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6 Attorneys for ELLEN KARDASHIAN

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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11
12 WESTERN DIVISION

14 KOURTNEY KARDASHIAN, an
15 individual; KIMBERLY
16 KARDASHIAN, an individual;
17 KHLOE KARDASHIAN ODOM, an
18 individual; ROBERT KARDASHIAN,
19 JR. an individual, and KRIS JENNER,
an individual,

20 Plaintiffs,

21 vs.

22 ELLEN PEARSON, an individual, a/k/a
23 ELLEN KARDASHIAN and a/k/ a
24 ELLEN PIERSON; and DOES 1
through 10, inclusive,

25 Defendants.
26
27
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CASE NO. CV13-02406-GHK (JCx)

**DEFENDANT ELLEN
KARDASHIAN'S ANSWER TO
COMPLAINT**

JURY TRIAL DEMANDED

Action filed: April 04, 2013
Trial Date: Not Yet Set

1 Defendant ELLEN KARDASHIAN ("KARDASHIAN" or "Defendant"),
2 through its undersigned counsel of record, answers Plaintiffs' Complaint
3 ("Complaint"), as follows:

4 1. Answering Paragraph 1 of the Complaint, defendant denies each and every
5 allegation contained in said paragraph.

6 2. Answering Paragraph 2 of the Complaint, defendant admits that she was
7 married to Robert Kardashian and that she was in possession of Robert
8 Kardashian's diary ("Diary"), several photographs ("Photographs") and family
9 albums ("Family Albums"). Defendant admits that she has licensed portions of the
10 Diary and Photographs for publication. Defendant further admits that she has
11 recently filed for bankruptcy. Except as so admitted, Defendant denies each and
12 every allegation contained in said paragraph.

13 3. Answering Paragraph 3 of the Complaint, defendant denies each and
14 every allegation contained in said paragraph.

15 4. Answering Paragraph 4 of the Complaint, Defendant lacks sufficient
16 information to deny or admit any allegation contained in said paragraph.

17 5. Answering Paragraph 5 of the Complaint, Defendant lacks sufficient
18 information to deny or admit any allegation contained in said paragraph.

19 6. Answering Paragraph 6 of the Complaint, Defendant lacks sufficient
20 information to deny or admit any allegation contained in said paragraph.

21 7. Answering Paragraph 7 of the Complaint, Defendant lacks sufficient
22 information to deny or admit any allegation contained in said paragraph.

23 8. Answering Paragraph 8 of the Complaint, Defendant lacks sufficient
24 information to deny or admit any allegation contained in said paragraph.

25 9. Answering Paragraph 9 of the Complaint, Defendant lacks sufficient
26 information to deny or admit any allegation contained in said paragraph.

27 10. Answering Paragraph 10 of the Complaint, Defendant lacks sufficient
28 information to deny or admit any allegation contained in said paragraph.

1 11. Answering Paragraph 11 of the Complaint, Defendant admits that she
2 is an individual who is a citizen of and who is engaged in and doing business in the
3 County of Los Angeles, State of California.

4 12. Answering Paragraph 12 of the Complaint, Defendant lacks sufficient
5 information to deny or admit any allegation contained in said paragraph.

6 13. Answering Paragraph 13 of the Complaint, Defendant lacks sufficient
7 information to deny or admit any allegation contained in said paragraph.

8 14. Answering Paragraph 14 of the Complaint, Defendant lacks sufficient
9 information to deny or admit any allegation contained in said paragraph.

10 15. Answering Paragraph 15 of the Complaint, Defendant lacks sufficient
11 information to deny or admit any allegation contained in said paragraph.

12 16. Answering Paragraph 16 of the Complaint, Defendant lacks sufficient
13 information to deny or admit any allegation contained in said paragraph.

14 17. Answering Paragraph 17 of the Complaint, Defendant admits that the
15 citation from the Robert George Kardashian 2003 Trust dated July 26 (Articles 5)
16 is correct but incomplete. Except as so admitted, Defendant denies each and every
17 allegation contained in said paragraph.

18 18. Answering Paragraph 18 of the Complaint, Defendant admits that the
19 citation from Article 5 the Trust Agreement for the Robert George Kardashian
20 2003 Trust dated July 26, 2003 is correct but incomplete. Except as so admitted,
21 Defendant denies each and every allegation contained in said paragraph.

22 19. Answering Paragraph 19 of the Complaint, Defendant admits that the
23 citations from the Trust (Articles 5 and 6) and Will (Article 4) are correct but
24 incomplete. Except as so admitted, Defendant denies each and every allegation
25 contained in said paragraph.

26 20. Answering Paragraph 20 of the Complaint, Defendant denies each and
27 every allegation contained in said paragraph.

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1 21. Answering Paragraph 21 of the Complaint, Defendant admits that at
2 the time of his passing, Robert Kardashian was in possession of a photograph of
3 and capturing Robert Kardashian with his children. Except as so admitted,
4 Defendant denies each and every allegation contained in said paragraph.

5 22. Answering Paragraph 22 of the Complaint, Defendant denies each and
6 every allegation contained in said paragraph.

