

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UMG RECORDINGS INC.; BMG  
MUSIC; ZOMBA RECORDINGS LLC;  
and WARNER BROS. RECORDS INC.,

*Plaintiffs,*

v.

BRITTANY A. ENGLISH,

*Defendant.*

No. 1:09-cv-00536-KMO  
Jury Demanded

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ANSWER

In answer to the corresponding numbered paragraphs of Plaintiffs' Complaint,  
Defendant Brittany A. English pleads:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit.
8. Admit, except that English denies that she is guilty of any infringement.
9. English incorporates her answers to each paragraph above.
10. Admit.

11. Admit, except that these “exclusive rights” are limited in many respects by copyright law and the Constitution.

12. Deny.

13. Deny.

14. Deny; English lacks knowledge or information with respect to those allegations that relate to Plaintiffs’ conduct or state of mind.

15. Deny.

16. Deny that any “settlement in principle” was reached or that any such settlement in principle caused Plaintiffs to have their prior case dismissed; admit that English rejected Plaintiffs’ last settlement offer.

17. Admit.

18. Deny.

19. Deny.

20. Deny.

#### **AFFIRMATIVE DEFENSES**

As affirmative defenses, English pleads:

21. Plaintiffs fail to state a claim on which relief can be granted.

22. Plaintiffs fail to allege copyright infringement by distribution in that they fail to allege that any third party received copyrighted works from English.

23. English’s conduct constitutes fair use under the common law, the United States Constitution, and the Copyright Act.

24. Plaintiffs’ claims are barred under the doctrine of copyright misuse.

25. Plaintiffs' claim for statutory damages is barred by the Fifth and Eighth Amendments to the United States Constitution because the statutory damages available under the Copyright Act and sought in this case are excessive in relation to the actual damages, if any, suffered by Plaintiffs.

26. Plaintiffs are not entitled to an injunction because they have an adequate remedy at law and also because their actions in halting their litigation campaign against those who allegedly downloaded music illegally reveal that an injunction is not necessary to vindicate their rights.

27. Plaintiffs' claims are barred in whole or in part by the statute of limitations.

28. Plaintiffs' claims are barred by the one-satisfaction rule and, in the event she is held liable, English is entitled to a settlement credit for prior moneys received by Plaintiffs.

29. English's infringement, if any, was innocent infringement.

#### **JURY DEMAND**

30. English demands trial by jury on all claims and defenses in this case.

31. This answer is timely pursuant to an agreement between the parties to extend the deadline to answer the Complaint until today.

WHEREFORE, English prays for a judgment that Plaintiffs take nothing on their claims.

Respectfully submitted,

/s/ K.A.D. Camara

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 22, 2009, a copy of this Answer was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jason R. Bristol  
Jason R. Bristol