

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
TWENTY-FIFTH DIVISION

DIONYSIUS HIPP, INDIVIDUALLY
on behalf of himself and All Others
Similarly Situated

PLAINTIFF

V.

NO. 2009-CV-20432

MECHANICAL PUBLISHERS, INC.
and BANANABERRY ENTERPRISES,
INC.

DEFENDANTS

ANSWER OF BANANABERRY ENTERPRISES, INC.

Comes now Defendant Bananaberry Enterprises, Inc., by and through its General Counsel, J. Gerard Schulze, and for its Answer to the Complaint of Dionysius Hipp, states:

1. Defendant admits the allegations of Paragraph 1 of the Complaint.
2. Defendant admits the allegations of Paragraph 2 of the Complaint insofar as it alleges that Defendant Mechanical Publishers is an Arkansas Corporation, registered with the Secretary of State, whose agent for service is O. Julius Bananaberry. Defendant denies all other allegations of Paragraph except to state that the erroneous conviction of O. Julius Bananaberry is indeed on appeal.
3. Defendant admits the allegations of paragraph 3 of the Complaint that Bananaberry Enterprises is a Luxembourg Corporation authorized to do business in Arkansas and that O. Julius Bananaberry is listed by the Secretary of State of the State of Arkansas as the agent for service. However, as a Foreign Corporation authorized to transact business in the State of Arkansas, Defendant invokes the provisions of the Geneva Convention and demands that service be had pursuant to the Geneva Convention. Under the Geneva Convention, Plaintiff must

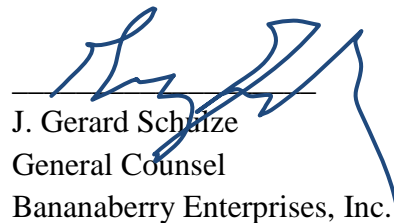
translate the Complaint into the language of the Domiciliary Nation for service of process.

When the Domiciliary Nation has more than one official language, Defendant may elect which of the languages of the domiciliary nation the Plaintiff must use. For purposes of this right, this defendant elects Letzebürgesch. For the benefit of the Court, Defendant represents that he invokes this right under the doctrine of *stercorem tauri* as Plaintiff is plainly *non compos mentis* and appears *pro se*.

4. Defendant denies all other allegations of the complaint generally and specifically.
5. Defendant alleges the following affirmative defenses:
 - a. statute of limitations,
 - b. waiver,
 - c. insufficiency of process,
 - d. insufficiency of service of process,
 - e. failure to state facts upon which relief can be granted,

WHEREFORE, Plaintiff's complaint should be dismissed, Defendant asks for costs, attorney's fees, and all other just and proper relief.

Respectfully submitted,



J. Gerard Schulze
General Counsel
Bananaberry Enterprises, Inc.

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