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10 Attorneys for Defendants The Criterion Collection, Inc., s/h/a “Criterion Collections, Inc.,” and
11 Janus Films, s/h/a “Janus Films, LLC, a New York Limited Liability Company”

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 Olivia Hussey and Leonard Whiting,

15 Plaintiffs,

16 –vs–

17 Paramount Pictures Corp., Criterion
18 Collections, Inc., a wholly owned subsidiary of
19 Janus Films, LLC, Janus Films, LLC a New
20 York Limited Liability Company and DOES
21 I through D, inclusive,

22 Defendants.

Case No. 24STCV03814

**ANSWER OF THE CRITERION
COLLECTION, INC., s/h/a “Criterion
Collections, Inc.,” AND JANUS FILMS,
s/h/a “Janus Films, LLC, a New York
Limited Liability Company”**

Assigned to Hon. Holly J. Fujie
Department 56

Action Filed: February 14, 2024
Trial Date: None

23 Defendants, The Criterion Collection, Inc., s/h/a “Criterion Collections, Inc.,” (“Criterion”)
24 and Janus Films, s/h/a “Janus Films, LLC, a New York Limited Liability Company” (“Janus”)
25 (collectively, “Defendants”), answering the First Amended Complaint filed by Olivia Hussey and
26 Leonard Whiting (“Plaintiffs”), say as follows:

27 **GENERAL DENIAL**

28 Pursuant to Section 431.30(d) of the California Code of Civil Procedure, Defendants deny,
both generally and specifically, each and every allegation contained in the First Amended Complaint
 (“Complaint”) and each purported cause of action therein. Defendants further specifically deny that
 Plaintiffs have suffered any injury or damage as a result of any acts or conduct of Defendant.
 Defendant further denies that Plaintiffs are entitled to any relief whatsoever.

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AFFIRMATIVE DEFENSES

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Defendants plead the following separate and additional defenses to the Complaint. By pleading these defenses, Defendants do not in any way agree or concede that they have or either of them has the burden of proof or persuasion on any of these issues or that they or either one of them is liable for any claims against it.

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FIRST AFFIRMATIVE DEFENSE

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(Failure to State a Claim)

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1. The Complaint, and each purported claim for relief therein fails to state facts upon which relief may be granted.

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SECOND AFFIRMATIVE DEFENSE

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(Laches)

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2. The claims in the Complaint are barred, in whole or in part, by the doctrine of laches.

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THIRD AFFIRMATIVE DEFENSE

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(Statutes of Limitation)

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3. The claims in the Complaint are barred, in whole or in part, by statutes of limitation, including, without limitation, Code of Civil Procedure §§ 338(d)m 339, 340(a), and/or 361.

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FOURTH AFFIRMATIVE DEFENSE

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(Ratification)

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4. The claims in the Complaint are barred, in whole or in part, because Plaintiffs have ratified the conduct of Defendant of which they now complain.

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FIFTH AFFIRMATIVE DEFENSE

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(Implied and Express Consent)

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5. The claims in the Complaint are barred, in whole or in part, because Plaintiffs consented, both expressly and impliedly, to the conduct of the Defendants of which they now complain.

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SIXTH AFFIRMATIVE DEFENSE

(Waiver and Estoppel)

6. The claims in the Complaint are barred, in whole or in part, by the doctrines of waiver and/or estoppel

SEVENTH AFFIRMATIVE DEFENSE

(Acquiescence and Approval)

7. The claims in the Complaint are barred, in whole or in part, by Plaintiffs' acquiescence and/or approval of the conduct of Defendant of which they now complain.

EIGHTH AFFIRMATIVE DEFENSE

(Preemption)

8. The claims in the Complaint are barred, in whole or in part, by the rules of preemption, including under the federal Copyright Act.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

9. The claims in the Complaint are barred, in whole or in part, by the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

(First Amendment)

10. The claims in the Complaint are barred, because all of the conduct complained of is protected by the First Amendment.

ELEVENTH AFFIRMATIVE DEFENSE

(Jurisdiction)

11. The claims in the Complaint are barred to the extent that this Court lacks jurisdiction over any of them.

1 **TWELFTH AFFIRMATIVE DEFENSE**

2 (Failure To Mitigate Damages)

3 12. The claims in the Complaint are barred, in whole or in part, because of Plaintiffs'
4 failure to mitigate their alleged damages, if any.

