

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA,
400 6th Street, N.W., 10th Floor
Washington, DC 20001
Plaintiff,

v.

PROUD BOYS INTERNATIONAL, LLC.,
108 Durango Drive
Aubrey, TX 76227,

CASE NO.: 1:21-cv-03267

JURY TRIAL DEMANDED

OATH KEEPERS,
5130 Fort Apache Road
Las Vegas, NV 89148,

RYAN ASHLOCK,
711 S. Spruce Circle
Gardner, KS 66030-1632,

JOSEPH RANDALL BIGGS,
114 Camino Circle
Ormond Beach, FL 32174.

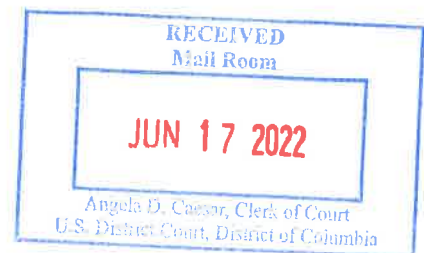
MARC ANTHONY BRU,
10013 NE Hazel Dell Ave
Vancouver, WA 98685-5203,

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Berryville, VA 22611,

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Olathe, KS 66062-2707,

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Blue Springs, MO 64015-3342,

DONOVAN RAY CROWL,
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Woodstock, OH 43084-9700,



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Burleson, TX 76028-5220,

CHARLES DONOHOE,
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Winston Salem, NC 27107-4510,

KENNETH HARRELSON,
2885 Saint Marks Drive
Titusville, FL 32780-6743,

ARTHUR JACKMAN,
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Orlando, FL 32817-1327,

JOSHUA JAMES,
1463 Brashiers Chapel Road
Arab, FL 32817-1327,

JONATHAN PETER KLEIN,
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Sherwood, OR 97140-8807,

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Dunnellon, FL 34432-4700,

KELLY MEGGS
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BENNIE ALVIN PARKER,
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SANDRA RUTH PARKER,
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JON RYAN SCHAFFER,
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DANIEL LYONS SCOTT,
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Englewood, DL 34223-2943,

LAURA STEELE,
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Thomasville, NC 27360-7175,

HENRY "ENRIQUE" TARRIO,
5730 SW 142 Ct.
Miami, FL 33184,

JESSICA MARIE WATKINS,
2586 Hickory Mills Drive
Hilliard, OH 43026-9464,

CHRISTOPHER JON WORRELL,
282 Stanhope Cir.
Naples, FL 34104-0810,

GRAYDON YOUNG,
7147 Lago St.

Sarasota, FL 34241,

AND

JOHN AND JANE DOES 1-50

Defendants.

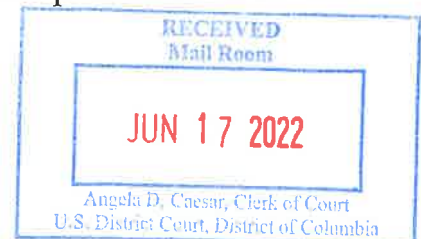
DEFENDANT CALDWELL'S ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT

Defendant, Thomas E. Caldwell, acting *pro se*, hereby answers the Amended Complaint of the District of Columbia, and asserts his Affirmative Defenses as follows:

General Denial of all Allegations Alleging Wrongdoing by Caldwell

Plaintiff makes a number of sweeping allegations against Caldwell and other co-defendants that are downright false. Without getting into the “weeds,” Caldwell denies that he: 1) entered the Capitol building on January 6, 2021 (“J6”); 2) assaulted any police officers or civilians; 3) entered into any conspiracy of any type of a criminal or civil nature; 4) sought to stop, hinder or delay the Electoral College proceedings; 5) was a member of the Oath Keepers or any other group mentioned in Plaintiff’s complaint; 6) or violated any of the statutes cited by Plaintiff as a basis for injunctive or compensatory relief under federal (or state) law. In short, Caldwell asserts that he did nothing wrong on J6.

Further, Caldwell states that he finds objectionable the actions of anyone on J6 who assaulted any person, especially police officers. Caldwell acknowledges that the actions of a small percentage of otherwise peaceful protestors on J6 was



outrageous. However, like Caldwell, the overwhelming majority of J6 protestors obeyed the law and peacefully protested to have their voices heard.

