

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff

v.

CASE NO.: **1:11-cv-21525-KMM**
Magistrate **Edwin G. Torres**

BITTORRENT SWARM OF NOVEMBER 17, 2010
TO JANUARY 31, 2011, SHARING HAS VALUE
A3E6F65F2E3D672400A5908F64ED55B66A0880B8
AND COMPRISING TRAVIS KING, JOHN DOE 3,
JOHN DOE 8, KELVIN McMILLAN, ANTHONY
CAPLICK, JOHN DOE 19, GIANCARLO BLANDON,
DANIEL HENDRIX, AND JOHN DOES 21-30

Defendants.

ANSWER TO AMENDED COMPLAINT

Defendant ANTHONY CAPLICK, by and through his undersigned attorney, pursuant to Rule 56 of the Federal Rule of Civil Procedure and Rule 7.1(A)(1)(j) of the Local Rules of the United States District Court, Southern Division of Florida, hereby files this his Answer to First Amended Complaint and in furtherance thereof states:

1. Defendant ANTHONY CAPLICK is without knowledge and therefore denies each and every allegation paragraphs 1, 2, 5, 6, 11, 33 through 43, 45, 46, 47, 62, 63, 65, 66, 67, 69, 70, 74, 81, 83, 85, 86, 91 of Plaintiff LIBERTY MEDIA HOLDINGS, LLC's First Amended Complaint.
2. Defendant ANTHONY CAPLICK denies each and every allegation in paragraphs 3, 4, 7, 8, 9, 10, 26, and 27 of Plaintiff LIBERTY MEDIA HOLDINGS, LLC's First Amended

Complaint.

3. As the same applies to Defendant CAPLICK, Defendant ANTHONY CAPLICK denies each and every allegation in paragraphs 12, 13, 14 15, 16, 17, 18 through 25 through 32, 44, 48 through 60, 64, 71 through 73, 75, through 78, 80, 82, 84, 87 through 101, 103 through 109 of Plaintiff LIBERTY MEDIA HOLDINGS, LLC's First Amended Complaint.
 4. As to paragraphs 61, 68, 79 and 102 Defendant CAPLICK re-avers his responses to each paragraph noted therein.
 5. As to paragraph 7 of Plaintiff LIBERTY MEDIA HOLDINGS, LLC's First Amended Complaint, Defendant ANTHONY CAPLICK admits that he is a resident of the State of Florida but denies each and every allegation remaining in said paragraph.
 6. Defendant ANTHONY CAPLICK denies that Plaintiff has shown or is able to show that LIBERTY MEDIA HOLDINGS, LCC is entitled to temporary and or permanent injunctive relief as to said defendant.
 7. Defendant ANTHONY CAPLICK denies that Plaintiff has shown or is able to show any infringement allegedly caused by or contributed to by said defendant.
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AFFIRMATIVE DEFENSES

First Defense

Plaintiff fails to state claims against Defendant CAPLICK for copyright infringement of any sort, civil conspiracy and negligence by failing to assert with specificity he actively controlled or directed an internet protocol address for the illicit purposes alleged.

Second Defense

For all times material Defendant CAPLICK was not assigned the internet protocol alleged by Plaintiff to have been the basis for naming him as a defendant in this cause.

Third Defense

Defendant CAPLICK denies venue is appropriate but is unable to determine, given the number of defendants alleged, if any defendant resides in Florida and within this Court's geographic

DEMAND FOR JURY BY TRIAL

Defendant ANTHONY CAPLICK demands a trial by jury on all issues so triable.

CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2.A., S.D. Fla. L.R., I HEREBY CERTIFY that on October 31, 2011 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and thereafter will serve a true and copy of the foregoing Answer to via facsimile and U.S. mail delivery to Marc J. Randazza, Esq., 2 South Biscayne Blvd., Suite 2600, Miami, FL 33131-1815.

___/s/ Scott E. Siverson___
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