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8 Attorney for Defendant: MR. ALEJANDRO GALINDO

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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 COLUMBIA PICTURES  
14 INDUSTRIES INC., et al.

15 Plaintiff,

16 vs.

17 ALEJANDRO GALINDO, et al.

18 Defendants.

No. 2:20-cv-03129-SVW-GJS

**ANSWER AND FIRST AMENDED  
AFFIRMATIVE DEFENSES**

**JURY TRIAL DEMANDED**

19 Defendant Alejandro Galindo (“Defendant”) hereby answers the complaint of  
20 Plaintiffs Columbia Pictures Industries, Inc., Amazon Content Services, LLC,  
21 Disney Enterprises, Inc., Paramount Pictures Corporation, Warner Bros.  
22 Entertainment, Inc., Universal Studios Productions LLLP, Universal Television  
23 LLC, and Universal Content Productions LLC (collectively, “Plaintiffs”) and raises  
24 affirmative defenses as set forth herein.

25 **ANSWER**

- 26 1. As to paragraph one of the Complaint Defendant denies.  
27 2. As to paragraph two of the Complaint Defendant denies  
28 3. As to paragraph three of the Complaint Defendant denies

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- 4. As to paragraph four of the Complaint Defendant denies
- 5. As to paragraph five of the Complaint Defendant denies
- 6. As to paragraph six of the Complaint Defendant denies
- 7. As to paragraph seven of the Complaint Defendant admits
- 8. As to paragraph eight of the Complaint Defendant admits
- 9. Deny
- 10. Deny
- 11. Deny
- 12. Admit
- 13. As to paragraph 13 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 14. As to paragraph 14 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 15. As to paragraph 15 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 16. As to paragraph 16 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 17. As to paragraph 17 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 18. As to paragraph 18 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.

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- 19. As to paragraph 19 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 20. As to paragraph 20 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 21. As to paragraph 21 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 22. As to paragraph 22 defendant admits defendant lives in Texas.
- 23. As to paragraph 23 defendant admits defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 24. As to paragraph 24 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 25. As to paragraph 25 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation.
- 26. As to paragraph 26 of the Complaint Defendant has insufficient information available upon which to respond and on that basis denies such allegation
- 27. As to paragraph 27 of the Complaint Defendant denies.
- 28. As to paragraph 28 of the Complaint Defendant denies.
- 29. As to paragraph 29 of the Complaint Defendant denies.
- 30. As to paragraph 30 of the Complaint Defendant denies.
- 31.As to paragraph 31 of the Complaint Defendant denies.

- 1 32. As to paragraph 32 of the Complaint Defendant has insufficient information
- 2 available upon which to respond and on that basis denies such allegation.
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- 4 33.As to paragraph 33 of the Complaint Defendant has insufficient information
- 5 available upon which to respond and on that basis denies such allegation.
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- 7 34.As to paragraph 34 of the Complaint Defendant denies.
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- 9 35.As to paragraph 35 of the Complaint Defendant denies.
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- 11 36.As to paragraph 36 of the Complaint Defendant has insufficient information
- 12 available upon which to respond and on that basis denies such allegation.
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- 14 37.As to paragraph 37 of the Complaint Defendant denies such allegation.
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- 16 38. As to paragraph 38 of the Complaint Defendant has insufficient information
- 17 available upon which to respond and on that basis denies such allegation.
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- 19 39. As to paragraph 39 of the Complaint Defendant has insufficient information
- 20 available upon which to respond and on that basis denies such allegation.
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- 22 40. As to paragraph 40 of the Complaint Defendant has insufficient information
- 23 available upon which to respond and on that basis denies such allegation.
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- 25 41. As to paragraph 41 of the Complaint Defendant has insufficient information
- 26 available upon which to respond and on that basis denies such allegation.
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- 28 42.As to paragraph 42 of the Complaint Defendant has insufficient information
- available upon which to respond and on that basis denies such allegation.
43. As to paragraph 43 of the Complaint Defendant denies such allegation.
44. As to paragraph 44 of the Complaint Defendant denies such allegation.

1 45. As to paragraph 45 of the Complaint Defendant has insufficient information  
2 available upon which to respond and on that basis denies such allegation.

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4 46. As to paragraph 46 of the Complaint Defendant denies such allegation.

5 47. As to paragraph 47 of the Complaint Defendant has insufficient information  
6 available upon which to respond and on that basis denies such allegation.

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8 48. As to paragraph 48 of the Complaint Defendant has insufficient information  
9 available upon which to respond and on that basis denies such allegation.

10 49. Denied.

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12 50. Denied.

13 51. As to paragraph 51 of the Complaint Defendant has insufficient information  
14 available upon which to respond and on that basis denies such allegation.

