

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**DONALD A. KING and THE
DUSTIN INMAN SOCIETY, INC.,**

Plaintiffs,

V.

**THE SOUTHERN POVERTY
LAW CENTER, INC.,**

Defendant.

CIVIL ACTION NO.

2:22-cv-00207-WKW-JTA

ANSWER OF DEFENDANT SOUTHERN POVERTY LAW CENTER, INC.

Defendant Southern Poverty Law Center, Inc. (“SPLC”), by its undersigned attorneys, denies the allegations contained in the Complaint, and every part and portion thereof, except as expressly admitted or otherwise qualified herein, and further respond as follows, using the same paragraph numbering and headings employed by the Plaintiffs:

PARTIES

1. On information and belief, SPLC admits that Plaintiff Donald A. King is a resident citizen of Cobb County, Georgia.

2. On information and belief, SPLC admits that Plaintiff Dustin Inman Society, Inc. (“DIS”) is a registered nonprofit corporation in Georgia with its principal place of business in Cobb County, Georgia, and is therefore a corporate resident citizen of Cobb County, Georgia.

3. SPLC admits it is a registered Alabama nonprofit corporation in Alabama with its principal place of business in Montgomery County, Alabama, that Teenie Hutchison was, at the time of the filing of the Complaint, is its registered agent, the registered office is 400 Washington Ave, Montgomery, AL 36104, and that Defendant is a corporate resident citizen of Montgomery County, Alabama.

JURISDICTION AND VENUE

4. SPLC reincorporates its responses to Paragraphs 1-4 of the Complaint as if fully set forth herein.

5. This paragraph asserts legal conclusions to which no answer is required. To the extent an answer may be required, SPLC does not contest the subject matter jurisdiction of this Court.

6. This paragraph asserts legal conclusions to which no answer is required. To the extent an answer may be required, SPLC does not contest the venue of this action.

7. This paragraph asserts legal conclusions to which no answer is required. To the extent an answer may be required, SPLC does not contest the subject matter jurisdiction or venue of this Court.

FACTS

8. Defendant reincorporates its responses to Paragraphs 1-7 of the Complaint as if fully set forth herein.

9. Defendant admits it designates certain groups as “hate groups,” and a list of currently designated groups, including “anti-immigrant” hate groups, is available online at the following link: <https://www.splcenter.org/hate-map/by-ideology>

10. Admitted.

11. Based on information and belief, admitted.

12. SPLC admits the Georgia Secretary of State issued a Certificate of Incorporation for The Dustin Inman Society, Inc., to D. A. King in 2005. SPLC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph and therefore denies them.

13. On information and belief, SPLC admits the allegations of this Paragraph.

14. SPLC admits that the entity DIS was not publicly designated an “anti-immigration hate group” by SPLC prior to October 2017. SPLC characterized DIS as a “nativist extremist group” prior to 2017.

15. SPLC admits the quoted passage appears in the AJC.com article available at the following link: <https://www.ajc.com/news/state--regional-govt--politics/georgia-immigration-enforcement-panel-draws-scrutiny/a4dd9fETyMZsuZt6yxSQvN/>. SPLC submits that the article speaks for itself. SPLC denies the remaining allegations of this paragraph.

16. Denied.

17. SPLC admits the quoted passage appears in the Statesboro Herald article available at the following link: <https://www.statesboroherald.com/local/ga-man-key-to-crafting-illegal-immigration-bill/>. SPLC submits that the article speaks for itself. SPLC further admits it was aware of Plaintiffs in 2011. SPLC admits that it first designated DIS as a hate group in 2017. SPLC denies the remaining allegations of this paragraph.

18. SPLC admits it was aware of Plaintiffs in 2011. SPLC admits that it first designated DIS as a hate group in 2017. SPLC otherwise denies the remaining allegations of this paragraph, including Plaintiffs' characterization of the quoted statement within the Statesboro Herald article.

19. SPLC denies the allegations of this paragraph, including Plaintiffs' characterization of the quoted statement within the Statesboro Herald article.

20. Denied.

21. Denied.

22. Denied.

23. SPLC admits that Plaintiffs allege that "no substantive change occurred in their approach." SPLC is without sufficient knowledge to admit or deny the allegations of this paragraph and therefore denies them.

24. SPLC admits that it registered one or more lobbyists in Georgia in March 2018, as it did in 2017, and otherwise denies the statements and implications of this paragraph.

