

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil No. WMN05CV1297
)
)
JOHN BAPTIST KOTMAIR, JR., and)
SAVE-A-PATRIOT FELLOWSHIP)
)
Defendants.)

AMENDED ANSWER TO COMPLAINT FOR
PERMANENT INJUNCTION

NOW INTO COURT through undersigned counsel comes Defendant,
SAVE-A-PATRIOT FELLOWSHIP (SAPF or the Fellowship), an
unincorporated association domiciled in the State of Maryland, who amends
its original answer to the Complaint for Permanent Injunction heretofore
filed on July 14, 2005, respectfully represents:

1. Pursuant to FRCP Rule 15(c), Defendant amends its original
answer filed in this matter on July 14, 2005, to add the following and read
as:

“FIRST AFFIRMATIVE DEFENSE

“Defendant, SAVE-A-PATRIOT FELLOWSHIP, shows that between the plaintiff to this lawsuit and this defendant, by memorandum of decision and judgment dated December 18, 1996, in the matter styled ‘Save-A-Patriot Fellowship v. United States of America,’ No. MJG-95-935, in the United States District Court for the District of Maryland, [962 F. Supp 695], this Court has already judicially determined SAVE-A-PATRIOT FELLOWSHIP to be a lawfully constituted unincorporated association and a legal entity separate and distinct from John B. Kotmair, Jr., and that this issue is therefore fixed and determined between these parties for all purposes in this lawsuit under the doctrine of *Res Judicata*.”

“SECOND AFFIRMATIVE DEFENSE

“Defendant, SAVE-A-PATRIOT FELLOWSHIP, shows that between the plaintiff to this lawsuit and this defendant, by memorandum of decision and judgment dated December 18, 1996, in the matter styled ‘Save-A-Patriot Fellowship v. United States of America,’ No. MJG-95-935, in the United States District Court for the District of Maryland, [962 F. Supp 695], this Court has already judicially determined that regarding the Membership Assistance Program and Patriot Defense Fund ‘insurance-like protection’ offered by defendant, that where there is an *illegal* confiscation by the IRS, nothing is paid or promised to be paid by defendant but that the ‘insurance’

is a pledge by individual subscribing members to reimburse directly other members who suffer a ‘qualified’ loss and that this issue is therefore fixed and determined between these parties for all purposes in this lawsuit under the doctrine of *Res Judicata*.”

2. Defendant reiterates and reaffirms all of its defenses and responses to paragraphs 1 through 48 of its original answer to plaintiff’s complaint filed herein by this defendant on July 14, 2005.

3. Defendant prays that this Court grant leave to file this amended answer.

WHEREFORE, defendant, SAVE-A-PATRIOT FELLOWSHIP,
prays;

I. For leave to file this amended answer; and

II. That this amended answer be deemed sufficient and that after due proceedings, that there be judgment rendered herein, in favor of defendant and against plaintiff dismissing plaintiff’s demands with prejudice at plaintiff’s costs.

 /s/
George E. Harp, Bar #22429

610 Marshall St., Ste. 619
Shreveport, Louisiana 71101

phone (318) 424 2003
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CERTIFICATE

The undersigned hereby certifies that a printed copy of the foregoing Answer to Complaint for Permanent Injunction was sent to JOHN BAPTIST KOTMAIR, JR., pro se, P. O. Box 91, 2911 Groves Mill Road, Westminster, Maryland, 21158, and counsel for plaintiff, ANNE NORRIS GRAHAM, Trial Attorney, Tax Division, U.S. Department of Justice, Post Office Box 7238, Washington, D.C., 20044, by first class U. S. Mail with sufficient postage affixed this 8th day of August, 2005.

/s/

Of Counsel

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)
 JOHN BAPTIST KOTMAIR, JR., and)
 SAVE-A-PATRIOT FELLOWSHIP)
)
 Defendants.)

ORDER

Considering the foregoing,

IT IS ORDERED that leave be and is hereby granted for defendant,
SAVE-A-PATRIOT FELLOWSHIP, to file the foregoing Amended Answer
to Complaint for Permanent Injunction.

Baltimore, Maryland, this _____ day of August, 2005.

J U D G E