

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No: 5:11-CV-00428-BO

PATRICK COLLINS, INC.)	
)	
Plaintiff,)	
v.)	ANSWER TO PLAINTIFF'S
)	AMENDED COMPLAINT
TEENA JACKSON-HARDISON AND,)	
SHARRON HILDEBRANT)	
)	
Defendants.)	
)	

Defendant Sharron Hildebrant, (hereinafter “Defendant”) by and through undersigned counsel, hereby responds to the allegations contained in the like-numbered paragraphs of Plaintiff’s Complaint as follows:

1. This paragraph consists of conclusions of law to which no response is required. To the extent that it may be determined that a response is required, any allegations contained in this paragraph are denied.
2. It is admitted that Plaintiff’s Complaint alleges, albeit incorrectly, that Defendants are liable for direct copyright infringement in violation of 17 U.S.C. §§ 106 and 501 and also alleges contributory copyright infringement. Except as herein admitted, the allegations contained in this paragraph are denied.
3. This paragraph consists of conclusions of law to which no response is required. To the extent that it may be determined that a response is required, any allegations contained in this paragraph are denied.

4. Denied.
5. This paragraph consists of conclusions of law to which no response is required. To the extent that it may be determined that a response is required, any allegations contained in this paragraph are denied.
6. Admitted, upon information and belief.
7. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
8. Admitted.
9. Admitted, upon information and belief.
10. Denied.
11. This paragraph consists of conclusions of law to which no response is required. To the extent that it may be determined that a response is required, any allegations contained in this paragraph are denied.
12. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
13. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

14. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

15. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

16. Denied.

17. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

18. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

19. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

20. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

21. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
22. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
23. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
24. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
25. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
26. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.
27. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

28. Denied.

29. The factual allegation is purely informational and does not require an answer. To the extent one is necessary, Defendant denies the same.

30. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

31. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

32. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

33. Denied.

34. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

35. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

36. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

37. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

38. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

39. Denied.

40. Denied.

41. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

42. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

43. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

44. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

45. Defendant re-alleges and incorporates herein by reference the foregoing responses to the numbered paragraphs of the Complaint as if fully set forth herein.

46. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

47. Denied.

48. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

49. Denied.

50. Denied.

51. Denied.

52. Defendant re-alleges and incorporates herein by reference the foregoing responses to the numbered paragraphs of the Complaint as if fully set forth herein.

53. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

54. Denied.

55. Denied.

56. Defendant is without sufficient information to form a belief as to the truth of the matter asserted in this paragraph. Any allegations made in this paragraph are therefore denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

Prayer for relief: Defendant denies that Plaintiff is entitled to any remedy which it has requested of the Court.

ALL REMAINING ALLEGATIONS CONTAINED IN THE COMPLAINT NOT EXPRESSLY ADMITTED HEREIN ARE DENIED.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE: JURISDICTION

Defendant pleads lack of jurisdiction in bar of Plaintiff's Amended Complaint.

SECOND AFFIRMATIVE DEFENSE: FAILURE TO STATE A CLAIM

Plaintiff fails to state, in whole or in part, a claim against the Defendant upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE: LACHES

Plaintiff's claims are barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE: IMPROPER JOINDER

Plaintiff's Amended Complaint improperly joins named Defendants in violation of Rule 20 of the Federal Rules of Civil Procedure.

FIFTH AFFIRMATIVE DEFENSE: FAILURE TO JOIN INDISPENSABLE PARTIES

The injuries or damages alleged in Plaintiff's Complaint were caused in whole or in part by indispensable non-parties whom Plaintiff has failed to join in this action.

SIXTH AFFIRMATIVE DEFENSE: SPECULATIVE DAMAGES

Any damages incurred by Plaintiff as a result of the actions alleged in its Complaint are speculative at best.

SEVENTH AFFIRMATIVE DEFENSE: RULE 11

Plaintiff's Amended Complaint violates Rule 11 of the Federal Rules of Civil Procedure, by being filed without reasonable inquiry into the facts alleged.

EIGHTH AFFIRMATIVE DEFENSE: IMPROPER PURPOSE

Plaintiff's Amended Complaint violates the purpose of the Copyright Act.

NINTH AFFIRMATIVE DEFENSE: BAD FAITH

Plaintiff's claims are barred by the breach of the duty to act in good faith.

TENTH AFFIRMATIVE DEFENSE: STATUTES OF LIMITATION

Defendant pleads all applicable statutes of limitation in bar, in whole or in part, to recovery by Plaintiff.

ELEVENTH AFFIRMATIVE DEFENSE: UNJUST ENRICHMENT

Plaintiff would be unjustly enriched if allowed to recover on its Complaint against Defendant.

TWELFTH AFFIRMATIVE DEFENSE: FAILURE TO MITIGATE

Plaintiff's claims are barred, in whole or in part, by its failure to mitigate its damages.

THIRTEENTH AFFIRMATIVE DEFENSE: ESTOPPEL

Plaintiff's claims are barred by the equitable doctrine of estoppel.

FOURTEENTH AFFIRMATIVE DEFENSE: LATER DISCOVERED DEFENSES

Defendant reserves the right to amend her Answer and to assert additional affirmative defenses as the claims of Plaintiff are more fully disclosed during the course of this litigation.

WHEREFORE, having answered each and every allegation contained in the Plaintiff's Complaint, Defendant prays the court as follows:

1. That the Plaintiff have and recover nothing of the Defendant by way of this action;
2. That the costs of this action, including but not limited to reasonable attorney's fees, be taxed against Plaintiff;
3. Defendant requests a trial by jury; and
4. That this Court grant Defendant such other relief as it deems just and proper.

Submitted this the 1st day of March, 2012.

Taibi Kornbluth Law Group, P.A.
Attorneys for Defendant

/s/ Michael A. Kornbluth

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing Answer with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following persons:

La w Offices of James C. White
James C. White
PO Box 16103
Chapel Hill, NC 27516

This the 1st day of March, 2012.

/s/ Michael A. Kornbluth
Michael A. Kornbluth