

1 **ANS**
2 **JASON M. WILEY, ESQ.**
3 Nevada Bar #9274
4 **WOODS ERICKSON**
5 **WHITAKER & MAURICE LLP**
6 1349 W. Galleria Drive, #200
7 Henderson, NV 89014
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11 *Attorneys for Defendant*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13 Plaintiff,

14 vs.

15 RON FUTRELL, an individual,

16 Defendant.

CASE NO. 2:10-CV-0813

**DEFENDANT'S ANSWER TO
COMPLAINT AND DEMAND FOR
JURY TRIAL**

17 COME NOW, Defendant, RON FUTRELL, an individual, by and through their counsel of
18 record, Woods Erickson Whitaker & Maurice LLP, and in and for those allegations set out in
19 Plaintiff's Complaint, admit, deny and allege as follows:

20 **NATURE OF ACTION**

21 1. In answering Paragraph 1 of Plaintiff's Complaint, Defendant is without sufficient
22 information or knowledge to form a belief as to the truth or falsity of the allegations contained
23 therein and therefore deny said allegations.

24 **PARTIES**

25 2. In answering Paragraph 2 of Plaintiff's Complaint, Defendant is without sufficient
26 information or knowledge to form a belief as to the truth or falsity of the allegations contained
27 therein and therefore deny said allegations.

28 3. In answering Paragraph 3 of Plaintiff's Complaint, Defendant is without sufficient

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1 information or knowledge to form a belief as to the truth or falsity of the allegations contained
2 therein and therefore deny said allegations.

3 4. In answering Paragraph 4 of Plaintiff's Complaint, Defendant admits the
4 allegations contained therein.

5 5. In answering Paragraph 5 of Plaintiff's Complaint, Defendant admits the
6 allegations contained therein.

7 6. In answering Paragraph 6 of Plaintiff's Complaint, Defendant admits the
8 allegations contained therein.

9 7. In answering Paragraph 7 of Plaintiff's Complaint, Defendant admits the
10 allegations contained therein.

11 **JURISDICTION**

12 8. In answering Paragraph 8 of Plaintiff's Complaint, Defendant is without sufficient
13 information or knowledge to form a belief as to the truth or falsity of the allegations contained
14 therein and therefore deny said allegations.

15 9. In answering Paragraph 9 of Plaintiff's Complaint, Defendant is without sufficient
16 information or knowledge to form a belief as to the truth or falsity of the allegations contained
17 therein and therefore deny said allegations.

18 10. In answering Paragraph 10 of Plaintiff's Complaint, Defendant is without
19 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
20 contained therein and therefore deny said allegations.

21 11. In answering Paragraph 11 of Plaintiff's Complaint, Defendant denies each and
22 every allegation set forth therein.

23 12. In answering Paragraph 12 of Plaintiff's Complaint, Defendant denies each and
24 every allegation set forth therein.

25 13. In answering Paragraph 13 of Plaintiff's Complaint, Defendant denies each and
26 every allegation set forth therein.

27 14. In answering Paragraph 14 of Plaintiff's Complaint, Defendant denies each and
28 every allegation set forth therein.

1 25. In answering Paragraph 25 of Plaintiff's Complaint, Defendant is without
2 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
3 contained therein and therefore deny said allegations.

4 26. In answering Paragraph 26 of Plaintiff's Complaint, Defendant is without
5 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
6 contained therein and therefore deny said allegations.

7 27. In answering Paragraph 27 of Plaintiff's Complaint, Defendant denies each and
8 every allegation set forth therein.

9 28. In answering Paragraph 28 of Plaintiff's Complaint, Defendant denies each and
10 every allegation set forth therein.

11 29. In answering Paragraph 29 of Plaintiff's Complaint, Defendant denies each and
12 every allegation set forth therein.

13 30. In answering Paragraph 30 of Plaintiff's Complaint, Defendant denies each and
14 every allegation set forth therein.

15 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

16 31. Answering Paragraph 31 of Plaintiff's Complaint, Defendant repeats and
17 realleges each of its responses to the allegations contained in Paragraphs 1 through 30 of
18 Plaintiff's Complaint as though fully set forth herein.

19 32. In answering Paragraph 32 of Plaintiff's Complaint, Defendant is without
20 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
21 contained therein and therefore deny said allegations.

22 33. In answering Paragraph 33 of Plaintiff's Complaint, Defendant is without
23 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
24 contained therein and therefore deny said allegations.

25 34. In answering Paragraph 34 of Plaintiff's Complaint, Defendant is without
26 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
27 contained therein and therefore deny said allegations.
28

1 35. In answering Paragraph 35 of Plaintiff's Complaint, Defendant is without
2 sufficient information or knowledge to form a belief as to the truth or falsity of the allegations
3 contained therein and therefore deny said allegations.

