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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL KONOWICZ a/k/a MICHAEL
PHILLIPS and ISARITHIM, LLC,

Plaintiffs,

v.

JONATHAN P. CARR, SEVERE NJ
WEATHER, LLC, and WEATHER NJ,
LLC,

Defendants.

CIVIL ACTION

No. 3:15-cv-06913-MAS-TJB

**ANSWER, SEPARATE DEFENSES,
COUNTERCLAIM, AND
JURY DEMAND**

Defendants Jonathan P. Carr, Severe NJ Weather, LLC and Weather NJ, LLC ("Defendants"), by and through their undersigned counsel, Anthony Argiropoulos, Esquire and Thomas Kane, Esquire of the firm Epstein, Becker & Green P.C., hereby submit the following Answer, Separate Defenses, Counterclaim, and Jury Demand, and in support thereof state the following:

PRELIMINARY STATEMENT

Plaintiff Michael Konowicz ("Konowicz"), aka the "WeatherBoy," is an amateur weather blogger who has no degree in

meteorology and no accreditation from the American Meteorological Society.

After a career in marketing that culminated in Konowicz filing for bankruptcy two times in the last four years, Konowicz is attempting to reinvent or to establish himself as an on-line meteorologist. Konowicz falsely holds himself out as a “professional, accredited meteorologist who appears frequently in television, radio, and print media.” He also falsely claims to have a “team” of professional meteorologists working under him. In fact, he once claimed on Twitter: “While we deploy our meteorologists across the country, the parent company is based in NJ.” But Konowicz has steadfastly refused to identify any of the members of his “team” by name or otherwise, and he failed to report WeatherBoy or any weather-related activities in his bankruptcies.

Even Konowicz’s (modest) online presence is false. As first reported by the weather organization WxRisk and ABC News Network meteorologist Mike Masco in January 2014, Konowicz has purchased fraudulent “likes” and “followers” in order to artificially boost his web presence—as evidenced by the fact that the main demographic for his page was listed as Istanbul, Turkey.

When Mr. Masco first reported this fact, Konowicz threatened to sue Mr. Masco and his station—a major weather news network. According to Mr. Masco, “This guy should be locked

up...LEGAL loved it! Jail this kid asap!!" Another online weather site, Tri-State weather, reacted to Konowicz in this way: "he is a fraud. Claims is a team of meteorologists, but refuses to name who these people are. At least we did not fall 4 it." Another site, Hot Weather Takes mocked "rest assured, most of those followers are bots with Facebook accounts in Indonesia." In May 2014, professional meteorologist David Tolleris, whose resume includes the National Weather Service and WFSB TV 3 in Hartford, Connecticut posted online that WeatherBoy was purchasing fake likes for his page—this time from Tunis, Qabis, Tunisia. By November 2014, professional meteorologists and online weather sites outed WeatherBoy as a fake and a fraud, WeatherBoy was even publicly accused of "engaging in intellectual property theft and breaking copyright laws" by reproducing posts and weather models without permission.

Obviously cognizant that he did not have the financial resources to go up against a national news affiliates with substantial financial resources, Konowicz instead picked a fight with Defendant Jonathan P. Carr, an amateur meteorologist who has gained over 175,000 organic followers on social media through his sites Severe NJ Weather and Weather NJ—where he has become famous with his loyal followers for use of the slogan "KABOOM."

Konowicz picked this fight by falsely claiming that the

National Weather Service “called out,” Defendant Carr and “[took] a stand against” him, for “spreading harmful misinformation.” This defamatory claim was completely false, as was later confirmed in writing by Mr. Gary Szatkowski of the National Weather Service.

When Defendant Carr responded to Konowicz factually and accurately, and repeated the findings of the prior investigations by WxRisk, Mike Masco, and others, Konowicz responded with this lawsuit.

This litigation has been brought by Konowicz for an improper purpose—namely, to harass a Defendant that Konowicz perceives as being financially weaker than all the others—and in hopes that he can force a settlement that he can then use to bully others who have criticized his fraudulent online tactics.

