

STATE OF MINNESOTA
COUNTY OF KANDIYOHI

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT
Case Type: Civil Other/ Miscellaneous

Steve Quest,

Plaintiff,

v.

Nicholas Rekieta and Rekieta Law, LLC,
Defendants.

Court File No. 34-CV-23-12
Honorable Judge Jennifer Fischer

**DEFENDANTS NICHOLAS
REKIETA AND REKIETA
LAW, LLC'S ANSWER AND
AFFIRMATIVE DEFENSES**

Defendants Nicholas Rekieta and Rekieta Law, LLC (collectively, "Defendants") submit the following Answer and Affirmative Defenses to Plaintiff Steve Quest's Complaint and deny all allegations unless expressly admitted below.

ANSWER

PARTIES¹

- I. Defendants admit sentences 1-4 of Paragraph I. Defendants admit sentence 5, with the exception of the portion stating "on behalf of Rekieta Law, LLC", which is denied and Defendants put Plaintiff to his strictest proof. Defendants admit sentence 6, with the exception of the portion stating "Defendants" in the plural, which is denied and Defendants put Plaintiff to his strictest proof.
- II. Defendants lack sufficient information to admit or deny the allegations of Paragraph II. To the extent a response is required, the allegations are denied and Defendants put

¹ Defendants repeat Plaintiff's section headers for reference. They do not themselves contain allegations that must be admitted or denied. To the extent a response is required, Defendants deny such and Defendants put Plaintiff to his strictest proof.

Plaintiff to his strictest proof.

FACTS

- III. Defendants admit the allegations of the first and third sentences of Paragraph III except for the portions identifying Defendant Rekieta Law, LLC, which is denied. Defendants admit the second, fourth, and fifth sentences of Paragraph III. Defendants admit the allegations of the sixth sentence with the exception of the characterization that “all work is done for profit”, and put Plaintiff to his strictest proof.
- IV. Defendants admit the allegations of the first and second sentences of Paragraph IV. Defendants deny the allegations of the third sentence of Paragraph IV and put Plaintiff to his strictest proof. Defendants admit the allegations of the fourth sentence of Paragraph IV, with the exception of the use of the word “Defendants”, which is denied, and put Plaintiff to his strictest proof.
- V. Defendants deny the allegations of Paragraph V and put Plaintiff to his strictest proof.
- VI. Defendants admit the first sentence of Paragraph VI. Defendants deny the allegations of the second sentence of Paragraph VI and Defendants put Plaintiff to his strictest proof.
- VII. Defendants admit the first sentence of Paragraph VI. Defendants deny the allegations of the second sentence of Paragraph VI, and Defendants put Plaintiff to his strictest proof.
- VIII. Defendants deny the allegations and intelligibility of Paragraph VIII and put Plaintiff to his strictest proof.

COUNT I **DEFAMATION AND DEFAMATION PER SE**

- IX. Defendants repeat and reallege their responses to Paragraphs I-VIII in response to the allegations of Paragraph IX.
- X. Paragraph X contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.
- XI. Paragraph XI contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest

proof.

XII. Paragraph XII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XIII. Paragraph XIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

XIV. Defendants repeat and reallege their responses to Paragraphs I-XIII in response to the allegations of Paragraph XIV.

XV. Paragraph XV contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XVI. Paragraph XVI contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XVII. Paragraph XVII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XVIII. Paragraph XVIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

COUNT II
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

XIX. Defendants repeat and reallege their responses to Paragraphs I-XVIII in response to the allegations of Paragraph XIX.

XX. Paragraph XVIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XXI. Paragraph XVIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XXII. Paragraph XVIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

XXIII. Paragraph XVIII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

AMENDMENTS

XXIV. Defendants repeat and reallege their responses to Paragraphs I-XXIII in response to the allegations of Paragraph XXIV.

XXVI. The first subparagraph of Paragraph XXVI contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof. The second subparagraph of Paragraph XXVI contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof. The third subparagraph of Paragraph XXVI contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof. In answer to the fourth subparagraph of Paragraph XXVI, Defendants state that the video speaks for itself. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof. The sole exception is that Defendants have come to realize the melon at issue may not have been a watermelon, but rather a honeydew, making the statement substantially true. In answer to the fifth,

sixth, seventh, and eighth subparagraphs of Paragraph XXVI, Defendants state that the videos speak for themselves. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof. Defendants deny the allegations of the ninth subparagraph of Paragraph XXVI and put Plaintiff to his strictest proof.

XXVII. Paragraph XXVII contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied and Defendants put Plaintiff to his strictest proof.

AFFIRMATIVE DEFENSES

Defendants' affirmative defenses set forth herein are based solely upon Plaintiffs' allegations in the Amended Complaint, which do not describe the events and claims therein with sufficient particularity to enable Defendants to determine all of the defenses that might exist to their claims. Without these and other details, Defendants cannot respond further to Plaintiffs' Amended Complaint. Therefore, Defendants reserve the right to assert and rely upon additional defenses that become available or apparent during the pendency of this action and to modify the affirmative defenses herein as additional information is obtained by Defendants.

