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DREAMWORKS ANIMATION SKG,
7 INC.; DREAMWORKS, LLC also known
as DREAMWORKS SKG
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT
11

12 TERENCE DUNN,

13 Plaintiff,

14 v.

15 DREAMWORKS ANIMATION SKG,
INC.; DREAMWORKS, LLC also known
16 as DREAMWORKS SKG; and DOES 1
through 20, inclusive,

17 Defendants.
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) Case No. BC438833

) Assigned to Hon. JoAnne O'Donnell
Dept. 37

) **DEFENDANTS' ANSWER TO
COMPLAINT**

) Complaint Filed: June 1, 2010

1 Defendants DreamWorks Animation SKG, Inc. and DreamWorks, LLC also known
2 as DreamWorks SKG, (collectively "Defendants") in answer to the allegations in the
3 complaint (the "Complaint") of plaintiff Terence Dunn ("Plaintiff"), on file herein, answer,
4 deny and allege as follows:

5 **GENERAL DENIAL**

6 1. Pursuant to California Code of Civil Procedure Section 431.30(d),
7 Defendants deny generally and specifically each and every allegation contained in the
8 Complaint and each cause of action thereof, and generally and specifically deny that
9 Plaintiff has sustained any injury, damages or loss whatsoever, or at all, by reason of any
10 conduct, action, error or omission on the part of Defendants.

11 2. By alleging the Affirmative Defenses set forth below, Defendants intend no
12 alteration of the burden of proof and/or burden of going forward with evidence that
13 otherwise governs with respect to any particular issue at law or in equity. Furthermore, all
14 such defenses are pleaded in the alternative, and do not constitute an admission of liability
15 or that Plaintiff is entitled to any relief whatsoever.

16 **AFFIRMATIVE DEFENSES**

17 As separate and affirmative defenses to the Complaint, Defendants allege as
18 follows:

19 **FIRST AFFIRMATIVE DEFENSE**

20 **(Failure to State a Cause of Action)**

21 3. The Complaint, and each and every cause of action against Defendants
22 contained therein, fails to state facts sufficient to constitute a cause of action upon which
23 relief may be granted.

24 **SECOND AFFIRMATIVE DEFENSE**

25 **(Statute Of Limitations)**

26 4. The Complaint, and each and every cause of action against Defendants
27 contained therein, is barred by the applicable statute of limitations, including without
28 limitation California Code of Civil Procedure Sections 339, 337 and 338.

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THIRD AFFIRMATIVE DEFENSE

(Laches)

5. The Complaint, and each and every cause of action asserted against Defendants contained therein, is barred by the equitable doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

6. The Complaint, and each and every cause of action asserted against Defendants contained therein, is barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

(Waiver)

7. The Complaint, and each and every cause of action against Defendants contained therein, is barred by the doctrine of waiver.

SIXTH AFFIRMATIVE DEFENSE

(Preemption)

8. The Complaint, and each and every cause of action against Defendants contained therein, is preempted by the federal Copyright Act.

SEVENTH AFFIRMATIVE DEFENSE

(Remote and Speculative Damages)

9. The Complaint, and each and every cause of action against Defendants contained therein, is barred because the damages sought are excessively remote and speculative, and thus not cognizable, compensable or recoverable.

EIGHTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

10. Plaintiff would be unjustly enriched if he were awarded the relief that he seeks, and such relief is therefore barred.

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Dated: July 16, 2010

LOEB & LOEB LLP
DAVID GROSSMAN
ANNE W. BRAVEMAN

By: David Grossman /AWB
David Grossman
Attorneys for Defendants
DREAMWORKS ANIMATION SKG, INC.;
DREAMWORKS, LLC also known as
DREAMWORKS SKG

1 **PROOF OF SERVICE**

2 I, René R. Russell, the undersigned, declare that:

3 I am employed in the County of Los Angeles, State of California, over the age of 18, and
4 not a party to this cause. My business address is 10100 Santa Monica Boulevard, Suite 2200, Los
5 Angeles, California 90067-4120.

6 On July 16, 2010, I served a true copy of the following document(s): **DEFENDANT'S**
7 **ANSWER TO COMPLAINT** on the parties in this cause as follows:

8 (VIA U.S. MAIL) by placing the above-named document in a sealed envelope addressed
9 as set forth below, or on the attached service list and by then placing such sealed envelope for
10 collection and mailing with the United States Postal Service in accordance with Loeb & Loeb
11 LLP's ordinary business practices.

12 Glen L. Kulik
13 KULIK, GOTTESMAN, MOUTON & SIEGEL, LLP
14 15303 Ventura Boulevard, Ste 1400
15 Sherman Oaks, CA 91403-6610
16 Tel: 310.557.9200
17 Fax: 310.557.0224
18 Email: gkulik@kgmslaw.com
19 Attorneys for Plaintiff Terence Dunn

20 I am readily familiar with Loeb & Loeb LLP's practice for collecting and processing
21 correspondence for mailing with the United States Postal Service and Overnight Delivery Service.
22 That practice includes the deposit of all correspondence with the United States Postal Service
23 and/or Overnight Delivery Service the same day it is collected and processed.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 Executed on July 16, 2010, at Los Angeles, California.

27 
28 René R. Russell