No one should be bullied, and Defendant Carr will not be bullied. He will seek sanctions and attorney’s fees against Konowicz and his attorneys pursuant to Fed. R. Civ. P. 11 at the proper juncture of this litigation.

ANSWER

Jurisdiction & Venue

1. DENIED. It is specifically denied that this Court has subject matter jurisdiction over this controversy as the Complaint fails to state a claim under the Lanham Act or any other federal law and the parties are not jurisdictionally

diverse.

2. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

The Parties

3. DENIED. After a reasonable investigation, Defendants are without information or knowledge sufficient to form a belief regarding the averments of this Paragraph, and, accordingly, they are deemed DENIED.

4. DENIED. After a reasonable investigation, Defendants are without information or knowledge sufficient to form a belief regarding the averments of this Paragraph, and, accordingly, they are deemed DENIED. Defendants affirmatively plead that they are unfamiliar with any legally recognized form of business entity known as a "Limited Liability Corporation." In addition, Plaintiff Konowicz maintains two separate and distinct profiles on the website LinkedIn.com that give conflicting and contradictory information regarding the purpose and lifespan of Plaintiff isarithm, LLC.¹

For example, according to the LinkedIn profile "Michael Konowicz," isarithm is a "marketing and media organization" with

¹ The Complaint spells this Plaintiff's name "isarithm." See Complaint at Caption and Paragraph 4. However, all of Plaintiff Konowicz's LinkenIn profiles (he has at least three that Defendants have discovered to date) spell this entity's name as "isarithm."

a "commitment to bring accurate, dependable weather information to customers" and "[n]on-broadcast clients [that] include law firms seeking professional meteorological testimony, engineering companies needing climate research, and other private organizations needing fast, accurate weather forecast or weather research information." See Exhibit A. This profile also states that isarithm has been in existence since "March 1986" or "29 years 8 months." Id.

A second LinkedIn profile under the name "Michael J. Konowicz" tells a very different story. See Exhibit B. According to that profile, isarithm "[a]ssists with business plans and overall marketing strategies"; "[p]artners with CMOs, Franchise Directors, and Brand Managers to develop comprehensive programs to generate positive ROI in an ever-changing landscape"; "[d]evelops and executes channel-neutral media programs, taking advantage of the synergies of broadcast, digital, and offline campaigns for brands"; and "[c]onsults with brands as they pursue digital campaigns, assisting with the selection of key partners, providing independent third party support and review of program execution, and offering strategic insights in the very latest technology and marketing provide." Id. This second LinkedIn profile makes absolutely no mention whatsoever of either Plaintiff Konowicz or isarithm having anything whatsoever to do with meteorology. Id. In addition, this second LinkedIn

profile states that Plaintiff Konowicz has been a “Principal” at Plaintiff isarithm, LLC since “January 2013” or “2 years 10 months.” Id.

Whether “29 years 8 months” or “2 years 10 months,” both of these LinkedIn profiles contradict the official records of the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise which state that the “Original Filing Date” for isarithm, LLC was April 2015—well after Plaintiff Konowicz’s conflict with Defendants had begun. See Exhibit C.

Thus, upon information and belief, Plaintiff isarithm, LLC is a sham business entity that was created by Plaintiff Konowicz during the course of his dispute with Defendants in order to falsely portray himself as a professional meteorologist with a significant business interest in the practice of meteorology for the purposes of this litigation and in violation of Fed. R. Civ. P. 11.

