

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
GREENSBORO DIVISION
Case No.: 1:17-CV-00276-CCE-JLW**

**The United States of America, ex rel.
Joseph M. Thomas,**

Plaintiff,

v.

**Duke University, Duke University Health
System, Inc., William M. Foster, Ph.D. and
Erin N. Potts-Kant,**

Defendants.

**DEFENDANT ERIN N. POTTS-KANT'S
ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT**

Defendant Erin N. Potts-Kant ("Defendant") responds to Plaintiff's Amended Complaint as follows:

1. Paragraph 1 summarizes Plaintiff's claims and does not constitute allegations of fact to which a response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 1.

I. Introduction

2. The allegations in Paragraph 2 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 2.

3. Paragraph 3 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 3.

4. Paragraph 4 alleges legal conclusions and allegations not directed at Defendant, to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 4.

5. Defendant admits that she has worked under the supervision of Defendant Foster. Except as expressly admitted, Defendant denies the allegations of Paragraph 5.

6. Paragraph 6 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 6.

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7 and therefore denies those allegations.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 and therefore denies those allegations.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9 and therefore denies those allegations.

10. Paragraph 10 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 10.

II. Jurisdiction and Venue

11. Paragraph 11 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 11.

12. Paragraph 12 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 12.

13. Paragraph 13 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 13.

14. Paragraph 14 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 14.

15. Paragraph 15 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 15.

III. Parties and Other Key Players

A. Joseph M. Thomas

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16 and therefore denies those allegations.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17 and therefore denies those allegations.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18 and therefore denies those allegations.

B. Duke University

19. Defendant admits upon information and belief that Defendant Duke University is a private university located in Durham, North Carolina. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 19 and therefore denies those allegations.

C. DUHS

20. Defendant admits the allegations of Paragraph 20 upon information and belief.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21 and therefore denies those allegations.

D. Erin N. Potts-Kant

22. Defendant admits that she was an employee of Duke University from January 2005, when she was 24 years old, to March 2013, and during that time worked with Defendant Foster in his Airway Physiology Laboratory. Except as expressly admitted, Defendant denies the allegations of Paragraph 22.

23. Defendant admits that she served as Clinical Research Coordinator II in the Pulmonary Division. Defendant further admits that the document attached to the Amended Complaint as Exhibit A appears to be a Job Description for the position of Clinical Research Coordinator II with Duke University. Defendant further admits that the Job Description is in writing and is the best evidence of its contents. Except as expressly admitted, Defendant denies the allegations of Paragraph 23.

- a. Defendant admits that the Job Description is in writing and is the best evidence of its contents. Except as expressly admitted, Defendant denies the allegations of Paragraph 23(a).
- b. Defendant admits that the Job Description is in writing and is the best evidence of its contents. Except as expressly admitted, Defendant denies the allegations of Paragraph 23(b).
- c. Defendant admits that the Job Description is in writing and is the best evidence of its contents. Except as expressly admitted, Defendant denies the allegations of Paragraph 23(c).
- d. Defendant admits that the Job Description is in writing and is the best evidence of its contents. Except as expressly admitted, Defendant denies the allegations of Paragraph 23(d).

E. William Michael Foster, Ph.D.

24. Defendant admits the allegations of Paragraph 24 upon information and belief.

25. The allegations in Paragraph 25 are not directed at Defendant, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 25.

F. Other Key Players

i. The Foster Lab

26. Defendant admits that the Foster Lab conducted experiments measuring effects of various inputs on the airways of laboratory mice. Except as expressly admitted, Defendant denies the allegations of Paragraph 26.

27. Defendant admits that various researchers collaborated with the Foster Lab to conduct experiments. Except as expressly admitted, Defendant denies the allegations of Paragraph 27.

28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28 and therefore denies those allegations.

ii. The Pulmonary Division

29. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29 and therefore denies those allegations.

30. Defendant admits that an institutional chart is attached to the Amended Complaint as Exhibit A-1. Defendant further admits that Exhibit A-1 is in writing and is the best evidence of its contents. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 30 and therefore denies those allegations.

31. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31 and therefore denies those allegations.

32. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32 and therefore denies those allegations.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33 and therefore denies those allegations.

34. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34 and therefore denies those allegations.

35. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35 and therefore denies those allegations.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36 and therefore denies those allegations.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37 and therefore denies those allegations.

38. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38 and therefore denies those allegations.

39. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39 and therefore denies those allegations.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40 and therefore denies those allegations.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41 and therefore denies those allegations.

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42 and therefore denies those allegations.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 and therefore denies those allegations.

iii. Other Researchers

44. Defendant admits that various researchers requested that employees in the Foster Lab conduct experiments. Except as expressly admitted, Defendant denies the allegations of Paragraph 44.

45. Defendant denies the allegations of Paragraph 45.

46. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46 and therefore denies those allegations.

IV. Legal Framework

A. The FCA

47. Paragraph 47 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 47.

48. Paragraph 48 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 48.

49. Paragraph 49 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 49.

50. Paragraph 50 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 50.

51. Paragraph 51 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 51.

B. NIH Grants

i. The relationship among NIH, PHS, and HHS

52. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52 and therefore denies those allegations.

53. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53 and therefore denies those allegations.

54. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54 and therefore denies those allegations.

ii. The purpose of NIH grants.

55. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55 and therefore denies those allegations.

56. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 56 and therefore denies those allegations.

57. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 57 and therefore denies those allegations.

58. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58 and therefore denies those allegations.

59. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59 and therefore denies those allegations.

iii. Grantee institutions must foster research integrity, protect against research misconduct, and safeguard public funds.

60. Paragraph 60 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 60.

61. Paragraph 61 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 61.

62. Paragraph 62 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 62.

63. Paragraph 63 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 63.

64. Paragraph 64 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 64.

65. Paragraph 65 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 65.

66. Paragraph 66 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 66.

67. Paragraph 67 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 67.

iv. Grantee institutions must maintain an assurance of compliance to receive funds.

