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8 Corp.

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

12 Olivia Hussey and Leonard Whiting,  
13 **Plaintiffs,**  
14 v.  
15 Paramount Pictures Corp., Criterion  
Collections, Inc., a wholly owned  
16 subsidy of Janus Films, LLC, Janus  
Films, LLC a New York Limited  
17 Liability Company and DOES I through  
18 D, Inclusive,  
19 **Defendants.**

Case No. 24STCV03814

**ANSWER OF PARAMOUNT PICTURES  
CORPORATION TO THE FIRST  
AMENDED COMPLAINT**

Assigned to Hon. Holly J. Fujie  
Department 56

Action Filed: February 14, 2024  
Trial Date: None

1 Paramount Pictures Corporation (“Defendant”) answers the First Amended Complaint filed  
2 by Olivia Hussey and Leonard Whiting (together, the “Plaintiffs”) as follows:

3 **GENERAL DENIAL**

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

9 **AFFIRMATIVE DEFENSES**

10 Defendant pleads the following separate and additional defenses to the Complaint. By  
11 pleading these defenses, Defendant does not in any way agree or concede that it has the burden of  
12 proof or persuasion on any of these issues or that it liable for any claims against it.

13 **FIRST AFFIRMATIVE DEFENSE**

14 **(Failure to State a Claim)**

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

17 **SECOND AFFIRMATIVE DEFENSE**

18 **(Laches)**

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

20 **THIRD AFFIRMATIVE DEFENSE**

21 **(Statutes Of Limitations)**

22 3. The claims in the Complaint are barred, in whole or in part, by the statutes of  
23 limitations, including without limitation Code of Civil Procedure §§ 338(d), 339, 340(a), and/or  
24 361.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 **(Ratification)**

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

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**FIFTH AFFIRMATIVE DEFENSE**

**(Implied And Express Consent)**

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

**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 and/or judicial admission.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Res Judicata)**

7. The claims in the Complaint are barred, in whole or in part, by the doctrine of res judicata.

**EIGHTH AFFIRMATIVE DEFENSE**

**(Sham Pleading)**

8. The claims in the Complaint are barred, in whole or in part, by the sham pleading doctrine.

**NINTH AFFIRMATIVE DEFENSE**

**(Acquiescence And Approval)**

9. 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.

**TENTH AFFIRMATIVE DEFENSE**

**(Preemption)**

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

**ELEVENTH AFFIRMATIVE DEFENSE**

**(Unclean Hands)**

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

1 hands.

2 **TWELFTH AFFIRMATIVE DEFENSE**

3 **(First Amendment)**

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

6 **THIRTEENTH AFFIRMATIVE DEFENSE**

7 **(Jurisdiction)**

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

10 **FOURTEENTH AFFIRMATIVE DEFENSE**

11 **(Failure To Mitigate Damages)**

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

14 **FIFTEENTH AFFIRMATIVE DEFENSE**

15 **(Collateral Estoppel or Issue Preclusion)**

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

18 **SIXTEENTH AFFIRMATIVE DEFENSE**

19 **(Standing)**

20 16. The claims in the Complaint are barred, in whole or in part, to the extent that one or  
21 more of the Plaintiffs lacks standing to pursue the claims.

22 **SEVENTEENTH AFFIRMATIVE DEFENSE**

23 **(Release)**

24 17. The claims in the Complaint are barred, in whole or in part, because Plaintiffs have  
25 released Defendant from the claims.

26 **EIGHTEENTH AFFIRMATIVE DEFENSE**

27 **(Speculative Damages)**

28 18. The alleged damages are too speculative to permit recovery in this case.

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**NINETEENTH AFFIRMATIVE DEFENSE**

**(Election Of Remedies)**

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

**TWENTIETH AFFIRMATIVE DEFENSE**

**(Notice Of Reliance On Additional Defenses)**

20. 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, Defendant prays for relief as follows:

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

DATED: April 24, 2024

KENDALL BRILL & KELLY LLP

By:   
Nary Kim  
Attorneys for Defendant Paramount Pictures Corp.

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**PROOF OF SERVICE**

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

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

On April 24, 2024, I served true copies of the following document(s) described as **ANSWER OF PARAMOUNT PICTURES CORPORATION TO THE FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

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Zishan Lokhandwala  
Romaine Lokhandwala Law Group, LLP  
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*Attorney for Defendants, The Criterion Collection, Inc. and Janus Films*

*Attorneys for Plaintiffs,  
Olivia Hussey and Leonard Whiting*

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Pursuant to California Civil Procedure Code § 1010.6 (b)(3) and California Rule of Court 2.251(c) (3), I caused the document(s) to be sent to each interested party at the email addresses listed above or on the attached service list.

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

Executed on April 24, 2024, at Los Angeles, California.

  
Katie Yamashita