5. ADMITTED.

6. ADMITTED.

7. ADMITTED.

Factual Background

8. DENIED. The averments of this paragraph are false for numerous reasons.

First, “Michael Phillips” is not “a professional, accredited meteorologist who appears frequently in television,

radio, and print media.” For example, a Google search of the phrase “Michael Phillips meteorologist” yields seven potential links to the “Michael Phillips” who brought this lawsuit. See Exhibit D. Each of these links is described below and attached as an Exhibit:

a. The first link is the LinkedIn page of the “Michael Phillips” in this lawsuit. See Exhibit E. This is Plaintiff Konowicz’s third distinct LinkedIn profile, and, again, it contradicts the other two. This LinkedIn profile makes no mention of either isarithim, isarithm, or any of the previous employers listed in Exhibit B. This profile states that “Michael Phillips” has been associated with “weatherOnline!” since “September 1986” or “29 years 2 months”—a claim that is facially absurd since the Internet as we know it did not come into being until the 1990s.

b. The second link is to the LinkedIn page of another Michael Phillips who appears to be a real meteorologist in Grand Folks, North Dakota. See Exhibit F. Upon information and belief, Plaintiff Konowicz selected the pseudonym “Michael Phillips” with the intent of stealing the real Mr. Phillips’s web identity and meteorological credentials.

c. The third link is to a March 17, 2014 article at Newsworks.org that criticized Plaintiff Konowicz for causing an unnecessary panic when he posted an “experimental version of the

so-called European model...that predicted potentially 'epic' blizzards over a 10-day period ending Feb. 9." See Exhibit G. According to the article, "[t]he map was shared online by tens of thousands, prompting the Mount Holly office of the National Weather Service to call the serial sharing 'the antithesis of public service,' punctuating its message with: "It was nonsense then; it's nonsense now." Id.

d. The fourth link is to a June 25, 2015 article by Defendant Carr, published on the website of Defendant Weather NJ, LLC, that is at issue in Plaintiff Konowicz's claims in this case. See Exhibit H.

e. The fifth link is to an article about this lawsuit. See Exhibit I.

f. The sixth and seventh links are to "Tweets" from a Michael Phillips in Alabama who clearly is not the "Michael Phillips" at issue here (or the real Michael Phillips who is a real meteorologist). See Exhibit J.

In other words, Google has absolutely no record of "Michael Phillips" being "a professional, accredited meteorologist who appears frequently in television, radio, and print media."

Moreover, various other websites have records of Plaintiff Konowicz leading a lengthy career outside of meteorology. For example, the LinkedIn profile "Michael J. Konowicz" that was discussed above (and attached as Exhibit B) describes Plaintiff

Konowicz as a “[p]assionate innovator within the media space.” It describes his work history as including: (1) EVP/Innovations at Communications Media, Inc. (March 2009–April 2013); (2) EVP/General Manager at Singularity Design (January 2010–January 2012); (3) EVP/Integrated Strategy & Account Management at Communications Media, Inc. (March 2009–October 2010); (4) Vice President at Digitas Health (February 2007–February 2009); (4) Vice President at Medical Broadcasting Company (February 2007–February 2007); (5) VP/Integrated Strategy at MarketSource IMS (March 1996–February 2007). Although this work history dates back nearly two decades, and although each position listed in the profile has a detailed description of Plaintiff Konowicz’s responsibilities, not one of them mentions any connection to meteorology whatsoever. Not one.

Another website, imediaconnection.com, includes a biography of “Michael Konowicz” that describes him as “Principal, isarithm.” See Exhibit K. It states:

Using a wealth of experience in digital marketing and emergent media, Michael Konowicz helps brands, large and small, conquer the ever-changing landscape. The digital, social, and mobile revolutions have transformed how audiences consume, share, and react to brand messages. With more than 20 years experience of being a forward-thinking, digital pioneer, familiar with this media revolution, Konowicz:

–Assists with business plans and overall marketing strategies. Partners with CMOs, Franchise Directors, and Brand Managers to develop comprehensive programs

to generate positive ROI in an ever-changing landscape.

–Develops and executes channel-neutral media programs, taking advantage of the synergies of broadcast, digital, and offline campaigns for brands.

Id.

The imediaconnection.com biography makes no mention of either Plaintiff Konowicz or isarithm having any involvement in meteorology whatsoever. Id.