68. Paragraph 68 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 68.

69. Paragraph 69 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 69.

70. Paragraph 70 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 70.

71. Paragraph 71 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 71.

72. Paragraph 72 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 72.

73. Paragraph 73 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 73.

74. Paragraph 74 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 74.

v. Grantee institutions must report and respond to allegations of possible research misconduct.

75. Paragraph 75 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 75.

76. Paragraph 76 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 76.

77. Paragraph 77 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 77.

78. Paragraph 78 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 78.

79. Paragraph 79 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 79.

80. Paragraph 80 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 80.

81. Paragraph 81 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 81.

82. Paragraph 82 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 82.

83. Paragraph 83 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 83.

84. Paragraph 84 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 84.

85. Paragraph 85 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 85.

vi. Grantee institutions must comply with all terms and conditions of the grant award.

86. Paragraph 86 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 86.

87. Paragraph 87 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 87.

vii. Institutional certifications relating to grant awards.

88. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 88 and therefore denies those allegations.

89. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89 and therefore denies those allegations.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 90 and therefore denies those allegations.

91. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 91 and therefore denies those allegations.

92. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 92 and therefore denies those allegations.

93. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 93 and therefore denies those allegations.

94. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 94 and therefore denies those allegations.

95. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 95 and therefore denies those allegations.

96. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 96 and therefore denies those allegations.

97. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 97 and therefore denies those allegations.

98. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 98 and therefore denies those allegations.

99. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 99 and therefore denies those allegations.

100. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 100 and therefore denies those allegations.

101. Paragraph 101 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 101.

viii. Grantee institutions are required to identify publications and research results in grant applications and grant progress reports, and to make published research funded by NIH grants publicly available.

102. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 102 and therefore denies those allegations.

103. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 103 and therefore denies those allegations.

104. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 104 and therefore denies those allegations.

105. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105 and therefore denies those allegations.

106. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106 and therefore denies those allegations.

ix. Enforcement actions and other remedies for research misconduct, the failure to foster an appropriate research environment, and the misuse of NIH grant funds.

107. Paragraph 107 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 107.

108. Paragraph 108 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 108.

109. Paragraph 109 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 109.

110. Paragraph 110 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 110.

111. Paragraph 111 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 111.

112. Paragraph 112 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 112.

113. Paragraph 113 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 113.

C. EPA Grants

114. Paragraph 114 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 114.

i. Certifications Relating to EPA Grant Awards

115. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 115 and therefore denies those allegations.

116. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 116 and therefore denies those allegations.

117. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 117 and therefore denies those allegations.

118. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118 and therefore denies those allegations.

119. Paragraph 119 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 119.

120. Paragraph 120 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 120.

ii. Grantee institutions are required to identify publications and research results in grant progress reports.

121. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 121 and therefore denies those allegations.

122. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 122 and therefore denies those allegations.

iii. EPA policy requires reporting and responding to allegations of research misconduct.

123. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123 and therefore denies those allegations.

124. Paragraph 124 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 124.

125. Paragraph 125 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 125.

126. Paragraph 126 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 126.

127. Paragraph 127 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 127.

128. Paragraph 128 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 128.

129. Paragraph 129 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 129.

130. Paragraph 130 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 130.

V. Factual Allegations

A. The purpose of medical research and the potential pitfalls in its pursuit.

131. Paragraph 131 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 131.

132. Paragraph 132 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 132.

133. Paragraph 133 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 133.

134. Paragraph 134 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 134.

135. Paragraph 135 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 135.

136. Paragraph 136 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 136.

137. Paragraph 137 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 137.

138. Paragraph 138 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 138.

B. Duke University's Policy

139. Paragraph 139 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 139.

140. Paragraph 140 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 140.

141. Paragraph 141 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 141.

142. Paragraph 142 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 142.

143. Paragraph 143 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 143.

144. Paragraph 144 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 144.

145. Paragraph 145 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 145.

146. Paragraph 146 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 146.

C. The Foster Lab engaged in systematic research misconduct and fraud.

147. Defendant admits the allegations of Paragraph 147.

148. Defendant admits the allegations of Paragraph 148.

149. Defendant admits that the Bio-Plex analyzes samples of biological material, identifies the presence of specific proteins, and quantifies the amount of those proteins within the samples. Defendant further admits that the Foster Lab used the Bio-Plex machine to quantify cytokines. Defendant further admits that the Bio-Plex is also referred to as the "Luminex" or "multiplex" machine. Except as expressly admitted, Defendant denies the allegations of Paragraph 149.

150. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 150 and therefore denies those allegations.

151. Defendant admits that she was hired by Duke University in 2005. The remaining allegations of Paragraph 151 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the remaining allegations of Paragraph 151.

152. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 152 and therefore denies those allegations.

153. Paragraph 153 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 153.

154. Paragraph 154 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 154.

155. Paragraph 155 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 155.

156. Defendant denies the allegations of Paragraph 156.

157. Defendant admits that she has altered data obtained from the flexiVent and multiplex machines. Except as expressly admitted, Defendant denies the allegations of Paragraph 157.

158. Defendant admits that she has generated experiment data that was altered. Except as expressly admitted, Defendant denies the allegations of Paragraph 158.

D. Based on false, fabricated, and fraudulent research results, Potts-Kant and Foster quickly co-authored dozens of publications in scientific journals.

159. Defendant admits that she was 32 years old in 2013. Defendant further admits that the publications attached to the Complaint as Exhibit B are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 159.

160. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 160 and therefore denies those allegations

161. Paragraph 161 is not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 161.

i. PMID 17993584 – *Airway Smooth Muscle Relaxation is Impaired in Mice Lacking the p47 Subunit of NAD(P)H Oxidase*

162. Defendant admits that the paper referenced in Paragraph 162 is in writing and is the best evidence of its content. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 162 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 162.

163. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 163 and therefore denies those allegations.

164. Defendant admits that the paper referenced in Paragraph 164 is in writing and is the best evidence of its content. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 164 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 164.