25. Admitted.

26. Admitted.

27. SPLC denies that the quoted language "defines" an "anti-immigrant hate group." On information and belief, SPLC admits that the quoted passage formerly appeared on the following website: <https://www.splcenter.org/20220216/frequently-asked-questions-about-hate-and-antigovernment-groups#immigrant>. SPLC submits that the quoted passage speaks for itself.

28. SPLC denies Plaintiffs' characterization of SPLC's publications and submits that the publications speak for themselves.

29. SPLC is without sufficient knowledge regarding what "defamatory material published by Defendant SPLC" is referenced in this paragraph and therefore denies the allegations of this paragraph. SPLC further denies Plaintiffs' characterization of SPLC's publications and submits that the publications speak for themselves.

30. SPLC is without sufficient knowledge to admit or deny the allegations of this paragraph and therefore denies it.

31. SPLC is without sufficient knowledge regarding which "published reports" are referenced in this paragraph and therefore denies the allegations of this paragraph. SPLC further denies Plaintiffs' characterization of SPLC's publications and submits that the publications speak for themselves.

32. SPLC admits it received a letter dated February 10, 2020 from counsel for Plaintiffs demanding that plaintiff retract its designation of DIS as a "hate group" and other statements about Plaintiffs. SPLC otherwise denies Plaintiffs' characterization of SPLC's publications about DIS.

33. Admitted.

34. SPLC admits the quoted statement appears in the following report on the SPLC website: <https://www.splcenter.org/fighting-hate/extremist-files/group/dustin-inman-society>. SPLC otherwise denies the allegations of this paragraph, including characterization of SPLC's report.

35. SPLC admits that Plaintiff's counsel asserted that "Plaintiff King's sister is a legal immigrant to the United States" and "the Board of Plaintiff DIS is racially diverse and includes legal immigrant" in correspondence. SPLC is otherwise without sufficient knowledge to admit or deny the allegations of this paragraph and therefore denies them.

36. Denied.

37. Admitted.

38. This paragraph asserts opinions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

39. This paragraph asserts opinions, including regarding whether the reported conduct of individuals unaffiliated with SPLC was influenced by SPLC publications, to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

40. Denied.

41. SPLC admits the quoted statement appears in a DIS press statement available at the following link: https://newdustininmansociety.org/reserved_1/. That press statement speaks for itself. SPLC otherwise denies the allegations of this paragraph.

42. SPLC admits the quoted statements appear in the report available at the following link: <https://www.splcenter.org/fighting-hate/extremist-files/group/dustin-inman-society>. That report speaks for itself. This paragraph otherwise asserts opinions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

43. SPLC admits Plaintiffs regularly communicate online and in public engagements. This paragraph otherwise asserts opinions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

44. Denied.

45. SPLC admits its report on DIS indicates that DIS was “founded” in 2003, which refers to the date the American Resistance Foundation was founded. SPLC further admits that the Georgia Corporations Division indicates DIS was formed in 2005. SPLC otherwise denies the allegations in this paragraph.

46. SPLC admits its reports on DIS states DIS “began as the American Resistance Foundation in 2003” and otherwise denies the allegations in this paragraph.

47. On information and belief, SPLC denies the allegations in this paragraph.

48. On information and belief, SPLC denies the allegations in this paragraph.

49. Denied.

50. Denied.

51. Denied.

52. SPLC admits the quoted statements appear in a New Yorker opinion article available at the following link: <https://www.newyorker.com/news/news-desk/the-reckoning-of-morris-dees-and-the-southern-poverty-law-center>. That article speaks for itself. SPLC otherwise denies the allegations in this paragraph.

53. SPLC admits that it has designated DIS as a “hate group.” SPLC otherwise denies the allegations of this paragraph.

54. SPLC admits that it has designated DIS as a “hate group.” SPLC otherwise denies the allegations of this paragraph.

55. Denied.

COUNT ONE – Defamation to Plaintiff DIS

56. SPLC reincorporates its responses to Paragraphs 1-55 of the Complaint as if fully set forth herein.

57. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

58. Denied.

59. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

60. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

COUNT TWO – Defamation to Plaintiff DIS

61. SPLC reincorporates its responses to Paragraphs 1-60 of the Complaint as if fully set forth herein.

62. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

63. Denied.

64. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

65. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

COUNT THREE – Defamation to Plaintiff King

66. SPLC reincorporates its responses to Paragraphs 1-65 of the Complaint as if fully set forth herein.

67. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

68. Denied.

69. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

70. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

COUNT FOUR – Defamation to Plaintiff King

71. SPLC reincorporates its responses to Paragraphs 1-70 of the Complaint as if fully set forth herein.

72. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

73. Denied.

74. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

75. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations in this paragraph.

