach@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of April 2017, I served a copy of the foregoing document on the following parties of record by U.S. Mail.

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Name:


B. Heimbach