Affirmative Defenses

Plaintiff's Complaint should be dismissed based upon the following affirmative defenses:

A) Contributory Negligence: Plaintiff, the District of Columbia, in fact is significantly responsible for the damages alleged in the Complaint. For example, District Mayor Muriel Bowser refused to call in 20,000 National Guard troops, pre-authorized by President Trump, to protect the Capitol building and other areas of the District, despite being advised by federal law enforcement and security officials to take this action. Also, Mayor Bowser and District officials allowed Antifa and BLM protestors to run amok in the District during 2020, essentially encouraging protestors to burn churches, businesses, cars, and buildings; allowed protestors to topple historical statues; fomented a riot in front of the White House that resulted in numerous law enforcement officers being assaulted and injured and causing the U.S. Secret Service to evacuate President Trump from the Oval Office; failing to provide security for Republican U.S. Senators such as Rand Paul (R-KY), who was assaulted and mobbed by BLM and Antifa protestors; and

otherwise encouraging and tacitly approving of unruly and violent behavior. Mayor Bowser and District officials also handcuffed D.C. Metro Police and other law enforcement agencies in enforcing the law by threatening legal action against police for taking aggressive actions to quell left-wing violence in the District. Mayor Bower's incompetence, along with the incompetence of other District officials, clearly contributed to the damages and injuries that Plaintiff alleges in the Amended Complaint. Accordingly, Plaintiff is barred from recovery based upon its contributory negligence.

B) Discriminatory Action—Next, Plaintiff is barred from recovery because they are going after Caldwell in this Amended Complaint based upon his viewpoints and not his conduct, and thus the Complaint is in violation of Caldwell's 1st Amendment rights of speech, expression, and assembly. As noted, when left-wing protestors destroyed churches, statues, police cars, buildings, and other property, Mayor Bowser and District officials did nothing to quell these actions. When left-wing protestors assaulted police officers and civilians with impunity, the Mayor and local officials did nothing. When five Trump supporters were stabbed by left-wing protestors in December 2020, the Mayor and District officials did nothing. Now, the Mayor and District officials are suing Caldwell and others based upon their

support of former President Trump. This viewpoint-based discrimination is illegal and should result in the Amended Complaint being dismissed.

C) The District should be barred from recovery based upon the concepts of estoppel, laches, and unclean hands. Plaintiff has never sued left-wing protestors who have caused damage, injured police officers, etc., which is an occurrence that happens regularly in the District. Moreover, Plaintiff and its counsel are obviously working hand-in-glove with the Democrat majority of Capitol Hill and the Department of Justice to use the Amended Complaint to push a false narrative that J6 was an act of “domestic terror,” when in fact it was a protest that got out of hand.

Response to Factual Allegations in Amended Complaint

The Amended Complaint alleges factual allegations beginning at paragraph 57. As this Amended Complaint is obviously a political document more than a lawsuit, with sweeping opinions and dubious conclusions, Caldwell finds it difficult to give straight “admit or deny” answers. Many allegations set forth claims to which Caldwell lacks sufficient, first-hand information to provide an answer. Additionally, many paragraphs contain multiple assertions and claims, which make it difficult to provide a clear-cut answer. Nonetheless, Caldwell will try to answer the Complaint:

57) Denied in part. The Defendant has never been a member of the Proud Boys, and thus lacks knowledge to answer any question about this organization. Instead of restating this fact throughout the Complaint, Plaintiff should assume that Caldwell reasserts his non-association with the Proud Boys in every paragraph relevant below. Caldwell disagrees that the Oath Keepers is a violent organization.

58) Denied. Caldwell is unfamiliar, with the exception of news media reports, with the Proud Boys organization but is aware that 5 members of that group were stabbed by a member of Antifa in December 2020 after a Trump rally in the District.

59) Denied. Again, Caldwell is not familiar with the inner workings of the Proud Boys.

60) Admitted, but the “violence becomes more likely” because left-wing protestors start the violence in almost every scenario.

61) I lack sufficient knowledge to admit or deny this claim.

62) Same answer as paragraph #61.

63) Same answer as paragraph #61.

64) Same answer as paragraph #61.

65) Same answer as paragraph #61. However, it sounds like Plaintiff is conflating the Proud Boys with Antifa and BLM.

66) Same answer as paragraph #61.

67) Same answer as paragraph #61.

68) Same answer as paragraph #61.

69) Same answer as paragraph #61.