165. Defendant admits that the paper referenced in Paragraph 165 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 165.

ii. PMID 21684833 – *The Role of the Extracellular Matrix Protein Mindin in Airway Response to Environmental Airways Injury*

166. Defendant admits that the paper referenced in Paragraph 166 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 166.

167. Defendant admits that the paper referenced in Paragraph 167 is in writing and is the best evidence of its content. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 167 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 167.

168. Defendant denies the allegations of Paragraph 168.

169. Defendant admits that the paper referenced in Paragraph 169 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 169.

170. Defendant admits that the paper referenced in Paragraph 170 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 170.

iii. PMID 21037098 – *Hyaluronan Fragments Contribute to the Ozone Primed Immune Response to Lipopolysaccharide*

171. Defendant admits that the paper referenced in Paragraph 171 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 171.

172. Defendant admits that the paper referenced in Paragraph 172 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 172.

173. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 173 and therefore denies those allegations.

174. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 174 and therefore denies those allegations.

175. Defendant admits that the paper referenced in Paragraph 175 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 175.

176. Defendant admits that the paper referenced in Paragraph 176 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 176.

iv. PMID 19494306 – *SP-A Preserves Airway Homeostasis During Mycoplasma pneumoniae Infection in Mice*

177. Defendant admits that the paper referenced in Paragraph 177 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 177.

178. Defendant admits that the paper referenced in Paragraph 178 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 178.

179. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 179 and therefore denies those allegations.

180. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 180 and therefore denies those allegations.

181. Defendant admits that the paper referenced in Paragraph 181 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 181.

182. Defendant admits that the paper referenced in Paragraph 182 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 182.

v. PMID 18818374 – *The extracellular matrix protein mindin regulates trafficking of murine eosinophils into the airspace*

183. Defendant admits that the paper referenced in Paragraph 183 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 183.

184. Defendant admits that the paper referenced in Paragraph 184 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 184.

185. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 184 and therefore denies those allegations.

186. Defendant admits that the paper referenced in Paragraph 187 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 187.

187. Defendant admits that the paper referenced in Paragraph 187 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 187.

vi. PMID 17878331 – *Ambient Ozone Primes Pulmonary Innate Immunity in Mice*

188. Defendant admits that the paper referenced in Paragraph 188 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 188.

189. Defendant admits that the paper referenced in Paragraph 189 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 189.

190. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 190 and therefore denies those allegations.

191. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 191 and therefore denies those allegations.

192. Defendant admits that the paper referenced in Paragraph 192 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 192.

193. Defendant admits that the paper referenced in Paragraph 193 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 193.

vii. PMID 22073274 – *Hyaluronan Signaling during Ozone-Induced Lung*

Injury Requires TLR4, My D88, and TIRAP

194. Defendant admits that the paper referenced in Paragraph 194 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 194.

195. Defendant admits that the paper referenced in Paragraph 195 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 195.

196. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 196 and therefore denies those allegations.

197. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 197 and therefore denies those allegations.

198. Defendant admits that the paper referenced in Paragraph 198 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 198.

199. Defendant admits that the paper referenced in Paragraph 199 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 199.

viii. PMID 22773729 – *Alveolar Macrophages from Overweight/Obese Subjects with Asthma Demonstrate a Proinflammatory Phenotype*

200. Defendant admits that the paper referenced in Paragraph 200 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 200.

201. Defendant admits that the paper referenced in Paragraph 201 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 201.

202. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202 and therefore denies those allegations.

203. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202 and therefore denies those allegations.

204. Defendant admits that the paper referenced in Paragraph 204 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 204.

205. Defendant admits that the paper referenced in Paragraph 205 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 205.

ix. PMID 22502799 – *Mast cell TNF receptors regulate responses to Mycoplasma pneumoniae in surfactant protein A (SP-A)-/- mice*

206. Defendant admits that the paper referenced in Paragraph 206 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 206.

207. Defendant admits that the paper referenced in Paragraph 207 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 207.

208. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 208 and therefore denies those allegations.

209. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 209 and therefore denies those allegations.

210. Defendant admits that the paper referenced in Paragraph 210 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 210.

211. Defendant admits that the paper referenced in Paragraph 211 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 211.

x. Additional Publications

212. Defendant responds to the allegations set out in Exhibit E to the Amended Complaint in Exhibit A to this Answer. Defendant incorporates those responses as if fully set forth herein. Except as expressly admitted, Defendant denies the allegations of Paragraph 212.

xi. Potts-Kant and Foster used false and/or fabricated research results to publish scientific papers – EPA grant funding.

213. Defendant incorporates her responses set out in Exhibit A to this Answer. Except as expressly admitted, Defendant denies the allegations of Paragraph 213.

E. The defendants used the false and/or fabricated research results, as well as the fraudulent publications, to secure grant funding.

214. The allegations in Paragraph 214 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 214.

215. The allegations in Paragraph 215 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 215.

216. The allegations in Paragraph 216 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 216.

217. The allegations in Paragraph 217 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 217.

218. The allegations in Paragraph 218 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 218.

219. The allegations in Paragraph 219 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 219.

220. Defendant incorporates her responses to Paragraphs 206 through 211 as if fully set forth herein. The remaining allegations in Paragraph 220 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, except as expressly admitted, Defendant denies the allegations of Paragraph 220.

221. Defendant incorporates her responses to Paragraphs 70 through 74 of Exhibit A to this Answer as if fully set forth herein. The remaining allegations in Paragraph 221 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, except as expressly admitted, Defendant denies the allegations of Paragraph 221.

222. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 222 and therefore denies those allegations.

223. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 223 and therefore denies those allegations.

F. Duke University made false certifications

224. The allegations in Paragraph 224 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 224.

225. The allegations in Paragraph 225 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 225.

226. The allegations in Paragraph 226 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 226.

G. Beginning in March 2013, the Pulmonary Division reviewed the Foster Lab's data and found it to be false and/or fabricated.

227. Defendant admits that she pled guilty to two counts of misdemeanor common law forgery arising out of her misappropriation of Duke University funds. Except as expressly admitted, Defendant denies the allegations of Paragraph 227.

228. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 228 and therefore denies those allegations.