15  
16 52. Admit

17 53. As to paragraph 53 of the Complaint Defendant has insufficient information  
18 available upon which to respond and on that basis denies such allegation.

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20 54. As to paragraph 54 of the Complaint Defendant has insufficient information  
21 available upon which to respond and on that basis denies such allegation.

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23 55. As to paragraph 55 of the Complaint Defendant has insufficient information  
24 available upon which to respond and on that basis denies such allegation.

25 56. As to paragraph 56 of the Complaint Defendant denies such allegation.

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27 57. As to paragraph 57 of the Complaint Defendant has insufficient information  
28 available upon which to respond and on that basis denies such allegation.

1 58.As to paragraph 58 of the Complaint Defendant has insufficient information  
2 available upon which to respond and on that basis denies such allegation.

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4 59.As to paragraph 59 of the Complaint Defendant has insufficient information  
5 available upon which to respond and on that basis denies such allegation.

6 60.As to paragraph 60 of the Complaint Defendant has insufficient information  
7 available upon which to respond and on that basis denies such allegation.

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9 61. Admit.

10 62.As to paragraph 62 of the Complaint Defendant denies such allegation.

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12 63.As to paragraph 63 of the Complaint Defendant has insufficient information  
13 available upon which to respond and on that basis denies such allegation.

14 64.As to paragraph 64 of the Complaint Defendant denies such allegation.

15 65.As to paragraph 65 of the Complaint Defendant denies such allegation.

16 66.As to paragraph 66 of the Complaint Defendant denies such allegation.

17 67.As to paragraph 67 of the Complaint Defendant denies such allegation.

18 68.As to paragraph 68 of the Complaint Defendant denies such allegation.

19 69.As to paragraph 69 of the Complaint Defendant denies such allegation.

20 70. As to paragraph 70 of the Complaint Defendant has insufficient information  
21 available upon which to respond and on that basis denies such allegation.

22  
23 71. Admit

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25 72. Deny

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1 73. As to paragraph 73 of the Complaint Defendant has insufficient information  
2 available upon which to respond and on that basis denies such allegation.

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4 74. Deny

5 75. As to paragraph 75 of the Complaint Defendant denies such allegation.

6 76. As to paragraph 76 of the Complaint Defendant denies such allegation.

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8 77. As to paragraph 77 of the Complaint Defendant has insufficient information  
9 available upon which to respond and on that basis denies such allegation.

10 78. As to paragraph 78 of the Complaint Defendant denies such allegation.

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12 79. As to paragraph 79 of the Complaint Defendant denies such allegation.

13 **PRAYER FOR RELIEF**

14 Defendant denies that Plaintiff is entitled to any of the relief they seek in the  
15  
16 Complaint.

17 FURTHER, AS SEPARATE AFFIRMATIVE DEFENSES to each and every  
18 cause of action of the complaint, this Answering Defendant is informed and  
19 believes, and on such information and belief alleges as follows:

20  
21 **SEPARATE AFFIRMATIVE DEFENSES**

22 As separate and additional affirmative defenses to the Complaint, Defendant  
23 alleges as follows:

24 **FIRST AFFIRMATIVE DEFENSE**

25 1. **Failure to State a Claim.** The complaint and each and every purported  
26 count thereof, fails to state a claim for which relief can be granted against  
27 this answering Defendant.

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**SECOND AFFIRMATIVE DEFENSE**

2. **Failure to Mitigate Damages.** Defendant is not liable for damages which could have and should have been mitigated by Plaintiff. Plaintiff has failed to mitigate their damages and is engaged in selective enforcement as there are 100’s if not thousands of IPTV sellers on the Amazon website. Meaning, Amazon profits from the alleged wrongdoing and have known about this for a long time.

**THIRD AFFIRMATIVE DEFENSE**

3. **Unclean Hands** and damages claimed, and not foreseeable to Answering Defendant, thus barring Plaintiff from any recovery from answering Defendant. Plaintiff has failed to mitigate their damages and is engaged in selective enforcement as there are 100’s if not thousands of IPTV sellers on the Amazon website. Meaning, Amazon profits from the alleged wrongdoing and have known about this for a long time.

**FOURTH AFFIRMATIVE DEFENSE**

4. **Innocent infringement.** Defendant’s actions were innocent in nature and not willful or with an intent to injure. Plaintiff Amazon creates a situation where it sanctions IPTV services leading the average ordinary person to believe there is nothing wrong in acting as a seller or reseller of their services.

**FIFTH AFFIRMATIVE DEFENSE**

5. **Statute of limitations** – Defendant alleges each cause of action is barred in whole or in part by the Statute of limitations

**SIXTH AFFIRMATIVE DEFENSE**

6. **Lack of Culpable Intent** – Defendant alleges each cause of action is barred in whole or in part due to lack of any culpable intent by Defendant.