70) Same answer as paragraph #61.

71) Same answer as paragraph #61.

72) Same as answer as paragraph #61.

73) Denied. The Oath Keepers are a bunch of non-violent ex-military and law enforcement folks who love their country. This statement is a complete misrepresentation of the Oath Keepers organization as to my knowledge.

74) I lack the knowledge necessary to answer this allegation as I am not an Oath Keeper member. However, I doubt that this allegation is true.

75) I lack the knowledge necessary to answer this allegation as I am not an Oath Keeper member. However, my understanding is that the Oath Keepers respect the free speech rights of all Americans and they seek to protect protestors who are attacked by Antifa and BLM.

76) I lack the knowledge necessary to answer this allegation as I am not an Oath Keeper member.

77) Same as the answer to paragraph 76.

78) Same as the answer to paragraph 76.

79) I lack knowledge necessary to answer this allegation fully. However, I suspect that this allegation is grossly exaggerated.

80) I lack knowledge necessary to answer this allegation fully. However, my understanding is that the Oath Keepers keep the peace against left-wing violence.

81) I lack knowledge to answer this allegation fully.

82) I lack knowledge to answer this question. However, it is my understanding that the Bundy defendants were acquitted.

83) I lack knowledge to answer this question. However, good for the Oath Keepers for trying to protect citizens and their businesses who were under attack by anarchists.

84) I lack knowledge to answer as I was not an Oath Keeper member and was not in Ferguson, MO. However, my understanding is that police embrace the Oath Keepers and their goal to stop looting and anti-police violence.

85) I lack knowledge to answer this allegation.

86) Same answer as paragraph #85.

87) Same answer as paragraph #85. However, when local officials refuse to protect citizens and businesses from left-wing violence, we should applaud groups like the Oath Keepers for trying to keep the peace.

88) I lack sufficient knowledge of this allegation to comment.

89) Same answer as paragraph 88.

90) Admitted. Caldwell has denied the charges.

91) Admitted, however Caldwell had denied the charges.

92) Admitted.

93) I lack sufficient knowledge to give a fully informed answer.

94) Denied.

95) Denied.

96) Denied. Plaintiff has taken President Trump out of context.

97) Caldwell lacks sufficient knowledge to admit or deny.

98) Same answer as in paragraph #97.

99) I lack information and knowledge to fully answer this question but believe it to be true. Denied as to President Trump.

100) I lack sufficient information and knowledge to admit or deny.

101) I lack sufficient information and knowledge to answer this allegation.

However, the Plaintiff likely took these comments out of context.

102) I lack sufficient information and knowledge to answer this allegation.

103) I lack information and knowledge to answer this allegation.

104) I lack information and knowledge to answer this allegation. However, I seriously doubt that Mr. Rhodes was referring to an actual “civil war.”

105) I lack sufficient information and knowledge to answer this allegation.

106) I lack sufficient information and knowledge to answer this allegation.

107) Denied.

108) I lack information and knowledge to admit or deny this allegation.

109) I lack sufficient information and knowledge to admit or deny.

110) I lack sufficient information and knowledge to answer this allegation.

111) I lack sufficient information and knowledge to answer this allegation.

However, Plaintiff appears to be taking Mr. Rhodes’s comments out of context.

112) I lack information and knowledge to answer this allegation.

113) Same answer as in paragraph #112.

114) Same answer as in paragraph #112

115) Admitted. However, Plaintiff misunderstands the context of Caldwell's comments.

116) I lack information and knowledge to answer this question.

117) Denied. Plaintiff's allegation is laughable. Nobody discussed stopping the transfer of presidential power.

118) I lack information and knowledge to answer this question.

119) I lack information and knowledge to fully answer this question.

120) I lack information and knowledge to fully answer this question.

121) I lack information and knowledge to answer this allegation.

122) Admitted in part, denied in part. Caldwell was not referring to the events of J6 but, rather, left-wing violence.

123 I lack information and knowledge to answer this allegation.

124) I lack information and knowledge to answer this allegation.

125) Same answer as paragraph #124.

126) I lack information and knowledge to answer this question.

127) I lack information and knowledge to answer this question.

128) I lack information and knowledge to answer this question.

129) I lack information and knowledge to answer this question.

130) I lack information and knowledge to answer this allegation. However, I deny that the Proud Boys ever coordinated anything, to the best of my knowledge, with the Oath Keepers.

