

STATE OF INDIANA            )  
  )SS:  
ST. JOSEPH COUNTY        )     CAUSE NO. 71Co1-1803-PL-000111

KATIE LEE,                                 )  
    Plaintiff,                                 )  
   )  
v.   )  
ALISON STANKRAUFF,                         )  
   )  
    and   )  
   )  
CATHERINE PAGE-VANORE                     )  
   )  
    Defendants.                                 )

**ANSWER AND COUNTERCLAIMS TO PLAINTIFF’S  
SECOND AMENDED COMPLAINT OF DEFENDANTS  
ALISON STANKRAUFF AND CATHERINE PAGE-VANORE**

Defendants Alison Stankrauff (“Stankrauff”) and Catherine Page-Vanore (“Page-Vanore”) (collectively “Defendants”) answer Plaintiff’s Second Amended Complaint as follows:

**FACTS COMMON TO ALL COUNTS**

1. For all time relevant to this case, Plaintiff has been a resident of St. Joseph County, Indiana.

**ANSWER:** Defendants are without sufficient information to either admit or deny the allegations.

2. For all times relevant to this case, the research and writing of the article *Partnership in the Preservation of Rustbelt Queer History* took place in St. Joseph County, Indiana.

**ANSWER:** Defendants admit parts of the article were researched and written in St. Joseph County, Indiana and denies the remainder of the allegations.

3. For all times relevant to this case, Defendant Alison Stankrauff was an employee of a university located in St. Joseph County, Indiana.

**ANSWER:** Stankrauff admits the allegation. Page-Vanore is without sufficient information to either admit or deny the allegations.

4. For all time relevant to this case, Defendant Catherine Page-Vanore was a resident of St. Joseph County, Indiana.

**ANSWER:** Page-Vanore admits the allegation. Stankrauff is without sufficient information to either admit or deny the allegations.

5. Plaintiff performed significant research and writing for the article which was eventually published as *Partnership in the Preservation of Rustbelt Queer History*.

**ANSWER:** Defendants admit that Plaintiff was a joint author of the article with the other parties but deny the remaining allegations.

6. Defendant Stankrauff was a collaborator on the article.

**ANSWER:** Defendants admit that Stankrauff was a joint author of the article and with the other parties but deny the remaining allegations.

7. Defendant Page-Vanore was a collaborator on the article.

**ANSWER:** Defendants admit that Page-Vanore was a joint author of the article with the other parties but deny the remaining allegations.

8. The Plaintiff and her two collaborators, Defendant Stankrauff and Defendant Page-Vanore, presented the article together at the Great Lakes History Conference.

**ANSWER:** Defendants admit that the article was presented at the Great Lakes History Conference but deny the remaining allegations.

9. The Plaintiff and her two collaborators, Defendant Stankrauff and Defendant Page-Vanore, presented the article together at the College Art Association.

**ANSWER:** Defendants admit that an article was presented at the College Art Association Conference but deny the remaining allegations.

10. At the Great Lakes History Conference, the Plaintiff and her two collaborators were approached by Gordon P. Andrews regarding the article.

**ANSWER:** Defendants admit that Mr. Andrews approached Plaintiff and Defendants at the Great Lakes History Conference but deny the remaining allegations.

11. Unbeknownst to Plaintiff, the article was submitted to Andrews,

Wangdi and Cambridge Scholars Publishing for publication.

**ANSWER:** Defendants admit that a different article was submitted to Andrews, Wangdi and Cambridge Scholars Publishing but deny the remaining allegations, including specifically Plaintiff's claim that she lacked knowledge of the submission.

12. The article was published by Cambridge Scholars Publishing in an anthology titled The Role of Agency and Memory in Historical Understanding, Revolution, Reform, and Rebellion.

**ANSWER:** Defendants admit an article was published with that title by Cambridge Scholars Publishing but that article differed from the one jointly authored by the parties. Defendants deny the remaining allegations.

13. On May 26, 2017, Plaintiff received notice that the article had been published.

**ANSWER:** Defendants are without sufficient information to either admit or deny the allegations.

14. Plaintiff Katie Lee was not credited as an author of the article.

**ANSWER:** Defendants deny Ms. Lee was an author of the article but and deny the remaining allegations.

#### **COUNT 1. CONVERSION**

15. Plaintiff incorporates by reference rhetorical paragraphs one (1) through twenty-one (15) as though fully set forth herein.