Another website, vmamedia.com, contains a picture of the same “Michael Konowicz” that appears on imediaconnection.com website described above. See Exhibit L. According to the biography on this website, Plaintiff Konowicz is the “Founder” of “Blue Skies Media.” Id. It states:

Michael J. Konowicz is an interactive marketing veteran, having served Fortune 100 clients for over 20 years. Michael helped pioneer the use of interactive marketing in the web’s early days, driving digital strategy for some of the nation’s largest advertisers. As an example, Michael is responsible for launching Johnson & Johnson’s first search and mobile advertising campaigns in the US. For JCPenney, Michael launched their first online video advertising campaign. Michael also tackled some of the first digital campaigns for Hershey’s, Trojan Condoms, Contiki Tours, Kraft Foods, and Liz Claiborne.

Now Principal of Blue Skies media\thinking\consulting, a digital-leaning media agency with a focus in the healthcare space, Michael began his advertising career with MarketSource, a full-service marketing agency in New Jersey. After a 12 year run there, where he was able to earn Digital AOR status for J&J’s US consumer-facing brands, Michael left to join newly created Digitas Health. Digitas Health, which took the digital talent from Medical Broadcasting Company and merged it

with the scope and scale of Digitas, allowed Michael to fine-tune his expertise within the healthcare space. Michael then joined CMI, a media agency with a focus on the healthcare professional audience for pharmaceutical clients. There, Michael was responsible for Integrated Strategy, Creative, and Account Management as their EVP/GM.

Michael continues to bring to life innovative, strategic solutions for his pharmaceutical clients. Often featured in publications like PharmaVOICE and MM&M, speaking at conferences like ePharma or the iMedia Summit, Michael shares thought leadership with the community of pharma marketers often. Michael also explores trends outside of the healthcare space at events like CES and SxSW to understand the implications to the pharma world.

Id.

The VMA Media biography makes no mention of either Plaintiff Konowicz or isarithm having any involvement in meteorology whatsoever. Id.

Finally, Plaintiff Konowicz has filed for bankruptcy protection twice in the last four years. The first bankruptcy was filed on October 31, 2011. See In re Konowicz, No. 11-41621-MBK. According to the Schedule I ("Current Income of Individual Debtor(s)") that Plaintiff Konowicz filed under oath at that time, he was then employed as the Executive VP-Innovations for Communications Media Inc. See Exhibit M. The bankruptcy filing does not list any income from the practice of meteorology, and does not list any financial interest in isarithm or isarithm. Id. That bankruptcy was dismissed when the Court found that Plaintiff Konowicz filed his Chapter 13 Plan in bad faith. See

In re Konowicz, 470 B.R. 725, 726 and 730–31 (Bankr. D.N.J. 2012).

Plaintiff Konowicz filed a second bankruptcy on September 28, 2012. See In re Konowicz, No. 12–33873–MBK. Like his first bankruptcy, Plaintiff Konowicz again listed his employment as VP–Innovations for Communications Media Inc. See Exhibit N. Again, he did not list any income from the practice of meteorology, and did not list any financial interest in isarithm or isarithm anywhere in his bankruptcy filing. Id.

Thus, upon information and belief, Plaintiff Konowicz’s claim that he is a “a professional, accredited meteorologist who appears frequently in television, radio, and print media” is a sham that has been concocted for the purposes of this litigation and in violation of Fed. R Civ. P. 11.

9. DENIED. The averments of this paragraph are false for numerous reasons.

First, a certificate in Broadcast Meteorology from Mississippi State University is not a degree. Rather, it is 52-hour “distance learning” program that can be applied toward the University’s Bachelor of Science degree in Broadcast and Operational Meteorology. See Exhibit O.

Second, Plaintiff Konowicz’s claim that he is “accredited” by and/or a “member in good standing” of the American Meteorological Society (“AMS”) is misleading. The AMS operates

two accreditation programs: Certified Broadcast Meteorologist and Certified Consulting Meteorologist. See Exhibit P. Plaintiff Konowicz does not have either of these accreditations, and is not qualified for either.