131) I lack information and knowledge to answer this allegation.

132) I lack information and knowledge to answer this allegation. I have no affiliation with the Proud Boys. However, I am aware through news reports that 5 Proud Boy members were stabbed on that date by Antifa.

133) Admitted, however Plaintiff soft-pedals a violent stabbing by Antifa against the Proud Boys.

134) I lack information and knowledge to answer this allegation.

135) I lack information and knowledge to answer this allegation.

136) I lack information and knowledge to answer this allegation.

137) I lack information and knowledge to answer this allegation. However, I seriously doubt that the Oath Keepers coordinated with the Proud Boys in any way.

138) I lack information and knowledge to answer this allegation. I believe it is true, however.

139) I believe this is correct.

140) Denied.

141) I lack information and knowledge to answer this allegation.

142) Denied.

143) Denied.

144) Denied.

145) I lack information and knowledge to answer this allegation.

146) I lack information knowledge to answer this allegation.

147) I lack information and knowledge to answer this allegation.

148) Denied.

149) Denied.

150) Admitted as to the Electoral College, denied as to what Rhodes said and meant.

151) I lack sufficient information and knowledge to answer this allegation.

152) Same answer as paragraph #151.

153) Admitted.

154) Admitted.

155) I lacked sufficient information and knowledge to answer this allegation.

156) I lack sufficient information and knowledge to answer this allegation.

157) I lack sufficient information and knowledge to answer this allegation.

158) I lack sufficient information and knowledge to answer this allegation.

159) I lack sufficient information and knowledge to answer this allegation.

160) Denied.

161) Denied.

162) Denied.

163) I lack sufficient information and knowledge to respond to this allegation.

164) Same answer as in paragraph #163.

165) Same answer as in paragraph #163.

166) Same answer as in paragraph #163.

167) Denied.

168) I lack information and knowledge to answer this allegation.

169) I lack information and knowledge to answer this allegation.

170) Same answer as paragraph #169.

171) Admitted.

172) Caldwell lacks sufficient information and knowledge to answer this question.

173) Same answer as paragraph #172.

174) Denied.

175) On advice of counsel I decline to answer this question based on the 5th Amendment.

176) I lack sufficient information and knowledge to answer this allegation.

177) I lack sufficient information and knowledge to answer this allegation.

178) Same answer as paragraph #177.

179) Same answers as paragraph #177.

180) Same answer as paragraph #177.

181) I lack information and knowledge to answer this allegation.

182) Same answer as paragraph #177.

183) I lack information and knowledge to answer this allegation.

184) I lack information to answer this allegation. Denied as to the existence of an “attack.”

185) Denied that there were “co-conspirators” and an “attack.” Many defendants and Caldwell stayed in hotels.

186) Caldwell admits that he and his wife stayed at this hotel, however there was no conspiracy to do anything illegal that took place. Also, other defendants stayed at this same hotel.

187) I lack sufficient information and knowledge to answer this allegation. However, I do believe Watkins sent a message like this.

188) I lack sufficient information to answer this allegation. However, I am now aware that Vallejo had a room at the Comfort Inn. I knew on January 5th that a N.C. Oath Keeper would be staying in the hotel.

189) I lack sufficient knowledge to answer this question.

190) Same answer as paragraph #189.

191) Admitted. However, nothing in Caldwell’s communication with Crowl involved an attack on the Capitol Building.

192) Admitted.

193) Admitted.

194) I lack sufficient information and knowledge to answer this allegation.

195) I lack sufficient information and knowledge to answer this allegation.

196) Admitted that Caldwell sent messages regarding these topics, but Plaintiff misunderstands the context and intent. The notion that right-wing commandos were stationed outside of DC ready to invade the Capitol is laughable.

197) Admitted as I learned this information and knowledge through discovery.

198) Caldwell lacks sufficient information and knowledge to answer this question.

199) I lack sufficient information and knowledge to fully answer this allegation.

200) I lack sufficient information and knowledge to answer this allegation.

201) I lack sufficient information and knowledge to answer this allegation.

202) I lack sufficient information and knowledge to answer this allegation.

203) I lack sufficient information and knowledge to answer this allegation.

204) Denied.

205) I lack sufficient information and knowledge to answer this allegation.

206) I lack sufficient information and knowledge to answer this allegation.