229. Defendant admits that Duke University placed her on leave in March 2013. Defendant further admits that the State of North Carolina charged her with felony obtaining property by false pretenses, which charge was later dismissed by the State. Except as expressly admitted, Defendant denies the allegations of Paragraph 229.

230. The allegations in Paragraph 230 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 230.

231. The allegations in Paragraph 231 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 231.

232. The allegations in Paragraph 232 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 232.

233. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 233 and therefore denies those allegations.

i. No raw data exists to support many of the Foster Lab's reported results.

234. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 234 and therefore denies those allegations.

235. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 235 and therefore denies those allegations.

236. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 236 and therefore denies those allegations.

237. Defendant admits that plate keys are records of multiplex experiments that allow researchers to confirm and compare reported values. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 237 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 237.

238. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 238 and therefore denies those allegations. Defendant expressly denies that reviewers' inability to locate raw data establishes that results reported in the referenced publications was false.

239. Defendant admits that the publications referenced in Paragraph 239 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 239.

ii. In some cases, the Foster Lab did not run the reported experiments.

240. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 238 and therefore denies those allegations. Defendant expressly denies that reviewers' inability to locate raw data establishes that the relevant experiments were not conducted.

241. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 241 and therefore denies those allegations.

242. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 242 and therefore denies those allegations.

243. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 238 and therefore denies those allegations. Defendant expressly denies that reviewers' inability to locate raw data establishes that the relevant experiments were not conducted.

244. Defendant denies the allegations of Paragraph 244.

245. Defendant admits that the publications referenced in Paragraph 245 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 245.

iii. The Foster Lab conducted experiments differently than was reported.

246. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 246 and therefore denies those allegations.

247. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 247 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 247.

248. Defendant denies the allegations of Paragraph 248.

249. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 249 and therefore denies those allegations.

250. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 246 and therefore denies those allegations.

251. Defendant denies the allegations of Paragraph 251 of the Complaint.

252. Defendant admits that the publications referenced in Paragraph 252 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 252.

iv. Potts-Kant manipulated the results of those experiments that she did run.

253. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 253 and therefore denies those allegations.

254. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 254 and therefore denies those allegations.

255. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 255 and therefore denies those allegations.

256. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 256 and therefore denies those allegations.

257. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 257 and therefore denies those allegations.

258. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 258 and therefore denies those allegations.

259. Defendant denies the allegations of Paragraph 259 of the Complaint.

260. Defendant admits that the publications referenced in Paragraph 260 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 260.

v. Reviewers cannot repeat the Foster Lab's results.

261. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 261 and therefore denies those allegations.

262. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 262 and therefore denies those allegations.

263. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 263 and therefore denies those allegations.

264. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 264 and therefore denies those allegations.

265. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 265 and therefore denies those allegations.

266. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 266 and therefore denies those allegations.

267. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 267 and therefore denies those allegations.

268. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 267 and therefore denies those allegations.

269. Defendant denies the allegations of Paragraph 269 of the Complaint.

270. Defendant admits that the publications referenced in Paragraph 270 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 270.

vi. Dr. Ledford identifies specific "manipulated" data.

271. Defendant admits that Exhibit D to the Amended Complaint is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 271.

272. Defendant admits that Exhibit D to the Amended Complaint is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 272.

273. Defendant admits that Exhibit D to the Amended Complaint is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 273.

274. Defendant admits that the paper referenced in Paragraph 274 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 274.

275. Defendant admits that Exhibit D to the Amended Complaint is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 275.

276. Defendant admits that the paper referenced in Paragraph 276 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 276.

277. Defendant admits that Exhibit D to the Amended Complaint and the paper referenced in Paragraph 277 are in writing and are the best evidence of their content. Except as expressly admitted, Defendant denies the allegations of Paragraph 277.

278. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 278 and therefore denies those allegations.

H. After March 2013, Duke failed to disclose what it knew about the research fraud from other researchers and the Government.

279. The allegations in Paragraph 279 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 279.

280. The allegations in Paragraph 280 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 280.

281. The allegations in Paragraph 281 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 281.

282. The allegations in Paragraph 282 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 282.

283. The allegations in Paragraph 283 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 283.

284. The allegations in Paragraph 284 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 284.

i. Duke University and/or DUHS misleadingly described the Potts-Kant situation as an "employment issue".

285. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 285 and therefore denies those allegations.

ii. Foster, Duke University and/or DUHS delayed retracting publications.

286. Defendant admits that inclusion of altered data in journal articles may require retraction. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 286 and therefore denies those allegations. Except as expressly admitted, Defendant denies the allegations of Paragraph 286.

287. The allegations in Paragraph 287 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 287.

iii. In Fall 2013, Duke University resubmitted its SP-A grant, using data that it knew to be false and/or fabricated.

288. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 288 and therefore denies those allegations.

289. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 289 and therefore denies those allegations.

290. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 290 and therefore denies those allegations.

291. Defendant admits that the paper referenced in Paragraph 291 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 291.

292. The allegations in Paragraph 292 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 292.

293. The allegations in Paragraph 293 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 293.

294. The allegations in Paragraph 294 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 294.

295. The allegations in Paragraph 295 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 295.

296. The allegations in Paragraph 295 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 295.

iv. Duke's primary interest—in particular the Pulmonary Division—has been self-preservation.

297. The allegations in Paragraph 297 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 297.

298. The allegations in Paragraph 298 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 298.

299. The allegations in Paragraph 299 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 299.

I. The Foster Lab research fraud and misconduct did not occur in a vacuum.

300. The allegations in Paragraph 300 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 300.

301. The allegations in Paragraph 301 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 301.

302. The allegations in Paragraph 302 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 302.

303. The allegations in Paragraph 303 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 303.

304. The allegations in Paragraph 304 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 304.

305. The allegations in Paragraph 305 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 305.

306. The allegations in Paragraph 306 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 306.

307. The allegations in Paragraph 307 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 307.

308. The allegations in Paragraph 308 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 308.

309. The allegations in Paragraph 309 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 309.

310. The allegations in Paragraph 310 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 310.

311. The allegations in Paragraph 311 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 311.

312. The allegations in Paragraph 312 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 312.

J. The Defendants' acts and omissions occurred knowingly.

313. Defendant admits that she was previously an employee of Duke University. The remainder of Paragraph 313 alleges a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 313. Except as expressly admitted, Defendant denies the allegations of Paragraph 313.