In order to become an accredited Certified Broadcast Meteorologist, for example, a candidate "must hold a degree in meteorology or equivalent from an accredited college or university, pass a rigorous examination, and have their on-air work reviewed by a Board of examiners to assess graphical content, explanation, and presentation skills. In addition to the initial educational and test requirements, CBMs must earn 28 professional development points every five years in order to maintain their certification." See Exhibit Q. AMS recognizes only 556 individuals worldwide as Certified Broadcast Meteorologists, and Plaintiff Konowicz is not one of them. See Exhibit R. Moreover, he does meet the requirements to become one as set forth above.

Similarly, in order to become an accredited Certified Consulting Meteorologist, a candidate must "make application for the designation, be recommended by three associates, pass a stringent written examination, and pass an oral examination before a national board of examiners." See Exhibit S. In addition, there are strict, detailed college coursework requirements. See Exhibit T. AMS recognizes only 287 individuals

worldwide as Certified Consulting Meteorologists, and Plaintiff Konowicz is not one of them. See Exhibit U. Moreover, he does not meet the requirements to become one as set forth above.

Instead, Plaintiff Konowicz is a "member" of AMS. This is not an "accreditation." In order to become a "member," the applicant must pay a fee of approximately \$100 per year and successfully answer the following question on the application:

Section 3: Demonstrable Professional or Scholarly Expertise

Complete if applying for **Member** or **Member w/ Student Privileges**. For each school, indicate field of study (i.e., meteorology, engineering, geography, social science, etc.) and type of degree (i.e., B.S., M.S., Ph.D.). If applying for **Associate**, completion of this section is optional and your application for Associate membership may be submitted without it.

College/University	Specific year(s) of attendance	Field of Study	Degree attained

If no degree is indicated above, or if you'd like to provide additional information in support of your application, use the space provided to list other demonstrable professional expertise in the atmospheric or related sciences, technologies, applications, or services that meets the qualifications for Member (such as technical position held, military training, number of credit hours earned, etc.).

See Exhibit V. There are more than 13,000 AMS "members" worldwide. See Exhibit W.

10. DENIED. The averments of this paragraph are false because Plaintiff Konowicz misrepresented his social media following to the public (and to this Court) by using services to purchase "likes" and "followers" on social media from fake accounts, as was first revealed in investigations conducted by the weather organization WxRisk and ABC News Network meteorologist Mike Masco.

11. DENIED. After a reasonable investigation, Defendants are without information or knowledge sufficient to form a belief regarding the averments of this Paragraph, and, accordingly, they are deemed DENIED. Defendants affirmatively plead that if Plaintiff Konowicz owns the registered trademark Weatherboy Weather®, it has de minimis value.

12. DENIED. After a reasonable investigation, Defendants are without information or knowledge sufficient to form a belief regarding the averments of this Paragraph, and, accordingly, they are deemed DENIED.

13. ADMITTED.

14. ADMITTED.

15. DENIED.

16. DENIED.

17. DENIED.

18. DENIED.

19. ADMITTED.

20. DENIED.

21. DENIED.

22. DENIED.

23. DENIED.

24. DENIED.

25. DENIED.

26. DENIED.

27. DENIED.

28. DENIED.

29. DENIED.

30. DENIED.

COUNT I—Defamation

31. Defendants incorporate by reference their responses to each of the foregoing Paragraphs as if set forth in full.

32. DENIED.

33. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

34. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

35. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

36. DENIED. Defendants affirmatively plead that if Plaintiff Konowicz were to derive any income from any meteorology-related pursuits, then this income would be de minimis.

WHEREFORE, Defendants request that the Court enter judgment in favor of Defendants and against Plaintiffs and award Defendants' attorney's fees and costs, and sanctioning

Plaintiffs for violating Fed. R. Civ. P. 11 (b)(1) by bringing this litigation for an "improper purpose," namely, harassment.