207) I lack sufficient information and knowledge to answer this allegation.

208) I lack sufficient information and knowledge to answer this allegation.

However, I have reviewed the referenced letter in discovery.

209) I lack sufficient information and knowledge to answer this allegation.

210) I lack sufficient information and knowledge to answer this allegation. Denied that Rhodes illegally intended to stop the transfer of presidential power.

211) I lack sufficient information and knowledge to answer this allegation.

212) I lack sufficient information and knowledge to answer this allegation.

213) Caldwell admits that he wrote these messages, however, Plaintiff is incorrect in believing that Caldwell intended anything illegal.

214) I lack sufficient information and knowledge to answer this allegation.

215) I lack sufficient information and knowledge to answer this allegation.

216) I lack sufficient information and knowledge to answer this allegation.

217) I lack sufficient information and knowledge to answer this allegation.

218) I lack sufficient information and knowledge to answer this allegation.

219) I lack sufficient information and knowledge to answer this allegation.

220) I lack sufficient information and knowledge to answer this allegation.

221) I lack sufficient information and knowledge to answer this allegation.

222) I lack sufficient information and knowledge to answer this question.

223) I lack sufficient information and knowledge to answer this question.

224) I lack sufficient information and knowledge to answer this allegation.

225) I lack sufficient information and knowledge to answer this allegation.

226) I lack sufficient information and knowledge to answer this allegation.

227) I lack sufficient information and knowledge to answer this allegation.

228) I lack sufficient information and knowledge to answer this allegation.

222) I lack sufficient information and knowledge to answer this allegation.

229) I lack sufficient information and knowledge to answer this allegation.

230) I lack sufficient information knowledge to answer this allegation.

231) I lack sufficient information and knowledge to answer this allegation.

232) I lack sufficient information and knowledge to answer this allegation.

233) I lack sufficient information and knowledge to answer this allegation.

234) I lack sufficient information and knowledge to answer this allegation.

235) I lack sufficient information and knowledge to answer this allegation.

236) I lack sufficient information and knowledge to answer this allegation.

237) I lack sufficient information and knowledge to answer this allegation.

238) I lack sufficient information and knowledge to answer this allegation.

239) I lack sufficient information and knowledge to answer this allegation.

240) I lack sufficient information and knowledge to answer this allegation.

241) I lack sufficient information and knowledge to answer this allegation.

242) I lack sufficient information and knowledge to answer this allegation.

243) I lack sufficient information and knowledge to answer this allegation, however, I am unaware of the Oath Keepers planning to do anything illegal.

244) On advice of counsel I decline to answer this question based on the 5th Amendment.

245) I lack sufficient information and knowledge to answer this allegation.

246) I lack sufficient information and knowledge to answer this allegation.

247) Caldwell admits that he used Google maps to check on the distance between his hotel and the Capitol, but he did not do so for producing a map. Caldwell did not drive “around” the Capitol but he was near the Capitol while in DC. By “recce,” Caldwell meant “checking out the place,” not in the military sense of doing reconnaissance on an enemy.

248) I lack sufficient information and knowledge to answer this allegation.

249) I lack sufficient information and knowledge to answer this allegation.

250) I lack sufficient information and knowledge to answer this allegation.

252) I lack sufficient information and knowledge to answer this allegation.

253) I lack sufficient information and knowledge to answer this allegation.

254) I lack sufficient information and knowledge to answer this allegation.

255) I lack sufficient information and knowledge to answer this allegation.

256) I lack sufficient information and knowledge to answer thus allegation.

257) I lack sufficient information and knowledge to answer this allegation.

258) I lack sufficient information and knowledge to address this allegation.

259) I lack sufficient information and knowledge to answer this allegation.

260) I lack sufficient information and knowledge to answer this allegation.

261) I lack sufficient information and knowledge to answer this allegation.

262) I lack sufficient information and knowledge to answer this allegation.

263) I lack sufficient information and knowledge to answer this allegation.

264) I lack sufficient information and knowledge to answer this allegation.

265) I lack sufficient information and knowledge to answer this allegation.

266) I lack sufficient information and knowledge to answer this allegation.

267) I lack sufficient information and knowledge to answer this allegation.

268) I lack sufficient information and knowledge to answer this allegation.

269) I lack sufficient information and knowledge to answer this allegation.

270) Admit.

271) Admit.

272) Admit.

273) Admit.

