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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER STETSON A/K/A VARA
PAPPAS,

Plaintiff

v.

CURTIS JACKSON A/K/A 50 CENT,

Defendant

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CASE NO. 4:13-cv-03110

**DEFENDANT’S ORIGINAL ANSWER TO PLAINTIFF’S FIRST AMENDED
COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Defendant Curtis James Jackson, III p/k/a/ 50 Cent (“Jackson”) answers Plaintiff’s First Amended Complaint for Copyright Infringement (the “Complaint”) as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Complaint.
2. Admits the allegations of paragraph 2 of the Complaint.
3. Admits the allegations of paragraph 3 of the Complaint.
4. Denies the allegations of paragraph 4 of the Complaint.
5. Denies the allegations of paragraph 5 of the Complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Complaint.

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9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Complaint.

10. Denies the allegations of paragraph 10 of the Complaint, except admits that Jackson caused the image attached as Exhibit C to the Complaint to be published and/or reproduced, and that the image attached as Exhibit C to the Complaint appeared on the website www.Thisis50.com.

11. Denies the allegations of paragraph 11 of the Complaint but lacks information sufficient to form a belief about the truth of the claim that “plaintiff provided notice at least as early as September 10, 2013, that Defendant’s use of Original Picture was . . . in violation of Plaintiff’s copyright.”

12. Denies the allegations of paragraph 12 of the Complaint.

13. Denies the allegations of paragraph 13 of the Complaint.

14. Denies the allegations of paragraph 14 of the Complaint.

15. Denies the allegations of paragraph 15 of the Complaint

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff’s Complaint fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Plaintiffs’ claims are barred in whole or in part by the doctrine of laches, estoppel, waiver, and/or unclean hands.

THIRD AFFIRMATIVE DEFENSE

3. The Complaint is barred, in whole or in part, by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

4. Plaintiff does not hold a valid copyright in the Subject Image.

FIFTH AFFIRMATIVE DEFENSE

5. Plaintiff and/or his agent or licensee consented to and/or acquiesced to the use of the image attached as Exhibit A to the Complaint (the "Subject Image").

SIXTH AFFIRMATIVE DEFENSE

6. Plaintiff assigned or licensed some or all rights in the Subject Image to a third party.

SEVENTH AFFIRMATIVE DEFENSE

7. The acts alleged by the Plaintiff constitute "fair use" under 17 U.S.C. § 107.

EIGHTH AFFIRMATIVE DEFENSE

8. The use alleged by the Plaintiff was *de minimus*.

NINTH AFFIRMATIVE DEFENSE

9. Should Jackson be found to have infringed the Subject Image, such infringement was not willful.

TENTH AFFIRMATIVE DEFENSE

10. Should Jackson be found to have infringed the Subject Image, Jackson was not aware and had no reason to believe that his acts constituted an infringement of copyright.

ELEVENTH AFFIRMATIVE DEFENSE

11. Jackson had a reasonable belief that he had a right to use the Subject Image in the manner alleged.

PRAYER

WHEREFORE Defendant Jackson respectfully prays for judgment as follows:

- A. Dismissing Plaintiff’s claims, with prejudice; and
- B. Awarding Jackson his fees, costs and expenses incurred in defending against this action, pursuant to 17 U.S.C. § 505; and
- C. Awarding such other and further relief as this Court deems just and proper.

Dated: June 10, 2014

Respectfully submitted,

PORTER HEDGES LLP

By: /s/ Heather K. Hatfield
 Heather K. Hatfield
 Bar No. 24050730
 1000 Main Street, 36th Floor
 Houston, TX 77002-6336
 Telephone: 713-226-6710
 Facsimile: 713-226-6310
 Email: hhatfield@porterhedges.com

ATTORNEY IN CHARGE

OF COUNSEL:

Ray T. Torgerson
 Bar No. 24003067
 1000 Main Street, 36th Floor
 Houston, TX 77002-6336
 Telephone: 713-226-6650
 Facsimile: 713-226-6250
 Email: rtorgerson@porterhedges.com

GARVEY SCHUBERT BARER

R. Bruce Beckner, Esq.
(pro hac vice application to be filed)
1000 Potomac Street NW
5th Floor
Washington, DC 20007-3501
Telephone: 202-298-1735
Facsimile: 202-965-1729
Email: bbeckner@gsblaw.com

ATTORNEYS FOR DEFENDANT

theJasmineBRAND.com

theJasmineBRAND.com

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent to the following via ECF on this the 10th day of June, 2014:

Neal G. Massand
Ni, Wang & Associates, PLLC
8140 Walnut Hill Lane, Suite 310
Dallas, Texas 75231

/s/ Heather K. Hatfield
Heather K. Hatfield

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