314. The allegations in Paragraph 314 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 314.

315. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 315 and therefore denies those allegations.

316. Defendant admits that to the extent she altered experiment data, she knew the altered experiment data was false. Defendant expressly denies that she had any knowledge, intent, or control regarding how such data was used. Except as expressly admitted, Defendant denies the allegations of Paragraph 316.

317. The allegations in Paragraph 317 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 317.

i. Foster, Duke University, and DUHS ignored repeated warnings and about the Foster Lab's research misconduct.

318. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 318 and therefore denies those allegations.

319. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 319 and therefore denies those allegations.

320. Defendant admits that she on occasion declined to provide flexiVent scripts to individuals outside of Duke University. Except as expressly admitted, Defendant denies the allegations of Paragraph 320.

321. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 321 and therefore denies those allegations.

322. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 322 and therefore denies those allegations.

323. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 323 and therefore denies those allegations.

324. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 324 and therefore denies those allegations.

325. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 325 and therefore denies those allegations.

ii. There were obvious red flags about Potts-Kant's methods.

326. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 326 and therefore denies those allegations.

327. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 327 and therefore denies those allegations.

328. Defendant admits the allegations of Paragraph 328.

329. Defendant denies the allegations of Paragraph 329.

330. Defendant expressly denies it took her approximately three minutes to process a mouse through the flexiVent machine. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 330 and therefore denies those allegations.

331. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 331 and therefore denies those allegations.

332. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 332 and therefore denies those allegations.

333. Defendant admits that altered experiment data generally supported the stated hypotheses and desired outcome. Except as expressly admitted, Defendant denies the allegations of Paragraph 333.

iii. Foster recklessly disregarded the truth or falsity of Potts-Kant's research results.

334. Defendant admits that while she was employed by Duke University she was in her mid-twenties to early-thirties and that she was a low-level employee under the supervision of Dr. Foster. Except as expressly admitted, Defendant denies the allegations of Paragraph 334.

335. The allegations in Paragraph 335 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 335.

336. The allegations in Paragraph 335 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 335.

337. The allegations in Paragraph 337 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 337.

338. Paragraph 338 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 338.

iv. Summary of knowledge/scienter that the reported research results were false and/or fabricated for Foster, Duke, and DUHS.

339. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339 and therefore denies those allegations.

- a. Defendant admits the allegations of Paragraph 339(a).
- b. Defendant admits that she has generated experiment data that was altered.

Except as expressly admitted, Defendant denies the allegations of Paragraph 339(b).

- c. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339(c) and therefore denies those allegations.
- d. The allegations in Paragraph 339(d) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 339(d).
- e. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339(e) and therefore denies those allegations.
- f. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339(f) and therefore denies those allegations.
- g. Defendant admits that her name appears as a co-author on multiple publications. Except as expressly admitted, Defendant denies the allegations of Paragraph 339(g).
- h. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339(h) and therefore denies those allegations.
- i. Defendant incorporates her response to Paragraph 333 as if fully set forth herein. Except as expressly admitted, Defendant denies the allegations of Paragraph 339(i).

j. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339(j) and therefore denies those allegations.

340. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 340 and therefore denies those allegations.

341. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 341 and therefore denies those allegations.

- a. Defendant admits the allegations of Paragraph 341(a).
- b. The allegations in Paragraph 341(b) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(b).
- c. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 341(c) and therefore denies those allegations.
- d. The allegations in Paragraph 341(d) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(d).
- e. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 341(e) and therefore denies those allegations.
- f. The allegations in Paragraph 341(f) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(f).

- g. Defendant incorporates her response to Paragraph 333 as if fully set forth herein. Except as expressly admitted, Defendant denies the allegations of Paragraph 341(g).
- h. The allegations in Paragraph 341(h) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(h).
- i. The allegations in Paragraph 341(i) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(i).
- j. The allegations in Paragraph 341(j) are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 341(j).

K. The Defendants' acts and omissions were material.

342. The allegations in Paragraph 342 and all of its subparts are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 342, including the allegations of subparts 342(a)-342(f).

343. The allegations in Paragraph 343 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 343.

L. Failure to Disclose and Concealment.

344. The allegations in Paragraph 344 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 344.

345. The allegations in Paragraph 344 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 344.

VI. Causes of Action

Count One: False or Fraudulent Claims in Grant Applications and Grant Progress Reports (All Defendants), 31 U.S.C. § 3729(a)(1)(A)

346. Defendant incorporates all preceding paragraphs as if fully set forth in Count One.

347. Paragraph 347 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 347.

348. Defendant denies the allegations of Paragraph 348.

349. Defendant denies the allegations of Paragraph 349.

350. The allegations in Paragraph 350 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 350.

351. The allegations in Paragraph 351 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 351.

352. The allegations in Paragraph 352 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 352.

353. The allegations in Paragraph 353 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 353.

354. Defendant admits that to the extent she altered experiment data, the altered experiment data was false. Defendant expressly denies that she had any knowledge, intent, or control regarding how such data was used. Except as expressly admitted, Defendant denies the allegations of Paragraph 354.

355. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 355 and therefore denies those allegations.

356. Defendant denies the allegations of Paragraph 356.

357. Defendant denies the allegations of Paragraph 357.

358. Defendant denies the allegations of Paragraph 358.

359. Defendant denies the allegations of Paragraph 359.

Count Two: False Records or Statements in Grant Applications, Grant Progress Reports, and Institutional Assurance and Annual Reports (All Defendants); 31 U.S.C. § 3729(a)(1)(B)

360. Defendant incorporates all preceding paragraphs as if fully set forth in Count Two.

361. Paragraph 361 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 361.

362. Defendant denies the allegations of Paragraph 362.

363. Defendant denies the allegations of Paragraph 363.

364. Defendant admits that to the extent she altered experiment data, the altered experiment data was false. Defendant expressly denies that she had any knowledge, intent, or

control regarding how such data was used. Except as expressly admitted, Defendant denies the allegations of Paragraph 364.

365. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 365 and therefore denies those allegations.

366. Defendant denies the allegations of Paragraph 366.

367. Defendant denies the allegations of Paragraph 367.

368. Defendant denies the allegations of Paragraph 368.

369. Defendant denies the allegations of Paragraph 369.

Count Three: Reverse False Claims (All Defendants); 31 U.S.C. § 3729(a)(1)(G)

370. Defendant incorporates all preceding paragraphs as if fully set forth in Count Three.

371. Paragraph 371 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 371.

372. Paragraph 372 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 372.

373. The allegations in Paragraph 373 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 373.

374. Defendant denies the allegations of Paragraph 374.

375. Defendant denies the allegations of Paragraph 375.

376. Defendant denies the allegations of Paragraph 376.

377. Defendant denies the allegations of Paragraph 374.

378. The allegations in Paragraph 378 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 378.

379. Defendant denies the allegations of Paragraph 379.

Count Four: False or Fraudulent Claims in Grant Applications and Grant Progress Reports with Respect to Duke's Assurance Status (Duke University and DUHS); 31 U.S.C. § 3729(a)(1)(A)

380. Defendant incorporates all preceding paragraphs as if fully set forth in Count Four.

381. Paragraph 381 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 381.

382. The allegations in Paragraph 382 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 382.

383. The allegations in Paragraph 383 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 383.

384. The allegations in Paragraph 384 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 384.

385. The allegations in Paragraph 385 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 385.

386. The allegations in Paragraph 386 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 386.

387. The allegations in Paragraph 387 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 387.

388. The allegations in Paragraph 388 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 388.

389. The allegations in Paragraph 389 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 389.

390. The allegations in Paragraph 390 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 390.

391. The allegations in Paragraph 391 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 391.

Count Five: False Records or Statements with Respect to Duke's Assurance Status (Duke University and DUHS); 31 U.S.C. § 3729(a)(1)(B)

392. Defendant incorporates all preceding paragraphs as if fully set forth in Count Five.

393. Paragraph 393 alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 393.

394. The allegations in Paragraph 394 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 394.

395. The allegations in Paragraph 395 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 395.

396. The allegations in Paragraph 396 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 396.

397. The allegations in Paragraph 397 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 397.

398. The allegations in Paragraph 398 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 398.

399. The allegations in Paragraph 399 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 399.

400. The allegations in Paragraph 400 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 400.

401. The allegations in Paragraph 401 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 401.

402. The allegations in Paragraph 402 are not directed at Defendant or her conduct, and therefore no response is required. To the extent a response is deemed necessary, Defendant denies the allegations of Paragraph 402.

RELIEF SOUGHT

Defendant denies that Plaintiff is entitled to any of the relief requested in its Amended Complaint.

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by government knowledge

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the public disclosure bar.

FIFTH AFFIRMATIVE DEFENSE

Defendant lacks the scienter required to find her liable for the causes of action alleged against her in the Amended Complaint.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claim for treble damages and statutory penalties violates the Excessive Fines Clause of Eighth Amendment to the U.S. Constitution.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claim for treble damages and statutory penalties violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

RESERVATION OF OTHER DEFENSES

Defendant reserves the right to add such other and further defenses as supported by the law and facts in this matter.

RESIDUAL DENIAL

All allegations not otherwise addressed are denied.

WHEREFORE, having fully answered Plaintiff's Amended Complaint, Defendant prays unto the Court as follows:

1. That Plaintiff have and recover nothing of Defendant and that this action be dismissed with prejudice;
2. That Defendant recover her costs, including her reasonable attorneys' fees, as may be provided by law;
3. That issues triable by a jury be tried to a jury; and
4. That the Court award such other and further relief as the Court may deem just and proper.

This, the 19th day of June, 2017.

PARRY TYNDALL WHITE

/s/ Amos G. Tyndall

Amos Granger Tyndall

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Attorneys for Defendant Erin N. Potts-Kant

CERTIFICATE OF SERVICE

This is to certify that the undersigned served the foregoing document on counsel of record by electronic filing with the Court using the CM/ECF system.

This the 19th day of June, 2017.

/s/ Amos G. Tyndall

Amos Granger Tyndall

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
GREENSBORO DIVISION
Case No.: 1:17-CV-00276-CCE-JLW**

**The United States of America, ex rel.
Joseph M. Thomas,**

Plaintiff,

v.

**Duke University, Duke University Health
System, Inc., William M. Foster, Ph.D. and
Erin N. Potts-Kant,**

Defendants.

EXHIBIT A

**TO DEFENDANT ERIN N. POTTS-KANT'S
ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT**

Defendant Erin N. Potts-Kant ("Defendant") responds to the allegations set forth in Exhibit E to Plaintiff's Amended Complaint as follows:

PMID 22052876 – *Maternal Diesel Inhalation Increases Airway Hyperreactivity in Ozone-Exposed Offspring*

1. Defendant admits that the paper referenced in Paragraph 1 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 1.

2. Defendant admits that the paper referenced in Paragraph 2 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 2.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3 and therefore denies those allegations.

4. Defendant admits that the paper referenced in Paragraph 4 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 4.

5. Defendant admits that the paper referenced in Paragraph 5 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 5.

PMID 21960548 – *Protective Role of T-bet and Th1 Cytokines in Pulmonary Grant-verses-Host Disease and Peribronchiolar Fibrosis*

6. Defendant admits that the paper referenced in Paragraph 6 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 6.

7. Defendant admits that the paper referenced in Paragraph 7 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 7.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 and therefore denies those allegations.

