

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UMG RECORDINGS, INC., et al,

05 CV 1095 (DGT) (RML)

Plaintiffs,

DEFENDANT DEMANDS

-against-

A TRIAL BY JURY

MARIE LINDOR,

FIRST AMENDED ANSWER

Defendants.

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Defendant, for her answer to the complaint, by her attorneys Beldock Levine & Hoffman LLP, sets forth:

1. Denies knowledge or information sufficient to form a belief as to the allegations of paragraphs 4, 5, 6, 7, 8, 9, 10, and 12.
2. Admits paragraph 3, except denies that any acts of infringement by defendant occurred.
3. Neither admits nor denies paragraphs 1, 2, and 13, as they are averments about law rather than fact.
4. Denies the allegations of paragraphs 14, 15, 16, and 17.

FIRST AFFIRMATIVE DEFENSE

5. The complaint fails to state a claim for relief.

SECOND AFFIRMATIVE DEFENSE

6. The plaintiffs are guilty of laches, waiver, and estoppel.

THIRD AFFIRMATIVE DEFENSE

7. The alleged conduct constituted fair use.

FOURTH AFFIRMATIVE DEFENSE

8. The plaintiffs, who are competitors, are a cartel acting collusively in violation of the antitrust laws and of public policy, by tying their copyrights to each other, collusively litigating and settling all cases together, and by entering into an unlawful agreement among themselves to prosecute and to dispose of all cases in accordance with a uniform agreement, and through common lawyers, thus overreaching the bounds and scope of whatever copyrights they might have.

9. As such, they are guilty of misuse of their copyrights.

FIFTH AFFIRMATIVE DEFENSE

10. The plaintiffs have engaged in a conspiracy to defraud the Courts of the United States, by bringing lawsuits against persons who are not known to have infringed copyrights, and to make false and unsupported allegations that the defendants have infringed copyrights; by utilizing a corporation known as Settlement Support Center LLC to make extortionate threats of criminal action and of defaming defendants' names and credit; by conducting ex parte "John Doe" lawsuits which they have no intention of pursuing, but in which they interact with Judges, Magistrates, and other officials on a daily basis, without notice or opportunity to be heard being offered to defendants; by bringing the "John Doe" lawsuits in jurisdictions far removed from the domiciles of the "John Does" so that they have no meaningful opportunity to be heard or to retain counsel of their own choosing; and by other unconscionable conduct.

11. As such, they are guilty of misuse of their copyrights.

SIXTH AFFIRMATIVE DEFENSE

12. Plaintiffs are guilty of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

13. Upon information and belief, the alleged conduct was authorized.

EIGHTH AFFIRMATIVE DEFENSE

14. Upon information and belief, any harm, if any, which was sustained by plaintiffs was as a result of their own culpable conduct.

WHEREFORE defendant demands judgment (a) dismissing the complaint; (b) awarding her costs, disbursements, and the costs of defense – including reasonable attorneys fees – under Article 17 of the United States Code; and (c) such other and further relief as to the Court seems proper.

Dated: New York, New York
March 20, 2006

BELDOCK LEVINE & HOFFMAN LLP

By: s/ Ray Beckerman
Ray Beckerman (RB 8783)
Attorneys for Defendant
99 Park Avenue (16th Floor)
New York, NY 10016
(212) 490-0400

To: Cowan, Liebowitz & Latman, P.C., Esqs.
Attorneys for Plaintiff
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200