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4 Attorney for Defendant Richard Saathoff

5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **IN AND FOR THE DISTRICT OF ARIZONA**

8  
9 **K-BEECH, INC.,**

10 Plaintiff,

11 **vs.**

12 **GEORGE HERNANDEZ, SHANA**  
13 **SHREIBER, RICHARD SAATHOFF, BRIAN**  
**TROTTIER, and CATHERINE VALDEZ,**

14 Defendants.

**Case No. 2:11-cv-01604-NVW**

**SEPARATE ANSWER OF DEFENDANT**  
**RICHARD SAATHOFF**

(First Request)

15  
16 Defendant Richard Saathoff (hereinafter "Saathoff"), by and through his attorney  
17 undersigned, hereby answer Plaintiff's Complaint in the above captioned matter as follows:

18 1. In response to Paragraphs 1 and 2 of the Amended Complaint, Defendant Saathoff  
19 admits Plaintiff's action is brought under the 17 U.S.C. §§ 101 et. seq., and alleges Defendant  
20 Saathoff has committed direct and contributory copyright infringement. Defendant Saathoff  
21 denies he has committed either direct or contributory copy right infringement and denies all  
22 remaining allegations set forth in Paragraphs 1 and 2 of the Amended Complaint not expressly  
23 admitted herein.

1           2.       In response to Paragraphs 3, 4 and 5 of the Amended Complaint, Defendant  
2 Saathoff admits jurisdiction and venue of this action lies with this Court. Defendant Saathoff  
3 denies all remaining allegations set forth in Paragraphs 3, 4 and 5 of the Amended Complaint not  
4 expressly admitted herein.

5           3.       In response to Paragraphs 6, 7, 8, 10, 11, 12, 13 and 14 of the Amended Complaint,  
6 Defendant Saathoff is without sufficient knowledge or information to form a belief as to the truth of  
7 the allegations set forth therein and, therefore, denies each and every allegation set forth therein.

8           4.       In response to Paragraph 9 of the Amended Complaint, Defendant Saathoff admits  
9 he is an individual and that his current residence is 15609 North Poppy Street, El Mirage, AZ  
10 85335. Defendant Saathoff denies all remaining allegations set forth in Paragraph 9 of the  
11 Amended Complaint not expressly admitted herein.

12           5.       In response to Paragraph 15 of the Amended Complaint, Defendant Saathoff  
13 denies each and every allegation set forth therein.

14           6.       In response to Paragraphs 16, 17, 18 and 19 of the Amended Complaint,  
15 Defendant Saathoff is without sufficient knowledge or information to form a belief as to the truth to  
16 the allegations set forth therein and, therefore, denies each and every allegation set forth therein.

17           7.       In response to Paragraph 20 of the Amended Complaint, Defendant Saathoff  
18 denies that he installed a BitTorrent Client onto his computer. Defendant Saathoff is without  
19 sufficient knowledge or information to form a belief as to the remaining allegations set forth in  
20 Paragraph 20 and, therefore, denies all remaining allegations set forth therein.

21           8.       In response to Paragraphs 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 of the  
22 Amended Complaint, Defendant Saathoff is without sufficient knowledge or information to form a  
23 belief as to the allegations set forth therein and, therefore, denies each and every allegation  
24 therein.

1           9.       In response to Paragraph 32 of the Amended Complaint, Defendant Saathoff  
2 denies he went to a torrent site to upload and download Plaintiff's copyrighted work. Defendant  
3 Saathoff is without sufficient knowledge or information to form a belief as to the remaining  
4 allegations set forth in Paragraph 32 and, therefore, denies all remaining allegations set forth  
5 therein.

6           10.      In response to Paragraphs 33, 34, 35 and 36 of the Amended Complaint,  
7 Defendant Saathoff is without sufficient knowledge or information to form a belief as to the  
8 allegations set forth therein and, therefore, denies each and every allegation therein.

9           11.      In response to Paragraph 37 of the Amended Complaint, Defendant Saathoff  
10 denies participating in a "swarm" with any other defendants or persons, and denies interacting or  
11 communicating with any other defendants through digital handshakes, the passing along of  
12 computer instructions, uploading and downloading, or any other transmissions. Defendant  
13 Saathoff is without sufficient knowledge or information to form a belief as to the remaining  
14 allegations set forth in Paragraph 37 and, therefore, denies all remaining allegations set forth  
15 therein.

16          12.      In response to Paragraphs 38, 39, 40, 41, 42 and 43 of the Amended Complaint,  
17 Defendant Saathoff is without sufficient knowledge or information to form a belief as to the  
18 allegations set forth therein and, therefore, denies each and every allegation therein. Defendant  
19 Saathoff expressly denies copying or transmitting to others any of Plaintiff's copyrighted work.

20          13.      In response to Paragraphs 44 of the Amended Complaint, Defendant Saathoff  
21 denies using his computer to access or transmit a full copy or any portion of Plaintiff's copyrighted  
22 work. Saathoff is without sufficient knowledge or information to form a belief as to the remaining  
23 allegations set forth in Paragraph 44 and, therefore, denies all remaining allegations set forth  
24 therein.