COUNT II—Lanham Act

37. Defendants incorporate by reference their responses to each of the foregoing Paragraphs as if set forth in full.

38. DENIED.

39. DENIED.

40. DENIED.

41. DENIED.

42. DENIED.

43. DENIED.

44. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

45. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

WHEREFORE, Defendants request that the Court enter judgment in favor of Defendants and against Plaintiffs and award Defendants' attorney's fees and costs, and sanctioning Plaintiffs for violating Fed. R. Civ. P. 11 (b)(1) by bringing this litigation for an "improper purpose," namely, harassment.

**COUNT III—Common Law Unfair Competition
(Mistakenly Mis-Numbered as Count II in the Complaint)**

46. Defendants incorporate by reference their responses to each of the foregoing Paragraphs as if set forth in full.

47. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

48. DENIED. The averments of this Paragraph are conclusions of law to which no response is required, and, accordingly, they are deemed DENIED.

49. DENIED.

50. DENIED.

51. DENIED.

52. DENIED.

53. DENIED. Defendants affirmatively plead that Plaintiff Konowicz derives de minimis income from any meteorology-related pursuits.

54. DENIED. Defendants affirmatively plead that Plaintiff Konowicz derives de minimis income from any meteorology-related pursuits.

WHEREFORE, Defendants request that the Court enter judgment in favor of Defendants and against Plaintiffs and award Defendants' attorney's fees and costs, and sanctioning

Plaintiffs for violating Fed. R. Civ. P. 11 (b)(1) by bringing this litigation for an "improper purpose," namely, harassment.

SEPARATE DEFENSES

First Separate Defense—The Complaint fails to state a claim upon which relief could be granted.

Second Separate Defense—All statements Defendants have made about Plaintiffs are true.

Third Separate Defense—All statements made by Defendants are privileged.

Fourth Separate Defense—None of the statements made by Defendants were recklessly or knowingly false.

Fifth Separate Defense—All of the statements made by Defendants were made as a public service so as to warn the public about a sham weather blogger who is attempting to pass himself off as a professional meteorologist with a "team" of other professional meteorologists.

Sixth Separate Defense—All statements Defendants have made about Plaintiffs were made with a reasonable, good faith belief that they are true, and without actual malice.

Seventh Separate Defense—Plaintiffs have incurred no damages.

Eighth Separate Defense—Plaintiffs have suffered no reputational injury because they have very low reputational standing and are, therefore, "libel-proof."

Ninth Separate Defense—Plaintiffs' claims are barred by the doctrine of laches.

Tenth Separate Defense—Plaintiffs' claims are barred by the doctrines of waiver and estoppel.

Eleventh Separate Defense—Plaintiffs' claims are barred by Plaintiffs' unclean hands and fraud.

Twelfth Separate Defense—Plaintiffs' claims are frivolous, brought in bad faith, and violate Fed. R. Civ. P. 11.

COUNTERCLAIM

The Parties

1. Counterclaim Plaintiff Jonathan P. Carr is an individual and a resident of Barnegat, New Jersey. He is an amateur weather enthusiast who operates on the Internet and social media through Counterclaim Plaintiff Weather NJ, LLC and formerly through Counterclaim Plaintiff Severe NJ Weather, LLC.

2. Counterclaim Defendant Michael J. Konowicz ("Konowicz") is an individual and a resident of Hainesport, New Jersey.

Factual Allegations

3. Konowicz is an amateur weather blogger.
4. Konowicz is not a professional meteorologist.
5. Konowicz does not hold any degree in meteorology.

6. Konowicz's only formal training in meteorology is a 52-hour "distance learning" certificate from Mississippi State University.

