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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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11 JAKE HOLMES, an individual,

CASE NO. CV10-4789-DMG (PJW)

12 Plaintiff,

13 v.

**ANSWER OF JAMES PATRICK
PAGE TO FIRST AMENDED
COMPLAINT**

14 JAMES PATRICK PAGE, aka JIMMY
PAGE, WB MUSIC CORP., a California
15 Corporation, SUPER HYPE
PUBLISHING, INC., a New York
16 Corporation, ATLANTIC RECORDING
CORPORATION, a Delaware
17 Corporation, RHINO
ENTERTAINMENT COMPANY, a
18 Delaware Corporation, and DOES 1
through 10 inclusive,

DEMAND FOR JURY TRIAL

19 Defendants.
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1 Defendant James Patrick Page (“Defendant”) answers the First Amended
2 Complaint of Plaintiff Jake Holmes (“Plaintiff”) as follows:

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JURISDICTION

5 1. Defendant denies the allegations contained in paragraph 1.
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PARTIES

8 2. Defendant lacks knowledge or information sufficient to form a belief
9 as to the truth of the allegations contained in paragraph 2, and on that basis denies
10 said allegations.
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12 3. Defendant admits that he is an individual who resides in England.
13 Defendant denies the remaining allegations contained in paragraph 3.
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15 4. Defendant lacks knowledge or information sufficient to form a belief
16 as to the truth of the allegations contained in paragraph 4, and on that basis denies
17 said allegations.
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19 5. Defendant denies the allegations contained in paragraph 5.
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21 6. Defendant denies the allegations contained in paragraph 6.
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23 7. Defendant alleges that he has not committed any of the acts of
24 infringement alleged in the First Amended Complaint and that no acts by any
25 purported agents infringed any rights of Plaintiff. Except as expressly alleged,
26 Defendant denies the allegations contained in paragraph 7.
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**ANSWER TO FIRST CLAIM FOR RELIEF FOR COPYRIGHT
INFRINGEMENT**

8. Defendant refers to and realleges his answers to paragraphs 1 through 7, inclusive.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9, and on that basis denies said allegations.

10. Defendant admits that WB Music Corp. acted as Defendant’s administrator with respect to a composition entitled “Dazed and Confused.” Except as expressly admitted herein, Defendant denies the remaining allegations contained in paragraph 10.

11. Defendant denies the allegations contained in paragraph 11.

12. Defendant denies the allegations contained in paragraph 12.

13. Defendant denies the allegations contained in paragraph 13.

14. Defendant denies the allegations contained in paragraph 14.

15. Defendant denies the allegations contained in paragraph 15, and specifically denies that Plaintiff is entitled to any damages or any other remedy as a result of any act or conduct of Defendant.

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FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

16. The First Amended Complaint, and each purported claim therein, fails to state facts sufficient to constitute a claim for relief.

SECOND AFFIRMATIVE DEFENSE

(Lack of Personal Jurisdiction)

17. The court lacks jurisdiction over Defendant with respect to the claims alleged against Defendant.

THIRD AFFIRMATIVE DEFENSE

(Statue Of Limitations)

18. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

19. Plaintiff's claims are barred as a result of his unreasonable delay, to the prejudice of Defendant.

FIFTH AFFIRMATIVE DEFENSE

(Waiver)

20. Plaintiff has, through his own actions, conduct, and failure to act, waived any right to relief.

SIXTH AFFIRMATIVE DEFENSE

(Estoppel)

21. Plaintiff is estopped by his own conduct from maintaining his claims.

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SEVENTH AFFIRMATIVE DEFENSE

(Independent Creation)

22. Defendant’s composition entitled “Dazed and Confused” was independently created.

EIGHTH AFFIRMATIVE DEFENSE

(No Originality)

23. Plaintiff’s composition entitled “Dazed and Confused” lacks originality and is thus not protectable by copyright.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

24. Plaintiff’s claims are barred as a result of Plaintiff’s unclean hands.

TENTH AFFIRMATIVE DEFENSE

(De Minimis)

25. To the extent any protectable expression contained in Plaintiff’s composition was used in Defendant’s composition, such use is de minimis.

WHEREFORE, Defendant prays that Plaintiff take nothing by his First Amended Complaint; that Defendant be awarded his attorneys’ fees and full costs under Section 505 of the Copyright Act; and for any other relief the Court deems just and proper.

DATED: April 6, 2011

RUSSELL J. FRACKMAN
MICHAEL E. CHAIT
MITCHELL SILBERBERG & KNUPP LLP

By: Russell J. Frackman
Russell J. Frackman
Attorneys for Defendant

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Defendant hereby demands a jury trial in this action.

DATED: April 6, 2011

RUSSELL J. FRACKMAN
MICHAEL E. CHAIT
MITCHELL SILBERBERG & KNUPP LLP

By: *Russell J. Frackman*
Russell J. Frackman
Attorneys for Defendant