COUNT FIVE – Punitive Damages

76. SPLC reincorporates its responses to Paragraphs 1-75 of the Complaint as if fully set forth herein.

77. SPLC admits that Plaintiffs sent a written demand for retraction on February 10, 2020 but otherwise denies the allegations in this paragraph.

78. SPLC admits it did not retract any publications in response to Plaintiffs' February 10, 2020 letter or Plaintiffs' lawsuits against it but otherwise denies the allegations in this paragraph.

79. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

80. This paragraph states a request for relief to which no response is required.

COUNT SIX – Injunctive Relief

81. SPLC reincorporates its responses to Paragraphs 1-80 of the Complaint as if fully set forth herein.

82. SPLC admits that its publications remain online. This paragraph otherwise asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the remaining allegations in this paragraph.

83. SPLC admits that its publications remain online. This paragraph otherwise asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the remaining allegations in this paragraph.

84. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, SPLC denies the allegations in this paragraph.

85. This paragraph states a request for relief to which no response is required.

GENERAL DENIAL

Each numbered paragraph in this Answer responds to the identically numbered paragraph in the Complaint. SPLC denies all allegations, declarations, claims or assertions in the Complaint that are not specifically admitted in this answer.

DEFENSES

By alleging the separate and additional defenses set forth below, SPLC is not in any way agreeing or conceding that it has the burden of proof of the burden or persuasion on any of these issues.

FIRST DEFENSE

The Complaint, and each and every cause of action asserted therein, fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the First and Fourteenth Amendments to the United States Constitution and applicable law.

THIRD DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the Constitutions of the State of Alabama and/or the State of Georgia and applicable law.

FOURTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because certain challenged statements are barred by the statute of limitations.

FIFTH DEFENSE

Plaintiff King's claims are barred, in whole or part, because challenged statements are not "of and concerning" him.

SIXTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because challenged statements at issue are subjective statements of opinion.

SEVENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because any challenged statements that are deemed statements of fact are either true or substantially true.

EIGHTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because at all times material hereto, SPLC acted without constitutional actual malice.

NINTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because at all times material hereto SPLC did not act negligently.

TENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because they have not sustained any actual injury by reason of SPLC's conduct.

ELEVENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because the acts and/or omissions alleged in the Complaint were not a proximate or legal cause of any loss or damage for which Plaintiffs seek recovery.

TWELFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because their alleged damages, if any, are the result of their own conduct or the conduct of others beyond SPLC's control and for whom SPLC is not legally responsible.

THIRTEENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because the alleged damages and remedies they seek are unconstitutionally excessive and disproportionate to any actual damages they may have been sustained, in violation of the Due Process clause of the United States Constitution and other applicable law.

ADDITIONAL DEFENSES

SPLC hereby gives notice that, due to its incomplete knowledge as to the matters set forth in the Complaint, it is unable to determine whether it has additional defenses not expressly enumerated in the preceding paragraphs or elsewhere in this Answer. SPLC thus reserves its rights to amend its answer, assert additional defenses and rely upon those additional defenses to the extent they become available or apparent during discovery or further proceedings in this action.

PRAYER FOR RELIEF

WHEREFORE, Defendant Southern Poverty Law Center prays as follows:

1. That Plaintiffs take nothing by their Complaint;
2. That the Complaint be dismissed with prejudice and that judgment be entered against Plaintiffs and in favor of Southern Poverty Law Center on each cause of action;
3. That Southern Poverty Law Center be awarded costs of suit; and

4. That Southern Poverty Law Center be awarded such other and further relief as the Court deems just and proper.

The Southern Poverty Law Center hereby demands a trial by jury on all counts.

Dated: April 14, 2023

Respectfully submitted,

Shannon L. Holliday [ASB-5440-Y77S]
Robert D. Segall [ASB-7354-E68R]
COPELAND, FRANCO, SCREWS & GILL, P.A.
Post Office Box 347
Montgomery, AL 36101-0347
Telephone: 334-834-1180
Facsimile: 334-834-3172
Email: holliday@copelandfranco.com
Email: segall@copelandfranco.com

/s/ Chad R. Bowman
Chad R. Bowman (*pro hac vice*)
Maxwell S. Mishkin (*pro hac vice*)
BALLARD SPAHR LLP
1909 K Street NW, 12th Floor
Washington, DC 20006
Telephone: 202-661-2200
Facsimile: 202-661-2299
Email: bowmanchad@ballardspahr.com
Email: mishkinm@ballardspahr.com

**Attorneys for Defendant
The Southern Poverty Law Center, Inc.**