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8 Attorney for Defendant ARVIN DE LA SANTOS / YOUR EXTRA

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 TRILLER FIGHT CLUB II LLC, a
14 Delaware Limited Liability Company,

15 Plaintiff,

16 vs.

17 ARVIN DE LA SANTOS, an
18 individual: YOUR EXTRA, an
19 unknown business entity; and DOES 1
20 through 10, inclusive,

21 Defendants.

No. 2:21-CV-04906-DSF-PVC

**ANSWER TO COMPLAINT AND
AFFIRMATIVE DEFENSES**

DEMAND FOR JURY TRIAL

22 COMES NOW Defendant answering Plaintiff's complaint and raising
23 affirmative defenses as follows.

24 **ANSWER**

- 25 1. As to paragraph 1 of the Complaint Defendant lacks sufficient information to
26 admit or deny and, on that basis, denies the allegations in this paragraph.
27 2. As to paragraph 2 of the Complaint Defendant lacks sufficient information to
28 admit or deny and, on that basis, denies the allegations in this paragraph.

1 3. Defendant owns said YouTube channel however As to the remaining
2 allegations in paragraph s of the Complaint Defendant lacks sufficient
3 information to admit or deny and, on that basis, denies the allegations in this
4 paragraph.
5

6 4. Deny
7

8 5. Admit

9 6. Admit

10 7. Admit
11

12 8. As to paragraph 8 of the Complaint Defendant lacks sufficient information to
13 admit or deny and, on that basis, denies the allegations in this paragraph.
14

15 9. Deny

16 10. As to paragraph 10 of the Complaint Defendant lacks sufficient information
17 to admit or deny and, on that basis, denies the allegations in this paragraph.
18

19 11. Defendant resides in California but Defendant lacks sufficient information to
20 admit or deny the balance of the remaining allegations, on that basis, denies
21 the allegations in this paragraph.
22

23 12. Deny

24 13. Deny all allegations a-d

25 14. Deny

26 15. Admit
27
28

1 16. As to paragraph 16 of the Complaint Defendant lacks sufficient information
2 to admit or deny and, on that basis, denies the allegations in this paragraph.

3
4 17. As to paragraph 17 of the Complaint Defendant lacks sufficient information
5 to admit or deny and, on that basis, denies the allegations in this paragraph.

6 18. As to paragraph 18 of the Complaint Defendant lacks sufficient information
7 to admit or deny and, on that basis, denies the allegations in this paragraph.

8
9 19. Deny

10 20. Deny

11 21. Deny

12 22. Deny

13 23. Deny

14 24. Deny

15 25. Deny

16 26. Deny

17 27. Admit

18 28. As to paragraph 28 of the Complaint Defendant lacks sufficient information
19 to admit or deny and, on that basis, denies the allegations in this paragraph.

20 29. As to paragraph 29 of the Complaint Defendant lacks sufficient information
21 to admit or deny and, on that basis, denies the allegations in this paragraph.

22 30. As to paragraph 30 of the Complaint Defendant lacks sufficient information
23 to admit or deny and, on that basis, denies the allegations in this paragraph.
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1 31. Deny

2 32. As to paragraph 32 of the Complaint Defendant lacks sufficient information
3 to admit or deny and, on that basis, denies the allegations in this paragraph.
4

5 33. Deny

6 34. Deny

7 35. Deny

8 36. Admit

9 37. As to paragraph 37 of the Complaint Defendant lacks sufficient information
10 to admit or deny and, on that basis, denies the allegations in this paragraph.
11
12

13 38. Deny

14 39. Deny

15 40. Deny.

16 41. Deny.

17 42. Deny

18 43. Deny

19 44. Deny

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22 **PRAYER FOR RELIEF**

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24 Defendants deny that Plaintiff is entitled to any of the relief they seek in the
25 Complaint section numbered 1-10.
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SEPARATE AFFIRMATIVE DEFENSES

As separate and additional affirmative defenses to the Complaint, Defendant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

Fair Use. Defendant is barred from recovery due to the doctrine of Fair Use 17 U.S.C. 107.

SECOND AFFIRMATIVE DEFENSE

Unclean Hands – Plaintiff’s seek equity (injunction) but come to the Court with unclean hands. Defendant was enticed to settle the alleged infringement as opposed to having to go to Court. Defendant, agreed to sign Plaintiff’s settlement agreement, and paid the required fee which came with a release of claims. Thereafter, Plaintiff filed this lawsuit and returned the settlement fee (without interest) and now seeks to recover damages and attorney fees that they are not entitled to. This is a deceptive act and practice under California law.

THIRD AFFIRMATIVE DEFENSE

Innocent infringement. Defendant’s actions, to the extent they are found to be improper (which is disputed) was innocent in nature, acting in good faith, and not willful or with any intent to injure.

FOURTH AFFIRMATIVE DEFENSE

Accord & Satisfaction. The parties have previously agreed and resolved this dispute, which Plaintiff has now refused to honor.

WHEREFORE, Answering Defendant, prays for Judgment as follows:

- A. That Plaintiff(s) take nothing by way of their Complaint including neither legal or equitable relief.
- B. That the Complaint be dismissed with prejudice and judgment entered in favor of Defendant.
- C. That Defendant be awarded its costs and attorney fees incurred in this

1 action; and

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

3 E. Defendants demands a jury trial..

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6 Respectfully Submitted

7 Dated: October 18, 2021

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LAW OFFICES OF STEVEN C. VONDRAN

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By: /s/ Steven C. Vondran

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Steven C. Vondran, [SBN #232337]

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Attorney for Defendant

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Arvin De La Santos / Your Extra

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CERTIFICATE 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 **October 18, 2021**, I served the following documents in the manner described below:

DEFENDANTS ANSWER WITH AFFIRMATIVE DEFENSES

1. BY ELECTRONIC SERVICE / ECF FILING: By electronically filing a true and correct copy through The Court’s ECF electronic filing service to all registered users.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 18, 2021, at Phoenix, Arizona.

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

By /s/ Lisa Vondran (assistant) _____