9. Defendant admits that the paper referenced in Paragraph 9 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 175.

10. Defendant admits that the paper referenced in Paragraph 10 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 10.

PMID 21930959 – *Ozone Inhalation Promotes CX3CR1-dependent Maturation of Resident Lung Macrophages which Limit Oxidative Stress and Inflammation*

11. Defendant admits that the paper referenced in Paragraph 11 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 11.

12. Defendant admits that the paper referenced in Paragraph 12 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13 and therefore denies those allegations.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14 and therefore denies those allegations.

15. Defendant admits that the paper referenced in Paragraph 15 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 15.

16. Defendant admits that the paper referenced in Paragraph 16 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 16.

PMID 23560245 – *Extracellular Matrix Protein Mindin is Required for the Complete Allergic Response to Fungal-Associated Proteinase*

17. Defendant admits that the paper referenced in Paragraph 17 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 17.

18. Defendant admits that the paper referenced in Paragraph 18 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19 and therefore denies those allegations.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 and therefore denies those allegations.

21. Defendant admits that the paper referenced in Paragraph 21 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 21.

22. Defendant admits that the paper referenced in Paragraph 22 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 22.

PMID 21784966 – *S-nitrosoglutathione supplementation to ovalbumin-sensitized and -challenged mice ameliorates methacholine-induced bronchoconstriction*

23. Defendant admits that the paper referenced in Paragraph 23 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 23.

24. Defendant admits that the paper referenced in Paragraph 24 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 24.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25 and therefore denies those allegations.

26. Defendant admits that the paper referenced in Paragraph 26 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 26.

27. Defendant admits that the paper referenced in Paragraph 27 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 27.

PMID 21724860 – *NOS2 regulation of LPS-induced airway inflammation via S-nitrosylation of NF-KB p65*

28. Defendant admits that the paper referenced in Paragraph 28 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 28.

29. Defendant admits that the paper referenced in Paragraph 29 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 29.

30. Defendant admits that the paper referenced in Paragraph 30 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 30.

PMID 21471107 – *c-Kit is Essential for Alveolar Maintenance and Protection from Emphysema-like Disease in Mice*

31. Defendant admits that the paper referenced in Paragraph 31 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 31.

32. Defendant admits that the paper referenced in Paragraph 32 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 32.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33 and therefore denies those allegations.

34. Defendant admits that the paper referenced in Paragraph 34 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 34.

35. Defendant admits that the paper referenced in Paragraph 35 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 35.

PMID 21411739 – *β-arrestin Deficiency Protects Against Pulmonary Fibrosis in Mice and Prevents Fibroblast Invasion of Extracellular Matrix*

36. Defendant admits that the paper referenced in Paragraph 36 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 36.

37. Defendant admits that the paper referenced in Paragraph 37 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 37.

38. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38 and therefore denies those allegations.

39. Defendant admits that the paper referenced in Paragraph 39 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 39.

40. Defendant admits that the paper referenced in Paragraph 40 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 40.

PMID 21285515 – *Particulate allergens potentiate allergic asthma in mice through sustained IgE-mediated mast cell activation*

41. Defendant admits that the paper referenced in Paragraph 41 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 41.

42. Defendant admits that the paper referenced in Paragraph 42 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 42.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 and therefore denies those allegations.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 and therefore denies those allegations.

45. Defendant admits that the paper referenced in Paragraph 45 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 45.

46. Defendant admits that the paper referenced in Paragraph 46 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 46.

PMID 21252304 – *Gastrin-releasing peptide blockade as a broad-spectrum anti-inflammatory therapy for asthma*

47. Defendant admits that the paper referenced in Paragraph 47 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 47.

48. Defendant admits that the paper referenced in Paragraph 48 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 48.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49 and therefore denies those allegations.

50. Defendant admits that the paper referenced in Paragraph 50 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 50.

51. Defendant admits that the paper referenced in Paragraph 51 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 51.

PMID 20543006 – *MARCKS-related peptide modulates in vivo the secretion of airway Muc5ac*

52. Defendant admits that the paper referenced in Paragraph 52 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 52.

53. Defendant admits that the paper referenced in Paragraph 53 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 53.

54. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54 and therefore denies those allegations.

55. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55 and therefore denies those allegations.

56. Defendant admits that the paper referenced in Paragraph 56 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 56.

57. Defendant admits that the paper referenced in Paragraph 57 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 57.

58. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58 and therefore denies those allegations.

PMID 20386143 – *Mast Cells Mediate Hyperoxia-Induced Airway Hyper-reactivity in Newborn Rats*

59. Defendant admits that the paper referenced in Paragraph 59 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 59.

60. Defendant admits that the paper referenced in Paragraph 60 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 60.

61. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61 and therefore denies those allegations.

62. Defendant admits that the paper referenced in Paragraph 62 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 62.

63. Defendant admits that the paper referenced in Paragraph 63 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 63.

PMID 20348208 – *Nitric Oxide Mediates Relative Airway Hyperresponsiveness to Lipopolysaccharide in Surfactant Protein A-Deficient Mice*

64. Defendant admits that the paper referenced in Paragraph 64 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 64.

65. Defendant admits that the paper referenced in Paragraph 65 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 65.

66. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66 and therefore denies those allegations.

67. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67 and therefore denies those allegations.

68. Defendant admits that the paper referenced in Paragraph 68 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 68.

69. Defendant admits that the paper referenced in Paragraph 69 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 69.

PMID 19762564 – *Maternal Exposure to Particulate Matter Increases Postnatal Ozone-induced Airway Hyperreactivity in Juvenile Mice*

70. Defendant admits that the paper referenced in Paragraph 70 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 70.

71. Defendant admits that the paper referenced in Paragraph 71 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 71.

72. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72 and therefore denies those allegations.

73. Defendant admits that the paper referenced in Paragraph 73 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 73.

74. Defendant admits that the paper referenced in Paragraph 74 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 74.

PMID 19581591 – *NPAS3 is a tracheales homolog critical for lung development and homeostasis*

75. Defendant admits that the paper referenced in Paragraph 75 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 75.

76. Defendant admits that the paper referenced in Paragraph 76 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 76.

77. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77 and therefore denies those allegations.

