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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 CELESTIAL, INC.) CASE NO. C-11-8512 GHK (MRW)
14)
15 Plaintiff.)
16) **ANSWER OF DEFENDANT CYNTHIA**
17 vs.) **MOLNAR**
18)
19 GARY CATALANO, KENNY)
20 DAUGHERTY, CYNTHIA MOLNAR)
21 MARTHA SEVERINO, SHALE SMITH) **JURY TRIAL DEMANDED**
22 And DAVID SOPP)
23)
24 Defendants.)
25)
26)
27)
28)

29 Now comes Defendant Cynthia Molnar, by and through counsel, and files this
30 Answer to the First Amended Complaint filed by Celestial, Inc. (“Celestial”) answering for
31 herself alone as follows:

- 32 1. Defendant denies having any knowledge of, contact or association with, and/or
33 further denies acting in concert, collectively or interdependently with any of the other named
34 Defendants, all of whom are strangers to her.
- 35 2. Defendant denies each and every allegation of Paragraph 1 of the Complaint.
- 36 3. Defendant denies each and every allegation of Paragraph 2 with the exception that
37 Defendant is without knowledge or information sufficient to admit or deny the allegations
38 contained in the second, third, and fourth sentences of Paragraph 2.

1 4. Defendant is without knowledge or information sufficient to admit or deny the
2 allegations contained in Paragraph 3.

3 5. Defendant denies each and every allegation of Paragraph 4 of the Complaint.

4 6. Defendant denies each and every allegation of Paragraph 5 of the Complaint.

5 7. Defendant denies each and every allegation of Paragraph 6 of the Complaint.

6 8. Defendant denies each and every allegation of Paragraph 7 of the Complaint.

7 9. Defendant denies each and every allegation of Paragraph 8 of the Complaint with
8 the exception that Defendant admits this Court has subject matter jurisdiction for claims
9 involving copyright infringement pursuant to 17 U.S. Code §§ 101, *et seq.* and 28 U.S. Code §§
10 1331 and 1338(a).

11 10. Defendant denies each and every allegation of Paragraph 9 of the Complaint with
12 the exception that Defendant admits Defendant resides within the jurisdiction of this Court.

13 11. Defendant denies each and every allegation of Paragraph 10 of the Complaint
14 with the exception that Defendant is without knowledge or information sufficient to admit or
15 deny the facts alleged in Paragraph 10.

16 12. Defendant denies each and every allegation of Paragraph 11 of the Complaint.

17 13. Defendant denies each and every allegation of Paragraph 12 of the Complaint
18 with the exception that Defendant is without knowledge or information sufficient to admit or
19 deny the facts alleged in Paragraph 12.

20 14. Defendant denies each and every allegation of Paragraph 13 of the Complaint.

21 15. Defendant denies each and every allegation of Paragraph 14 of the Complaint
22 with the exception that Defendant admits Venue is proper pursuant to 28 U. S. Code §1400(a).

23 16. Defendant is without knowledge or information sufficient to admit or deny the
24 facts alleged in Paragraph 15.

25 17. Defendant denies each and every allegation of Paragraph 16.

26 18. Defendant denies each and every allegation of Paragraph 17.

27 19. Defendant denies each and every allegation of Paragraph 18.

1 20. Defendant denies each and every allegation of Paragraph 19.

2 21. Defendant denies each and every allegation of Paragraph 20.

3 22. Defendant denies each and every allegation of Paragraph 21.

4 23. Defendant denies each and every allegation of Paragraph 22.

5 24. Defendant denies each and every allegation of Paragraph 23.

6 25. Defendant is without knowledge or information sufficient to admit or deny the
7 facts alleged in Paragraph 24.

8 26. Defendant is without knowledge or information sufficient to admit or deny the
9 facts alleged in Paragraph 25.

10 27. Defendant is without knowledge or information sufficient to admit or deny the
11 facts alleged in Paragraph 26.

12 28. Defendant is without knowledge or information sufficient to admit or deny the
13 facts alleged in Paragraph 27.

14 29. Defendant denies each and every allegation of Paragraph 28 with the exception
15 that Defendant is without knowledge or information sufficient to admit or deny any facts alleged
16 in all previous paragraphs.

17 30. Defendant denies each and every allegation of Paragraph 29 of the Complaint
18 with the exception that Defendant is without knowledge or information sufficient to admit or
19 deny the facts alleged in the paragraph.