274) I lack sufficient information and knowledge to answer this allegation.

275) I lack sufficient information and knowledge to answer this allegation.

276) I lack sufficient information and knowledge to answer this allegation.

277) Admitted except Caldwell did not prepare for violence.

278) Caldwell admits that he travelled to DC on J6 with his wife.

279) I lack sufficient information and knowledge to answer this allegation.

280) I lack sufficient information and knowledge to answer this allegation.

281) I lack sufficient information and knowledge to answer this allegation.

282) I lack sufficient information and knowledge to answer this allegation.

283) I lack sufficient information and knowledge to answer this allegation.

284) I lack sufficient information and knowledge to answer this allegation.

285) I lack sufficient information and knowledge to answer this allegation.

286) I lack sufficient information and knowledge to answer this allegation.

287) I lack sufficient information and knowledge to answer this allegation.

288) I lack sufficient information and knowledge to answer this allegation.

289) Admitted.

290) Denied.

291) Admitted as to Trump's quote.

292) Denied.

293) I lack sufficient information and knowledge to answer this allegation.

294) Denied.

295) I lack information and knowledge to answer this allegation.

296) I lack sufficient information and knowledge to answer this allegation but believe that Proud Boys did march to the Capitol.

297) I lack sufficient information and knowledge to answer this allegation.

298) I lack sufficient information and knowledge to answer this allegation.

299) I lack sufficient information and knowledge to answer this allegation.

300) I lack sufficient information and knowledge to answer this allegation.

301) Denied as to Caldwell. Caldwell did not have a radio or other communication equipment other than a cell phone and he did not wear military equipment or armor.

302) I lack sufficient information and knowledge to answer this allegation.

303) Admitted.

304) I lack sufficient information and knowledge to answer this allegation.

305) Denied.

306) I lack sufficient information and knowledge to answer this allegation.

307) Denied as to Caldwell. Caldwell did not enter the Capitol and did not assault any police.

308) Denied as to Caldwell.

309) I lack sufficient information and knowledge to answer this allegation.

310) I lack sufficient information and knowledge to answer this allegation.

311) I lack sufficient information and knowledge to answer this allegation.

312) I lack sufficient information and knowledge to answer this allegation.

313) Admitted.

314) Admitted.

315) Denied as to Caldwell.

316) I lack sufficient information and knowledge to answer this allegation.

317) I lack sufficient information and knowledge to answer this allegation.

318) I lack sufficient information and knowledge to answer this allegation.

319) I lack sufficient knowledge to answer this allegation.

320) I lack sufficient knowledge to answer this allegation.

321) Admitted.

322) I lack sufficient knowledge to answer this allegation.

323) I lack sufficient knowledge to answer this allegation.

324) I lack sufficient knowledge to answer this allegation.

325) I lack sufficient knowledge to answer this allegation.

326) I lack sufficient knowledge to answer this allegation.

327) I lack sufficient knowledge to answer this allegation.

328) I lack sufficient knowledge to answer this allegation.

329) I lack sufficient knowledge to answer this allegation.

330) Admitted. However, taken out of context.

331) I lack sufficient knowledge to answer this allegation.

332) I lack sufficient knowledge to answer this allegation.

333) I lack sufficient knowledge to answer this allegation.

334) I lack sufficient knowledge to answer this allegation.

335) I lack sufficient knowledge to answer this allegation.

336) I lack sufficient knowledge to answer this allegation.

337) I lack sufficient knowledge to answer this allegation.

338) I lack sufficient knowledge to answer this allegation.

339) I lack sufficient knowledge to answer this allegation.

340) I lack sufficient knowledge to answer this allegation.

341) I lack sufficient knowledge to answer this allegation. However, I later became aware that some Oath Keepers entered the Capitol.

342) I lack sufficient knowledge to answer this allegation.

343) I lack sufficient knowledge to answer this allegation.

344) I lack sufficient knowledge to answer this allegation.

345) I lack sufficient knowledge to answer this allegation.

346) I lack sufficient knowledge to answer this allegation.

347) I lack sufficient knowledge to answer this allegation.

348) I lack sufficient knowledge to answer this allegation,

349) I lack sufficient knowledge to answer this allegation,

350) I lack sufficient knowledge to answer this allegation,

351) I lack sufficient knowledge to answer this allegation,

352) I lack sufficient knowledge to answer this allegation,

353) I lack sufficient knowledge to answer this allegation,

354) I lack sufficient knowledge to answer this allegation.

