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UNITED STATES DISTRICT COURT
Western District of Washington, at Seattle

INTERSCOPE RECORDS, a California)
general partnership; CAPITAL RECORDS,)
INC., a Delaware corporation; SONY BMG)
MUSIC ENTERTAINMENT, a Delaware)
general partnership; ATLANTIC)
RECORDING CORPORATION, a)
Delaware corporation; BMG MUSIC, a)
New York general partnership; VIRGIN)
RECORDS OF AMERICA, INC., a)
California corporation)
Plaintiffs,)
v.)
DAWNELL LEADBETTER,)
Defendant.)

No. C05-1149(RSL)
Yarmuth File Sharing Litigation

ANSWER

JURISDICTION AND VENUE

- 1. Defendant admits the allegations of the nature of the case in paragraph 1.
- 2. Defendant admits the allegations of subject matter jurisdiction in paragraph 2.

1 1. Some or all of the purported infringement alleged by Plaintiffs are barred by the
2 statutes of limitations set forth in the Copyright Act, 17 U.S.C. § 507.

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4 2. Plaintiffs' have failed to comply with the statutory filing requirements of the
5 Copyright Act, 17 U.S.C. § 501 *et seq.*

6 3. Plaintiffs' claims are barred by their failure to mitigate damages.

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8 4. Plaintiffs fail to state a claim against Defendant on which relief can be granted.

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10 5. Plaintiffs have failed to join necessary and indispensable parties under Fed. R.
11 Civ. Pro. 19.

12 6. Contributory fault of third party.

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14 7. Fault of a Nonparty. Defendant does not know who participated in the alleged
15 infringing activity.

16 8. The action is barred by the Doctrine of Laches.

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18 9. Plaintiffs are not entitled to equitable relief under the doctrine of unclean hands.

19 10. Plaintiffs have failed to mitigate their damages.

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21 11. Plaintiffs' subpoena to Defendant's Internet provider, Comcast Cable
22 Communications, Inc., is invalid because defendant's personal identifying information was
23 disclosed without providing required notice of the subpoena. Accordingly, the identification of
24 the Defendant violated Defendant's due process rights and renders Plaintiffs' claims invalid.
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