20 31. Defendant is without knowledge or information sufficient to admit or deny the
21 facts alleged in Paragraph 30 of the Complaint.

22 32. Defendant is without knowledge or information sufficient to admit or deny the
23 facts alleged in Paragraph 31 of the Complaint.

24 33. Defendant is without knowledge or information sufficient to admit or deny the
25 facts alleged in Paragraph 32 of the Complaint.

26 34. Defendant is without knowledge or information sufficient to admit or deny the
27 facts alleged in Paragraph 33 of the Complaint.

1 35. Defendant denies each and every allegation of Paragraph 34.

2 36. Defendant denies each and every allegation of Paragraph 35 with the exception
3 that Defendant is without knowledge or information sufficient to admit or deny the facts alleged
4 in all previous paragraphs.

5 37. Defendant denies each and every allegation of Paragraph 36 with the exception
6 that Defendant is without knowledge or information sufficient to admit or deny the facts alleged
7 in this paragraph.

8 38. Defendant is without knowledge or information sufficient to admit or deny the
9 facts alleged in Paragraph 37.

10 39. Defendant denies each and every allegation of Paragraph 38.

11 40. Defendant denies each and every allegation of Paragraph 39.

12 41. Defendant denies each and every allegation of Paragraphs 40 and 41 with the
13 exception that Defendant is without knowledge or information sufficient to admit or deny the
14 facts alleged in all previous paragraphs.

15 42. Defendant denies each and every allegation of Paragraph 42.

16 43. Defendant denies each and every allegation of Paragraph 43.

17 44. Defendant denies each and every allegation of Paragraph 44.

18 45. Defendant is without knowledge or information sufficient to admit or deny the
19 facts alleged in Paragraph 45.

20 46. Defendant is without knowledge or information sufficient to admit or deny the
21 facts alleged in Paragraph 46.

22 47. Defendant denies each and every allegation of Paragraph 47.

23 48. Defendant denies each and every allegation of Paragraph 48.

24 49. Defendant denies each and every allegation of Paragraph 49.

25 50. Defendant denies each and every allegation of Paragraph 50.

26 51. Defendant denies each and every allegation of Paragraph 51.

27 52. Defendant denies each and every allegation of Paragraph 52.

1 53. Defendant denies each and every allegation of Paragraph 53.

2 54. Defendant denies each and every allegation of Paragraph 54.

3 55. Defendant denies each and every allegation of Paragraph 55 with the exception
4 that Defendant is without knowledge or information sufficient to admit or deny the facts alleged
5 in all previous paragraphs.

6 56. Defendant denies each and every allegation of Paragraph 56.

7 57. Defendant denies each and every allegation of Paragraph 57.

8 58. Defendant denies each and every allegation of Paragraph 58 with the exception
9 that Defendant is without knowledge or information sufficient to admit or deny the facts alleged
10 in this paragraph.

11 59. Defendant denies each and every allegation of Paragraph 59.

12 60. Defendant denies each and every allegation of Paragraph 60.

13 61. Defendant denies each and every allegation of Paragraph 61.

14 62. Defendant denies each and every allegation of Paragraph 62.

15 **JURY DEMAND**

16 63. Pursuant to Rule 28 of the Federal Rules of Civil Procedure, Defendant demands
17 a trial by jury of all issues properly triable by a jury in this action.

18 **AFFIRMATIVE DEFENSES**

19 64. FIRST AFFIRMATIVE DEFENSE. The Complaint fails to state a claim for
20 which relief can be granted.

21 65. SECOND AFFIRMATIVE DEFENSE. The Plaintiff has engaged in unclean
22 hands.

23 **PRAYER**

24 Therefore, Defendant respectfully requests relief as follows:

25 1. That the Court enters judgment in favor of Defendant that she has not infringed
26 Plaintiff's copyright or otherwise injured Plaintiff.

27 2. That Plaintiff takes nothing as a result of its Complaint.

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3. That the Court award Defendant attorneys' fees and costs incurred in defending this action pursuant to 17 U.S. Code §505.

4. That the Court grants Defendant such other and additional relief as is just and proper.

Dated: March 17, 2012

By /S/ - Bertrand E. Christian
Bertrand E. Christian
Attorney for Defendant Cynthia Molnar