

JAN 30 2009

JAMES N. HATTEN, Clerk
By  Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SONY BMG MUSIC)
ENTERTAINMENT, a Delaware)
General partnership; UMG)
RECORDINGS, INC., a Delaware)
Corporation; VIRGIN RECORDS)
AMERICA, INC.; a California)
Corporation; LAFACE RECORDS LLC,)
A Delaware limited liability company;)
And WARNER BROS. RECORDS)
INC.; a Delaware corporation,)
)
)
Plaintiffs,)
)
v.)
)
LINDSEY SIMMS,)
)
Defendant)
_____)

Civil Action File
1:06 -CV-3728

KS
JURY TRAIL DEMAND

DEFENDANT'S PRO SE ANSWER

AFFIRMATIVE DEFENSES

1.

The Complaint fails to state a cause of action against this Defendant upon which relief can be granted.

2.

All or some of the claims are barred by the applicable statute of limitations.

3.

All or some of the claims are barred by the doctrine of unclean hands.

4.

All or some of the claims are barred by the doctrine of laches.

5.

All or some of the claims are bared because Plaintiff has failed to join an indispensable party.

6.

All of Plaintiff's claims are barred because Plaintiff has sued the wrong party.

7.

Plaintiff's claims are barred by insufficiency of process.

8.

Plaintiff's claims are barred by insufficiency of service of process.

9.

Defendant did not commit any act or omission which breached any legal duty owed to Plaintiff.

10.

Without waiving the foregoing, Defendant answers the individual allegations in the complaint as follows:

11.

Defendant admits the allegation of paragraph 1 of the Complaint.

12.

Defendant denies the allegations of paragraph 2 of the Complaint.

13.

As to the allegations contained in paragraphs 3, 4, 5, 6 and 7 of the Complaint, Defendant is without sufficient knowledge to admit or to deny said allegations, but demands strict proof thereof.

14.

Defendant admits the allegation of Paragraph 8 that Defendant is an individual residing in this District.

15.

Defendant hereby incorporates and repeats his responses set forth above in paragraphs 1 through 15 of his Answer as if each were set forth in its entirety herein.

16.

Defendant is without sufficient knowledge to admit or to deny the allegations contained in paragraphs 9 and 10 of the Complaint, but demands strict proof thereof.

17.

Defendant is without sufficient knowledge to admit or to deny the allegations contained in paragraph 11 of the Complaint, but demands strict proof thereof.

18.

Defendant is without sufficient knowledge to admit or to deny the allegations contained in paragraph 12 of the Complaint, but demands strict proof thereof.

19.

Defendant denies the allegations of paragraph 13 of the Complaint.

20.

Defendant denies the allegations of paragraph 14 of the Complaint.

21.

Defendant denies the allegations contained in paragraph 15 of the Complaint.

22.

Defendant denies the allegations of paragraph 16 of the Complaint.

23.

Defendant denies the allegations of paragraph 17 of the Complaint.

24.

Defendant denies the allegations of paragraph 18 of the Complaint.

25.

Defendant denies the allegations of paragraph 19 of the Complaint.

COUNTERCLAIM

22

Defendant hereby incorporates her responses and claims made in paragraphs 1 through 25 of her Answer, as if each were set forth in its entirety herein.

23.

Plaintiff has brought the claims and allegations set forth in the Complaint in order to harass and cause unnecessary costs to Defendant and to extract from Defendant a settlement of a claim for which Plaintiff has no evidentiary support, and for which Plaintiff will have no evidentiary support

even after a reasonable opportunity for further investigation and discovery,
and for which there is no legal basis.

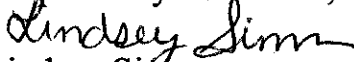
24.

A judgment for attorney fees' as allowed under O.C.G.A 9-15-1 which such
expenses occurred in representing the Defendant or where such attorneys were
hired to provide counsel for the Defendant filing pro se.

WHEREFORE, Defendant requests that this Court dismiss the
Complaint in its entirety; that the Court award to Defendant her costs and
reasonable attorneys fees incurred where such attorneys were hired to provide
counsel for the Defendant filing pro se, while defending herself against Plaintiff's
claims; and for such further relief as the Court deems just and proper; and,

Defendant requests that this case be tried before a jury.

Respectfully submitted,


Lindsey Simms

Defendant Pro Se/Respondant

Lindsey Simms
2610 Sumpter Trail
Conyers, GA 30012

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JAMES N. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2009, I have this day served the foregoing Defendant's Pro Se Answer with the Clerk of Court upon counsel for all parties by depositing a copy of same in the United States mail in an envelope with sufficient postage thereon addressed as follows:

M. Anne Kaufold-Wiggins
T. Joshua R. Archer
Balch & Bingham, LLP
30 Allen Plaza, Suite 700
30 Ivan Allen, Jr. Blvd., N.W.
Atlanta, GA 30308

Lindsey Simms
2610 Sumpter Trail
Conyers, GA 30012
(678) 325-9848

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UNITED STATES DISTRICT COURT
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JAMES W. HATTEN, Clerk
[Signature]
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VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of her knowledge and belief.

LINDSEY SIMMS *Lindsey Simms*
Defendant/Respondent pro se

Sworn and subscribed before me
This 30 day of January 2009
Shannon Mason
Notary Public, State of Georgia
My Commission Expires

Shannon Mason
Notary Public, Newton County, Georgia
My Commission Expires January 25, 2011