**ANSWER:** Defendants incorporate their previous answers as if fully set forth here.

16. Plaintiff was an owner of the article referenced in Paragraph 5 of this Complaint.

**ANSWER:** Denied.

17. Defendants Stankrauff and Page-Vanore knowingly or intentionally exerted unauthorized control over said article when it was published without Plaintiff's knowledge or approval.

**ANSWER:** Denied.

## **COUNT II. UNJUST ENRICHMENT**

18. Plaintiff incorporates by reference rhetorical paragraphs one (1) through twenty-four (18) as though fully set forth herein.

**ANSWER:** Defendants incorporate their previous answers as if fully set forth here.

19. Defendants Stankrauff and Page-Vanore used Plaintiff's research and writing in the published article.

**ANSWER:** Defendants states that the published article relied, in part, on the joint work of the parties. Defendants deny the remaining allegations.

20. Defendants Stankrauff and Page-Vanore used their credits related to the publishing of the article in order to enhance their respective resumes.

**ANSWER:** Denied.

21. Plaintiff Katie Lee has not received any benefit from her research and writing of the article when it was published in the book referenced in Paragraph 12 of this Complaint.

**ANSWER:** Denied.

#### **PRAYER FOR RELIEF AND JURY DEMAND**

WHEREFORE, the Plaintiff demands:

1. Trial by jury.
  2. The costs of this action.
  3. Full compensation for the injuries sustained.
  4. Punitive damages.
  5. Treble damages.
  6. Any and all just and proper relief in the premises.
22. Defendants deny Plaintiff is entitled to any of the relief she seeks.
23. Defendants deny all allegations not expressly admitted to be true.

#### **AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by unclean hands.

3. Plaintiff waived some or all of her claims.
4. Plaintiff's claims are barred in whole or in part by laches.
5. Plaintiff failed to mitigate her damages, if any.
6. Plaintiff's damages, if any, were caused by her own conduct or the conduct of others.
7. Defendants further allege that punitive damages are not proper for the following reasons:
  - a. They violate the excessive fines clause of the United States Constitution;
  - b. They violate the equal protection clauses of the United States and Indiana Constitutions;
  - c. They violate the due process clauses of the United States and Indiana Constitutions; and
  - d. They amount to criminal sanction and, therefore, the burden of proof of "a preponderance of the evidence" is improper.
8. Defendants are entitled to recover their costs and attorney's fees under Indiana Code § 34-52-1-1.
9. Some or all of Plaintiff's claims are preempted by federal law.

WHEREFORE, Defendants respectfully request that Plaintiff take nothing by way of her Second Amended Complaint, that the Court order Plaintiff to pay Defendants an amount equal to their costs of litigating this action, and that the Court award Defendants all other appropriate relief.

## **COUNTERCLAIM**

For their counterclaim against Katie Lee, Defendants and Counterclaimants Alison Stankrauff and Catherine Page-Vanore respectfully state as follows.

1. The Court has jurisdiction over the parties and claims in this counterclaim.
2. Plaintiff filed this action without a reasonable factual basis and continues to litigate the case without a reasonable factual basis. The action is frivolous, unreasonable or groundless.
3. In addition, Plaintiff continues to litigate her frivolous, unreasonable or groundless claims against Defendants after they clearly became frivolous, groundless, or baseless.
4. As a result, Defendants are entitled to recover her attorney's fees incurred in this litigation under Indiana Code § 34-52-1-1.

WHEREFORE, Defendants respectfully request the Court order Plaintiff to pay Defendants an amount equal to their costs and attorneys' fees of litigating this action, and that the Court award Defendants all other appropriate relief.

Respectfully submitted,

/s/John A. Conway  
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*Attorney for Defendants and  
Counterclaimants*

**CERTIFICATE OF SERVICE**

I certify that on June 1, 2018, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on June 1, 2018, the foregoing document was served upon the following person(s) via IEFS.

Margaret M. Marnocha  
[maggie@attorney-jones.com](mailto:maggie@attorney-jones.com)  
Andrew B. Jones

John W. Borkowski  
John.Borkowski@huschblackwell.com

/s/John A. Conway  
John A. Conway