4 36. In answering Paragraph 36 of Plaintiff's Complaint, Defendant denies each and
5 every allegation set forth therein.

6 37. In answering Paragraph 37 of Plaintiff's Complaint, Defendant denies each and
7 every allegation set forth therein.

8 38. In answering Paragraph 38 of Plaintiff's Complaint, Defendant denies each and
9 every allegation set forth therein.

10 39. In answering Paragraph 39 of Plaintiff's Complaint, Defendant denies each and
11 every allegation set forth therein.

12 40. In answering Paragraph 40 of Plaintiff's Complaint, Defendant denies each and
13 every allegation set forth therein.

14 41. In answering Paragraph 41 of Plaintiff's Complaint, Defendant denies each and
15 every allegation set forth therein.

16 42. In answering Paragraph 42 of Plaintiff's Complaint, Defendant denies each and
17 every allegation set forth therein.

18 **AFFIRMATIVE DEFENSES**

19 **FIRST AFFIRMATIVE DEFENSE**

20 Plaintiff's Complaint fails to state a claim against Defendant upon which relief may be
21 granted.

22 **SECOND AFFIRMATIVE DEFENSE**

23 Plaintiff's claims are barred by the doctrine of unclean hands.

24 **THIRD AFFIRMATIVE DEFENSE**

25 Plaintiff's claims are barred by estoppel, the doctrine of laches, waiver, and otherwise
26 time barred by the passage of time.

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FOURTH AFFIRMATIVE DEFENSE

If Plaintiff sustained damages alleged in the Complaint, whether economic or otherwise, such injuries or damages, if any were directly and legally caused by the intervening acts and/or omissions of one or more intervening individuals for which Defendant IS not legally responsible.

FIFTH AFFIRMATIVE DEFENSE

Defendant hereby incorporates those defenses set forth in FRCP Rule 12 as though fully set forth.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff, by its acts, deeds and conduct, has heretofore released Defendant from any and all claims that it might otherwise have been entitled to assert against Defendants.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff is precluded from recovery from Defendant upon the causes of action asserted in Plaintiff's Complaint by the applicable statute of frauds.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff has failed to join indispensable parties without whom a full and complete adjudication of the matter set forth in Plaintiff's Complaint can be had.

NINTH AFFIRMATIVE DEFENSE

Plaintiff would be unjustly enriched if Plaintiff were to recover judgment against Defendant upon the obligation described in Plaintiff's Complaint.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages.

ELEVENTH AFFIRMATIVE DEFENSE

Defendant has been required to obtain the services of counsel to respond to Plaintiff's Complaint, and Defendant is entitled to an award of a reasonable attorney's fee.

TWELFTH AFFIRMATIVE DEFENSE

Defendant's actions described herein can be deemed to be a fair use of Plaintiff's material, and not in violation of federal copyright laws.

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THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff, with full knowledge of all of the facts connected with or relating to the transaction alleged in Plaintiff's Complaint, ratified and confirmed in all respects the acts of Defendant by accepting the benefits to Plaintiff accruing from such acts.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant's actions do not give rise to the imposition of punitive damages.

FIFTEENTH AFFIRMATIVE DEFENSE

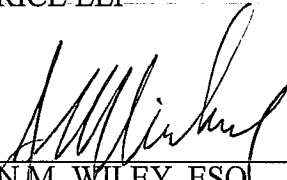
All possible affirmative defenses may not have been alleged herein, insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendants' Answer, and therefore, Defendants reserve the right to amend their Answer to the Complaint to allege additional affirmative defenses if subsequent investigation so warrants

WHEREFORE, Defendants pray as follows:

1. That the Complaint on file herein be dismissed as it relates to Defendant;
2. That Defendant be awarded its costs and fees in defending this matter;
3. For such other and further relief in equity or at law, as the Court determines to be just and proper in the instant matter.

Dated this 12th day of July 2010.

WOODS ERICKSON WHITAKER & MAURICE LLP

By: 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of July, 2010, I did serve a true and correct copy of the foregoing **DEFENDANT'S ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL** on all parties to this action by:

Facsimile _____
Regular Mail X

addressed as follows:

Steven A. Gibson, Esq.
J. Charles Coon, Esq.
Joseph C. Chu, Esq.
9960 W. Cheyenne Ave, Ste. 210
Las Vegas, NV 89129
Fax No. 702-527-5909

N. DURAND

An employee of Woods Erickson Whitaker & Maurice

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