Defendants assert the affirmative defenses set forth below, each as separate and distinct affirmative defenses to Plaintiffs' alleged causes of action. Insofar as any of the following expresses denial of an element of any claim alleged against Defendants, that denial does not indicate that Plaintiffs are relieved of their burden to prove each and every element of any such claims or that Defendants have assumed any burden of proof. Defendants hereby give notice that they intend to rely upon such other and further defenses as may become available or apparent during, for example, pre-trial proceedings in this case, and hereby reserve the right to amend this Answer and offer or assert additional defenses that cannot now be articulated because, among other reasons, Defendants have not completed discovery.

First Affirmative Defense***Truth***

1. Although the burden of proof for falsity is upon Plaintiff, Defendants aver that all statements allegedly made by Defendants complained of by Plaintiff are true.
2. Any complained-of statements allegedly made by Defendants that may happen to lack 100% factual veracity are substantially true, and thus treated as true as a matter of law.
3. As truth is an absolute defense and there is nothing false or misleading about the statements, Defendants cannot be liable for Plaintiff's claims.

Second Affirmative Defense***Substantial Truth***

1. Any statements made by Defendants complained of by Plaintiff that are not literally true are substantially true, in that the "gist" or "sting" of the statements is true.
2. As substantial truth is a defense to claims for defamation, Defendants cannot be liable for Plaintiff's claims.

Third Affirmative Defense***Opinion or Rhetorical Hyperbole***

1. The statements at issue in the Amended Complaint are either statements of opinion based on disclosed facts or statements of rhetorical hyperbole that no reasonable reader is likely to interpret as a literal statement of fact.
2. Statements of opinion based on disclosed facts and statements of rhetorical hyperbole cannot form the basis of defamation and related tort claims, and so Defendants cannot be liable for Plaintiff's claims.

Fourth Affirmative Defense***Lack of Actual Malice***

1. Due to the media scrutiny and public response he received in connection with his media productions, Plaintiff is a public figure.

2. Defendants did not make any statements at issue with any degree of fault, much less the actual malice required for Plaintiff to prevail on their claims.

Fifth Affirmative Defense

Incremental Harm

1. Defendants are far from the only persons to publish statements regarding Plaintiff, his sexual proclivities, and the nature of his videos.

2. Any damages Plaintiff suffered are the result of third parties' statements about Plaintiff, and not Defendants' statements.

Sixth Affirmative Defense

Defamation Proof Plaintiff

1. Plaintiff's reputation prior to the publication of the statements at issue was so poor that it could not have been worsened by the alleged statements.

Seventh Affirmative Defense

Failure to State a Claim

1. Plaintiff has failed to sufficiently plead the elements of any cause of action as to any Defendant.

Eighth Affirmative Defense

Failure to Mitigate

1. Plaintiff has failed to take reasonable measures to mitigate the harms he alleges were caused by Defendants.

WHEREFORE, Defendants specifically pray this Honorable Court deny Plaintiffs' Claims in their entirety, awarding them judgment thereon, together with their costs, disbursements, and attorneys

fees, and for such other relief as it deems fair and just.

DEFENDANTS DEMAND TRIAL BY JURY AS TO ALL MATTERS SO TRIABLE.

Date: February 14, 2023

CROWN LAW

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MINNESOTA
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BRANCH

ACKNOWLEDGEMENT REQUIRED BY MINN. STAT. § 549.211. SUBD. 1

The undersigned hereby acknowledges that sanctions may be imposed under Minn. Stat. § 549.211, if factual contentions and legal arguments contained in this pleading are unwarranted or presented for an improper purpose or are lacking in evidentiary support.

Date: February 14, 2023

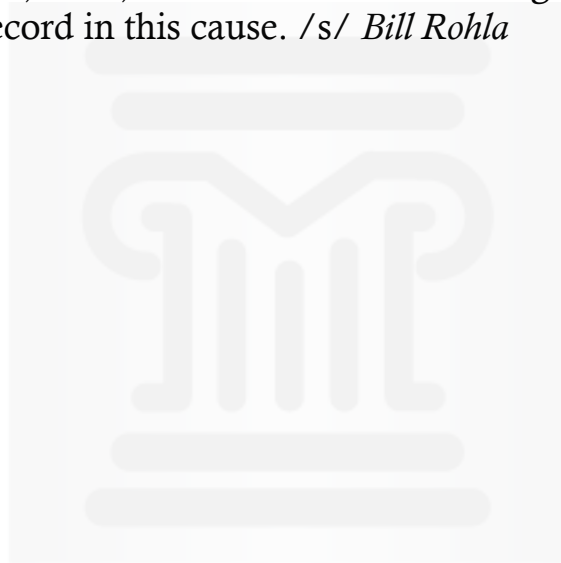
/s/ Nicholas Henry



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CERTIFICATE OF SERVICE

I, Bill Rohla, e-filed a copy of this document by uploading it to the Court's e-file system on February 14, 2023, which sends service to registered users, including all other counsel of record in this cause. /s/ *Bill Rohla*



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