1           14. In response to Paragraphs 45, 46, 47 and 48 of the Amended Complaint,  
2 Defendant Saathoff is without sufficient knowledge or information to form a belief as to the  
3 allegations set forth therein and, therefore, denies each and every allegation therein. Defendant  
4 Saathoff expressly denies copying or transmitting to others any of Plaintiff's copyrighted work.

5           15. In response to Paragraph 49 of the Amended Complaint, Defendant Saathoff  
6 hereby reaffirms each response previously made to Paragraphs 1 through 48 as if set forth fully  
7 herein.

8           16. In response to Paragraph 50 of the Amended Complaint, Defendant Saathoff is  
9 without sufficient knowledge or information to form a belief as to the allegations set forth therein  
10 and, therefore, denies each and every allegation therein.

11           17. In response to Paragraph 51 of the Amended Complaint, Defendant Saathoff  
12 denies using the BitTorrent protocol and a BitTorrent client, or any other means, to copy, transmit  
13 or share all or any part of Plaintiff's copyrighted work, including, but not limited to, the registered  
14 Work identified in the Amended Complaint. Saathoff is without sufficient knowledge or information  
15 to form a belief as to the remaining allegations set forth in Paragraph 51 and, therefore, denies all  
16 remaining allegations set forth therein.

17           18. In response to Paragraph 52 of the Amended Complaint, Defendant Saathoff is  
18 without sufficient knowledge or information to form a belief as to the allegations set forth therein  
19 and, therefore, denies each and every allegation therein.

20           19. In response to Paragraph 53 of the Amended Complaint, Defendant Saathoff  
21 denies each and every allegation contained therein as relates to Defendant Saathoff. In  
22 response to allegations against other defendants as alleged in Paragraph 53 of the Amended  
23 Complaint, Defendant Saathoff is without sufficient knowledge or information to form a belief as to  
24 those allegations and, therefore, denies each and every said allegation.

1           20.    In response to Paragraphs 54 and 55 of the Amended Complaint, Defendant  
2 Saathoff denies each and every allegation contained therein as relates to Defendant Saathoff. In  
3 response to allegations against other defendants as alleged in Paragraphs 54 and 55 of the  
4 Amended Complaint, Defendant Saathoff is without sufficient knowledge or information to form a  
5 belief as to those allegations and, therefore, denies each and every said allegation.

6           21.    In response to Paragraph 56 of the Amended Complaint, Defendant Saathoff  
7 hereby reaffirms each response previously made to Paragraphs 1 through 48 as if set forth fully  
8 herein.

9           22.    In response to Paragraph 57 of the Amended Complaint, Defendant Saathoff is  
10 without sufficient knowledge or information to form a belief as to the allegations set forth therein  
11 and, therefore, denies each and every allegation therein.

12           23.    In response to Paragraphs 58 and 59 of the Amended Complaint, Defendant  
13 Saathoff denies each and every allegation contained therein as relates to Defendant Saathoff. In  
14 response to allegations against other defendants as alleged in Paragraphs 58 and 59 of the  
15 Amended Complaint, Defendant Saathoff is without sufficient knowledge or information to form a  
16 belief as to those allegations and, therefore, denies each and every said allegation.

17           24.    In response to Paragraph 60 of the Amended Complaint, Defendant Saathoff is  
18 without sufficient knowledge or information to form a belief as to the allegations set forth therein  
19 and, therefore, denies each and every allegation therein.

20           25.    In response to Paragraphs 61, 62, 63 and 64 of the Amended Complaint,  
21 Defendant Saathoff denies each and every allegation contained therein as relates to Defendant  
22 Saathoff. In response to allegations against other defendants as alleged in Paragraphs 61, 62,  
23 63 and 64 of the Amended Complaint, Defendant Saathoff is without sufficient knowledge or  
24

1 information to form a belief as to those allegations and, therefore, denies each and every said  
2 allegation.

3 26. In response to Paragraph 65 of the Amended Complaint, Defendant Saathoff is  
4 without sufficient knowledge or information to form a belief as to the allegations set forth therein  
5 and, therefore, denies each and every allegation therein.

6 WHEREFORE, having fully answered Plaintiff's Amended Complaint as relates to  
7 Defendant Richard Saathoff, Defendant Saathoff hereby requests the Court issue its Order:

8 A. Dismissing Plaintiff's complaint as to Defendant Saathoff and order that Plaintiff  
9 take nothing thereby.

10 B. Award Defendant Saathoff his attorney's fees and costs incurred in defending this  
11 action.

12 C. Award Defendant Saathoff such other relief as the court deems just and proper.

13 Dated and respectfully submitted this 20<sup>th</sup> day of January, 2012.

14 /s/ Richard H. Flaaen  
15 Attorney for Defendant Richard Saathoff  
16 Richard H. Flaaen  
17 AZ Bar No. 007386  
18 Law Office of Richard H. Flaaen  
19 20280 N. 59<sup>th</sup> Avenue, Ste. 115-738  
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20 I hereby certify that on December 30, 2011, I electronically  
21 transmitted the attached Document to the Clerk's Office using  
22 the CM/ECF System for filing and transmittal of a Notice of Electronic  
23 Filing to the following CM/ECF registrants:

22 Ryan J. Stevens, AZ Bar No. 026378  
23 Attorney for Plaintiff

24 /s/ Richard H. Flaaen  
Attorney for Defendant Richard Saathoff