78. Defendant admits that the paper referenced in Paragraph 78 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 78.

79. Defendant admits that the paper referenced in Paragraph 79 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 79.

PMID 19324975 – *Protection from Lipopolysaccharide-induced Lung Injury by Augmentation of Airway S-Nitrosothiols*

80. Defendant admits that the paper referenced in Paragraph 80 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 80.

81. Defendant admits that the paper referenced in Paragraph 81 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 81.

82. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 82 and therefore denies those allegations.

83. Defendant admits that the paper referenced in Paragraph 83 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 83.

84. Defendant admits that the paper referenced in Paragraph 84 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 84.

PMID 19204996 – *A Robust Protocol for Regional Evaluation of Methacholine Challenge in Mouse Models of Allergic Asthma Using Hyperpolarized ³He MRI*

85. Defendant admits that the paper referenced in Paragraph 85 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 85.

86. Defendant admits that the paper referenced in Paragraph 86 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 86.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 87 and therefore denies those allegations.

88. Defendant admits that the paper referenced in Paragraph 88 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 88.

89. Defendant admits that the paper referenced in Paragraph 89 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 89.

PMID 19059883 – *NAD(P)H Quinone Oxidoreductase 1 Is Essential for Ozone-Induced Oxidative Stress in Mice and Humans*

90. Defendant admits that the paper referenced in Paragraph 90 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 90.

91. Defendant admits that the paper referenced in Paragraph 91 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 91.

92. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 92 and therefore denies those allegations.

93. Defendant admits that the paper referenced in Paragraph 93 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 93.

94. Defendant admits that the paper referenced in Paragraph 94 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 94.

PMID 18802477 – *In utero supplementation with methyl donors enhances allergic airway disease in mice*

95. Defendant admits that the paper referenced in Paragraph 95 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 95.

96. Defendant admits that the paper referenced in Paragraph 96 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 96.

97. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 97 and therefore denies those allegations.

98. Defendant admits that the paper referenced in Paragraph 98 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 98.

99. Defendant admits that the paper referenced in Paragraph 99 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 99.

PMID 18566189 – *A micro-CT analysis of murine lung recruitment in bleomycin-induced lung injury*

100. Defendant admits that the paper referenced in Paragraph 100 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 100.

101. Defendant admits that the paper referenced in Paragraph 101 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 101.

102. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 102 and therefore denies those allegations.

103. Defendant admits that the paper referenced in Paragraph 103 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 103.

104. Defendant admits that the paper referenced in Paragraph 104 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 104.

PMID 18539952 – *Chronic LPS Inhalation Causes Emphysema-Like Changes in Mouse Lung that Are Associated with Apoptosis*

105. Defendant admits that the paper referenced in Paragraph 105 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 105.

106. Defendant admits that the paper referenced in Paragraph 106 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 106.

107. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107 and therefore denies those allegations.

108. Defendant admits that the paper referenced in Paragraph 108 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 108.

109. Defendant admits that the paper referenced in Paragraph 109 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 109.

PMID 23010656 – Hyaluronan Activation of the Nlrp3 Inflammasome Contributes to the Development of Airway Hyperresponsiveness

110. Defendant admits that the paper referenced in Paragraph 110 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 110.

111. Defendant admits that the paper referenced in Paragraph 111 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 111.

112. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112 and therefore denies those allegations.

113. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 113 and therefore denies those allegations.

114. Defendant admits that the paper referenced in Paragraph 114 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 114.

115. Defendant admits that the paper referenced in Paragraph 115 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 115.

PMID 22815821 – *Innate Immune Activation by Inhaled Lipopolysaccharide, Independent of Oxidative Stress, Exacerbates Silica-Induced Pulmonary Fibrosis in Mice*

116. Defendant admits that the paper referenced in Paragraph 116 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 116.

117. Defendant admits that the paper referenced in Paragraph 117 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 117.

118. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118 and therefore denies those allegations.

119. Defendant admits that the paper referenced in Paragraph 119 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 119.

120. Defendant admits that the paper referenced in Paragraph 120 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 120.

PMID 22659878 – *NAD(P)H: Quinone Oxidoreductase 1 Protects Lungs From Oxidant-Induced Emphysema in Mice*

121. Defendant admits that the paper referenced in Paragraph 121 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 121.

122. Defendant admits that the paper referenced in Paragraph 122 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 122.

123. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123 and therefore denies those allegations.

124. Defendant admits that the paper referenced in Paragraph 124 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 124.

125. Defendant admits that the paper referenced in Paragraph 125 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 125.

PMID 23275341 – *NADPH: Quinone Oxidoreductase 1 Regulates Host Susceptibility to Ozone via Isoprostane Generation*

126. Defendant admits that the paper referenced in Paragraph 126 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 126.

127. Defendant admits that the paper referenced in Paragraph 127 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 127.

128. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 128 and therefore denies those allegations.

129. Defendant admits that the paper referenced in Paragraph 129 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 129.

130. Defendant admits that the paper referenced in Paragraph 130 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 130.

PMID 22659878 – NAD(P)H quinone oxidoreductase 1 regulates neutrophil elastase-induced mucous cell metaplasia

131. Defendant admits that the paper referenced in Paragraph 131 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 131.

132. Defendant admits that the paper referenced in Paragraph 132 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 132.

133. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 133 and therefore denies those allegations.

134. Defendant admits that the paper referenced in Paragraph 134 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 134.

135. Defendant admits that the paper referenced in Paragraph 135 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 135.

PMID 22241062 – Effects of corticosteroid treatment on airway inflammation, mechanics, and hyperpolarized ³He magnetic resonance imaging in an allergic mouse model

136. Defendant admits that the paper referenced in Paragraph 136 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 136.

137. Defendant admits that the paper referenced in Paragraph 137 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 137.

138. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138 and therefore denies those allegations.

139. Defendant admits that the paper referenced in Paragraph 139 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 139.

140. Defendant admits that the paper referenced in Paragraph 140 is in writing and is the best evidence of its content. Except as expressly admitted, Defendant denies the allegations of Paragraph 140.