7. Konowicz is not certified by the American Meteorological Society as Certified Broadcast Meteorologist.

8. Konowicz is not certified by the American Meteorological Society as a Certified Consulting Meteorologist.

9. Konowicz is not accredited by the American Meteorological Society.

10. Konowicz does not "appear frequently in television, radio, and print media."

11. Konowicz does not lead a "team" of professional meteorologists.

12. Konowicz holds himself out in other venues as a "marketing veteran" with 20 years of experience serving Fortune 100 clients, including Johnson & Johnson, JCPenney's, Hershey's, Trojan Condoms, Contiki Tours, Kraft Foods, and Liz Claiborne.

13. Konowicz's income from "practicing" meteorology is de minimis.

14. On or about June 23, 2015, Konowicz published a false posting on Facebook stating that the National Weather Service had "called out" Counterclaim Plaintiffs for "spreading harmful misinformation." Konowicz added: "We're glad to see the National Weather Service take a stand against them."

15. In fact, the National Weather Service had not "called out" or "taken a stand against" Counterclaim Plaintiffs for "spreading harmful misinformation" or for any other reason.

16. In order to confirm this, Counterclaim Plaintiff Carr personally contacted Gary Szatkowski of the National Weather Service in Mount Holly. He wrote to Mr. Szatkowski: "Gary, another weather page is claiming that you (NWS Mt. Holly) has taken a reprimanding stance against myself and Weather NJ. I know this is drama and I apologize for bringing it to you, but can you confirm if such a stance has been taken against me?" Mr. Szatkowski responded on behalf of the National Weather Service less than a half-hour later and stated: "Not aware of any problems. If I had an issue, would discuss with you. Mt. Holly re-tweeted a storm photo of yours yesterday."

17. In fact, Konowicz is the only party to this litigation who has ever been "called out" by the National Weather Service. See Answer ¶ 8(c) and Exhibit G.

18. Konowicz's statements, assertions and implications as described above, including the accusation that the National Weather Service had "called out" and "taken a stance against" Counterclaim Plaintiffs for "spreading harmful misinformation," are each categorically false.

19. Konowicz made each of these false statements with "actual malice," and either knew when published that his

defamatory statements were false or published these statements with a reckless disregard of their truth or falsity.

20. Konowicz published these defamatory statements with common law malice, wantonly, recklessly, grossly negligent and outrageously, and with the specific intent to harm the reputation of Counterclaim Plaintiffs.

21. Konowicz abused any conditional privilege by publishing his false and defamatory allegations with actual malice, common law malice, gross negligence, or negligence.

22. Konowicz's false and defamatory statements have directly and proximately caused Counterclaim Plaintiffs significant damages to their professional reputation and standing in the community, and have resulted in special harm to Counterclaim Plaintiffs.

WHEREFORE, Counterclaim Plaintiffs request that the Court enter judgment in favor of Counterclaim Plaintiffs and against Konowicz, and award compensatory damages, punitive damages, attorney's fees, and costs of suit, as well as such other relief that the Court deems just and equitable.

JURY DEMAND

Defendants/Counterclaim Plaintiffs request a trial by jury on all claims so triable.

EPSTEIN BECKER & GREEN, P.C.
Attorneys for Defendants
Jonathan P. Carr, Severe NJ
Weather, LLC, and Weather NJ, LLC

/s/Anthony Argiropoulos
/s/Thomas Kane

By: _____
ANTHONY ARGIROPOULOS
THOMAS KANE

Dated: November 9, 2015

CERTIFICATE OF SERVICE

I, Anthony Argiropoulos, Esquire, hereby certify that on this date I caused a true and correct copy of the foregoing Answer, Separate Defenses, Counterclaim, and Jury Demand to be served upon the following counsel of record via the Court's ECF electronic filing system:

David P. Heim, Esquire
BOCHETTO & LENTZ
1230 Brace Road
Cherry Hill, NJ 08034
Counsel for Plaintiffs Michael Konowicz
And Isarithm, LLC

/s/Anthony Argiropoulos
By: _____
ANTHONY ARGIROPOULOS

Dated: November 9, 2015