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**SEVENTH AFFIRMATIVE DEFENSE**

**7. Estoppel and Waiver** – Defendant alleges each cause of action is barred in whole or in part by the doctrine of Estoppel and Waiver. Plaintiff are profiting from the conduct they allege is illegal and allow others to continue to sell IPTV services on their website thus encourage, aiding, abetting, ratifying and consenting to the alleged wrongful conduct.

**EIGHTH AFFIRMATIVE DEFENSE**

**8. Laches** – Defendant alleges each cause of action is barred in whole or in part by the doctrine of laches and failing to bring their case within a reasonable time to Defendant’s prejudice

**NINTH AFFIRMATIVE DEFENSE**

**9. Safe Harbor Under 17 U.S.C. 512** – Defendant alleges each cause of action is barred in whole or in part by the Safe Harbor sections of U.S.C. Section 512 et seq.

**TENTH AFFIRMATIVE DEFENSE**

**10. Implied authorization to sell and promote IPTV services** – Defendant alleges each cause of action is barred in whole or in part by Plaintiff profiting, promoting and continuing to profit from the conduct they allege is illegal and allow others to continue to sell IPTV services on their website thus encourage, aiding, abetting, ratifying and consenting to the alleged wrongful conduct.

**ELEVENTH AFFIRMATIVE DEFENSE**

**11. Failure to sue the right party** – Defendant alleges each cause of action is barred in whole or in part by Plaintiff profiting, promoting and continuing to profit from the conduct they allege is illegal and allow others to continue to sell IPTV services on their website thus encourage, aiding,

1 abetting, ratifying and consenting to the alleged wrongful conduct and  
2 failing to sue the proper party, Amazon and others.

3 **TWELFTH AFFIRMATIVE DEFENSE**

4 **12. Setoff** – Defendant alleges each cause of action is barred in whole or in  
5 part by Plaintiff profiting, promoting and continuing to profit from the  
6 conduct they allege is illegal and allow others to continue to sell IPTV  
7 services on their website thus encourage, aiding, abetting, ratifying and  
8 consenting to the alleged wrongful conduct. Defendant argues that any  
9 amount sought to be recovered is barred in part to an off-set of damages  
10 by virtue of the conduct of Plaintiff’s and others alleged to have caused  
11 Plaintiff damages.

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13 **Defendant has insufficient knowledge or information at this time to form a**  
14 **belief as to whether additional defenses may apply. All other defenses are**  
15 **reserved pending further discovery.**

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17 **WHEREFORE**, Answering Defendant, prays for Judgment as follows:

18 A. That Plaintiff(s) take nothing by way of their Complaint.

19 B. That the Complaint be dismissed with prejudice and judgment entered  
20 in favor of Defendant.

21 C. That Defendant be awarded its costs and attorney fees incurred in this  
22 action; and

23 D. For such other and further relief as the Court deems just and proper.

24 E. Defendant demands a jury trial  
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1 Respectfully Submitted

2 DATED: June 2, 2020  
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6 LAW OFFICES OF STEVEN C. VONDRAN  
7

8 By: /s/ Steven C. Vondran  
9 Steven C. Vondran, [SBN #232337]  
10 [steve@vondranlegal.com](mailto:steve@vondranlegal.com)  
11 Attorney for Defendants  
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**PROOF OF SERVICE**

I am a citizen of the United States and resident of the State of California. I am employed in Los Angeles, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On **June 2, 2020**, I served the following documents in the manner described below:

**ANSWER WITH FIRST AMENDED AFFIRMATIVE DEFENSES**

- 1. BY ELECTRONIC SERVICE PURSUANT TO AGREEMENT:** By electronically mailing a true and correct copy through Vondran Legal electronic mail system from [lisa@vondranlegal.com](mailto:lisa@vondranlegal.com) and/or [steve@vondranlegal.com](mailto:steve@vondranlegal.com) to the email addresses set forth below **AND FILING THROUGH THE COURTS ECF electronic filing service to all registered users.**

On the following parties in this action:

**JENNER & BLOCK**

Julie A. Shepard, Esq. [JShepard@jenner.com](mailto:JShepard@jenner.com)  
Gianni P. Servodidio, Esq. [GServodidio@jenner.com](mailto:GServodidio@jenner.com)  
Alonso Ponce, Esq. [APonce@jenner.com](mailto:APonce@jenner.com)>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **June 2nd, 2020**, at **Phoenix, Arizona**

**THE LAW OFFICES OF STEVEN VONDRAN, P.C.  
("VONDRAN LEGAL")**

By /s/ Lisa Vondran\_\_\_\_\_