355) I lack sufficient knowledge to answer this allegation.

356) I lack sufficient knowledge to answer this allegation. However, after J6, I became aware that several Oath Keepers entered the Capitol building.

357) I lack sufficient knowledge to answer this allegation.

358) I lack sufficient knowledge to answer this allegation.

359) I lack sufficient knowledge to answer this allegation.

360) I lack sufficient knowledge to answer this allegation.

361) I lack sufficient knowledge to answer this allegation.

362) I lack sufficient knowledge to answer this allegation. However, I did become aware on January 7th that Mr. Crowl entered the Capital building on January 6th.

363) I lack sufficient knowledge to answer this allegation.

364) Admitted.

365) I lack sufficient knowledge to answer this allegation.

366) I lack sufficient knowledge to answer this allegation.

367) I lack sufficient knowledge to answer this allegation.

368) I lack sufficient knowledge to answer this allegation.

369) I lack sufficient knowledge to answer this allegation.

370) I lack sufficient knowledge to answer this allegation.

371) I lack sufficient knowledge to answer this allegation.

372) Denied.

373) I lack sufficient knowledge to answer this allegation.

374) I lack sufficient knowledge to answer this allegation.

375) I lack sufficient knowledge to answer this allegation.

376) I lack sufficient knowledge to answer this allegation.

377) I lack sufficient knowledge to answer this allegation.

378) I lack sufficient knowledge to answer this allegation.

379) I lack sufficient knowledge to answer this allegation.

380) I lack sufficient knowledge to answer this allegation.

381) I lack sufficient knowledge to answer this allegation.

382) I lack sufficient knowledge to answer this allegation.

383) Denied as to Caldwell.

384) Denied as to Caldwell.

385) Denied as to Caldwell.

386) I lack sufficient knowledge to answer this allegation.

387) I lack sufficient knowledge to answer this allegation.

388) I lack sufficient knowledge to answer this allegation.

389) Admitted.

390) Denied as to Caldwell.

391) I lack sufficient knowledge to answer this allegation.

392) I lack sufficient knowledge to answer this allegation.

393) I lack sufficient knowledge to answer this allegation. However, Caldwell is aware that Police Officers were injured on J6 and condemns those who caused their injuries.

394) I lack sufficient knowledge to answer this allegation.

395) I lack sufficient knowledge to answer this allegation. However, Caldwell is aware that officers were assaulted on J6.

396) I lack sufficient knowledge to answer this allegation.

397) I lack sufficient knowledge to answer this allegation.

398) I lack sufficient knowledge to answer this allegation.

399) I lack sufficient knowledge to answer this allegation.

400) I lack sufficient knowledge to answer this allegation.

401) I lack sufficient knowledge to answer this allegation.

402) I lack sufficient knowledge to answer this allegation.

403) Denied as to Caldwell.

404) Denied as to Caldwell.

405) Denied as to Caldwell.

406) I lack sufficient knowledge to answer this allegation.

407) I lack sufficient knowledge to answer this allegation..

408) I lack sufficient knowledge to answer this allegation

409) Denied as to Caldwell.

410) Admitted. However, these messages are taken out of context.

411) Admitted. However, these messages are taken out of context. It was an obvious joke.

412) I lack sufficient knowledge to answer this allegation.

413) I lack sufficient knowledge to answer this allegation.

414) I lack sufficient knowledge to answer this allegation.

415) I lack sufficient knowledge to answer this allegation.

416) Denied as to Caldwell.

417) Denied.

418) Denied.

419) Denied.

420) I lack sufficient knowledge to answer this allegation.

421) I lack sufficient knowledge to answer this allegation.

422) I lack sufficient knowledge to answer this allegation.

423) I lack sufficient knowledge to answer this allegation.

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446) I lack sufficient knowledge to answer this allegation.

447) I lack sufficient knowledge to answer this allegation.

448) I lack sufficient knowledge to answer this allegation. However, Caldwell was aware that dozens of police officers acted valiantly on J6.

449) I lack sufficient knowledge to answer this allegation.

450) I lack sufficient knowledge to answer this allegation.

451) I lack sufficient knowledge to answer this allegation.

452) I lack sufficient knowledge to answer this allegation.