5 **THIRTEENTH AFFIRMATIVE DEFENSE**

6 (Collateral Estoppel or Issue Preclusion)

7 13. The claims in the Complaint are barred, in whole or in part, by collateral estoppel,
8 which precludes the re-litigation of issues decided in prior proceedings between the parties.

9 **FOURTEENTH AFFIRMATIVE DEFENSE**

10 (Standing)

11 14. The claims in the Complaint are barred, in whole or in part, to the extent that one or
12 more of the Plaintiffs lacks standing to pursue the claims.

13 **FIFTEENTH AFFIRMATIVE DEFENSE**

14 (Release)

15 15. The claims in the Complaint are barred, in whole or in part, because Plaintiffs have
16 released Defendant from the claims.

17 **SIXTEENTH AFFIRMATIVE DEFENSE**

18 (Speculative Damages)

19 16. The alleged damages are too speculative to permit recovery in this case.

20 **SEVENTEENTH AFFIRMATIVE DEFENSE**

21 (Election Of Remedies)

22 17. The claims in the Complaint are barred, in whole or in part, by the doctrine of election
23 of remedies.

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EIGHTEENTH AFFIRMATIVE DEFENSE

(Notice Of Reliance On Additional Defenses)

18. The Complaint has failed to allege facts sufficient to state a basis for each and every cause of action in the Complaint, and Defendant has not completed its investigation and discovery regarding the facts and claims asserted in the Complaint. Accordingly, Defendant reserves the right to assert such additional affirmative defenses or to supplement the factual or legal bases for the pleaded affirmative defenses, as necessary, based on its ongoing investigation and discovery.


PRAYER FOR RELIEF

WHEREFORE, Defendants pray for relief as follows:

1. That Plaintiffs take nothing by this action and be afforded no relief against Defendants;
2. That the Complaint be dismissed, with prejudice and in its entirety, and that judgment be entered against Plaintiffs and in favor of Defendants;
3. That Defendants be awarded any recoverable costs and expenses incurred in this action, including reasonable attorneys' fees, where permitted by law; and
4. That Defendants be granted such other and further relief as the Court may deem just and proper.

Dated: April 24, 2024

ULLMAN, FURHMAN & PLATT, P.C.

By: 

Jeffrey D. Ullman, Esq
A Member of the Firm

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am
4 employed in the County of Los Angeles, State of California. My business address is 10100 Santa
5 Monica Blvd., Suite 1725, Los Angeles, CA 90067.


6 On April 24, 2024, I served true copies of the following document(s) described as
7 **ANSWER OF THE CRITERION COLLECTION, INC. AND JANUS FILMS** on the
8 interested parties in this action as follows:

| | |
|--|---|
| <p>9 William A. Romaine 10 Zishan Lokhandwala 11 ROMAINE LOKHANDWALA LAW GROUP, LLP 12 3323 South Fairway Street, Suite 5 13 Visalia, California 93277 14 Telephone: 559- 625-6020 15 Facsimile: 559-625-6024 16 Emails: war@lawromaine.com 17 zl@lawromaine.com</p> <p>18 <i>Attorneys for Plaintiffs,</i> 19 <i>Olivia Hussey and Leonard Whiting</i></p> | <p>Richard B. Kendall Nary Kim Tiana S. Baheri KENDALL BRILL & KELLY LLP 10100 Santa Monica Blvd., Suite 1725 Los Angeles, California 90067 Telephone: 310.556.2700 Facsimile: 310.556.2705 Emails: rkendall@kbfkfirm.com nkim@kbfkfirm.com tbaheri@kbfkfirm.com</p> <p>Attorneys for Defendant Paramount Pictures Corp.</p> |
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20 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Pursuant to California Civil
21 Procedure Code § 1010.6 (b)(3) and California Rule of Court 2.251(c) (3), I caused the
22 document(s) to be sent to each interested party at the email addresses listed above or on the
23 attached service list.

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 April 24, 2024, at Los Angeles, California.

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28 _____
Katie Yamashita