453) I lack sufficient knowledge to answer this allegation. However, Caldwell was aware through media reports that some officers were injured on J6.

454) I lack sufficient knowledge to answer this allegation.

455) I lack sufficient knowledge to answer this allegation.

456) Denied.

457) Denied.

458) Denied.

459) I lack sufficient knowledge to answer this allegation. However, Caldwell was aware that many officers needed medical and psychological treatment which will likely be paid through their employers.

460) No response.

461) Denied.

462) Denied.

463) Denied.

464) Denied.

465) Denied.

466) Denied.

467) Denied.

468) Denied.

469) No Response.

470) No Response.

471) Denied.

472) Denied.

473) Denied.

474) Denied.

475) Denied,

476) Denied,

477) Denied.

478) Denied.

479) Denied.

480) Denied.

481) Denied.

482) Denied.

483) Denied.

484) Denied.

485) Denied.

486) Denied.

487) Denied.

488) Denied.

489) Denied.

490) Denied.

Prayer for Relief

WHEREFORE, the Defendant denies that Plaintiff is entitled to any of the relief requested and respectfully requests that the Court dismiss the Amended Complaint in its entirety and enter judgment in its favor and against the Plaintiff

The final paragraph also requires no response. To the extent that a responsive pleading is required, Defendant denies that Plaintiff is entitled to a jury trial.

Additional Affirmative Defenses

First Defense—The Complaint fails to state a claim against Defendant upon which relief may be granted.

Second Defense—Upon information and belief, Plaintiff's claims are barred, in whole or in part, based upon the doctrines of accord and satisfaction, release waiver, and estoppel.

Third Defense—Upon information and belief, Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to take reasonable steps to mitigate their claims of damages, the existence of such damages being hereby denied.

Fourth Defense Plaintiff's punitive damages claims are barred because the Defendant did not act with malice or with reckless indifference to the protected rights of the Plaintiff.

Fifth Defense—Upon information and belief, Plaintiff's claims are barred as they have sought compensation under workers' compensation laws for police, or under union contracts, which bar outside recovery.

Sixth Defense—Plaintiff's allegations against Defendant are frivolous on their face and should be dismissed with prejudice as a matter of law.

Seventh Defense—Plaintiff's claims against Defendant are barred as its Complaint alleges that President Trump directed Defendant and others to engage in behavior outlined in the Complaint. As such, President Trump and the Defendants have immunity from suit.

Eighth Defense—The Court lacks subject matter jurisdiction over this matter as Plaintiff's damages do not exceed \$75,000. Also, alleged violations of federal law alleged by Plaintiff do not apply to Defendant.

Ninth Defense—The Court does not have personal jurisdiction over Defendant.

Tenth Defense—Proper venue for this matter is the Western District of Virginia.

Eleventh Defense—Assumption of Risk by Plaintiff's employees, as police assume many risks by the nature of their work.

Twelfth Defense—Defendant's actions were protected by the First Amendment of the Constitution.

Thirteenth Defense—That Plaintiff, through the incompetence of its Mayor, elected officials, and other leaders, failed to activate 20,000 National Guardsman on J6 that would have prevented all the harms that they cite in their Complaint.

This defense was set forth in fuller detail at the beginning of this Answer.

Fourteenth Defense—That Plaintiff is acting in a discriminatory manner by selectively pursuing civil action against the Defendant and others based on their support of President Trump, while it took no action against a single left-wing violent agitator who did damage during the riots of 2020 or in similar protests over the years.

Fifteenth Defense—That many of the mental health injuries Plaintiff claims were suffered by Plaintiff's employees were actually caused by riots during 2020 and were pre-existing in nature to J6.

Sixteenth Defense—That Plaintiff's claims are barred by the statute of limitations.

Respectfully submitted,



Thomas E. Caldwell, *Pro Se*
274 Wadesville Road
Berryville, VA 22611
(540) 303-3956
Redstart11@gmail.com

Dated: June 16, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 16, 2022 I emailed and mailed a copy of the foregoing Answer to Plaintiff's Complaint to Counsel of Record via the email addresses for counsel stated on the Complaint and by mail to Jeannie S. Rhee, Paul, Weiss, Rifkind, Wharton & Garrison LLP, 2001 K Street N.W., Washington, D.C. 20005 and Kathleen Konopka, Esq, 400 6th Street NW, Washington, D.C. 20001



Thomas E. Caldwell, Defendant