7 23. Answering Paragraph 23 of the Complaint, Defendant denies each and
8 every allegation contained in said paragraph.

9 24. Answering Paragraph 24 of the Complaint, Defendant admits that she
10 was in possession of the Diary and several photographs of and capturing Robert
11 Kardashian with members of his family. Except as so admitted, Defendant denies
12 each and every allegation contained in said paragraph.

13 25. Answering Paragraph 25 of the Complaint, Defendant denies each and
14 every allegation contained in said paragraph.

15 26. Answering Paragraph 26 of the Complaint, Defendant lacks sufficient
16 information to deny or admit any allegation contained in said paragraph.

17 27. Answering Paragraph 27 of the Complaint, Defendant lacks sufficient
18 information to deny or admit any allegation contained in said paragraph.

19 28. Answering Paragraph 28 of the Complaint, Defendant admits that she
20 filed for Chapter 7 bankruptcy in the United States District Court for the Central
21 District of California, in Riverside County, Case Number 1047447, captioned In re
22 Ellen June Kardashian in and around November 2010 and that the bankruptcy was
23 discharged in and about March 2011. Except as so admitted, Defendant denies
24 each and every allegation contained in said paragraph.

25 29. Answering Paragraph 29 of the Complaint, Defendant admits
26 providing a list of property in the course of the bankruptcy proceedings. Except as
27 so admitted, Defendant denies each and every allegation contained in said
28 paragraph.

1 30. Answering Paragraph 30 of the Complaint, Defendant admits that as
2 part of the bankruptcy, to help reimburse her creditors, Defendant did list and was
3 divested from various valuable assets, including artwork, jewelry and her house in
4 Indian Springs, some of which property was received by bequeathment from
5 Robert Kardashian. Except as so admitted, Defendant denies each and every
6 allegation contained in said paragraph.

7 31. Answering Paragraph 31 of the Complaint, Defendant denies each and
8 every allegation contained in said paragraph.

9 32. Answering Paragraph 32 of the Complaint, Defendant admits that she
10 has, in the past, been compensated by the media in exchange for providing
11 materials and information of public interest. Except as so admitted, Defendant
12 denies each and every allegation contained in said paragraph.

13 33. Answering Paragraph 33 of the Complaint, Defendant admits that in
14 or about January 2013, she was compensated in connection with articles published
15 by Bauer Publishing LP, owner and publisher of the weekly publications *In Touch*
16 *Weekly* and *Life & Style*. Except as so admitted, Defendant denies each and every
17 allegation contained in said paragraph.

18 34. Answering Paragraph 34 of the Complaint, Defendant admits that she
19 provided portions of the Diary and Photographs for publication. Except as so
20 admitted, Defendant denies each and every allegation contained in said paragraph.

21 35. Answering Paragraph 35 of the Complaint, Defendant lacks sufficient
22 information to deny or admit any allegation related to Plaintiff's 'discovery'
23 contained in said paragraph. Defendant denies each and every allegation relating
24 to her actions/inactions contained in said paragraph.

25 36. Answering Paragraph 36 of the Complaint, Defendant lacks sufficient
26 information to deny or admit any allegation related to Bauer Publishing LP's
27 intentions contained in said paragraph. Defendant denies each and every allegation
28 relating to her actions/inactions contained in said paragraph.

1 37. Answering Paragraph 37 of the Complaint, Defendant lacks sufficient
2 information to deny or admit any allegation related to Bauer Publishing LP's
3 intentions contained in said paragraph. Plaintiff admits that Plaintiff sent her a
4 letter as stated in said paragraph. Except as so admitted, Defendant denies each
5 and every allegation contained in said paragraph.

6 38. Answering Paragraph 38 of the Complaint, Defendant lacks sufficient
7 information to deny or admit any allegation contained in said paragraph.

8 39. Answering Paragraph 39 of the Complaint, Defendant lacks sufficient
9 information to deny or admit any allegation contained in said paragraph.

10 40. Answering Paragraph 40 of the Complaint, Defendant refers to her
11 answers to Paragraphs 1-39 of the Complaint.

12 41. Answering Paragraph 41 of the Complaint, Defendant denies each and
13 every allegation contained in said paragraph.

14 42. Answering Paragraph 42 of the Complaint, Defendant lacks sufficient
15 information to deny or admit any allegation contained in said paragraph.

16 43. Answering Paragraph 43 of the Complaint, Defendant admits that she
17 was in possession of the Diary and provided portions for publication. Except as so
18 admitted, Defendant denies each and every allegation contained in said paragraph.

19 44. Answering Paragraph 44 of the Complaint, Defendant admits that
20 Plaintiffs have demanded the Diary and Defendant has refused to give Plaintiffs
21 said Diary. Except as so admitted, Defendant denies each and every allegation
22 contained in said paragraph.

23 45. Answering Paragraph 45 of the Complaint, Defendant denies each and
24 every allegation contained in said paragraph.

25 46. Answering Paragraph 46 of the Complaint, Defendant lacks sufficient
26 information to deny or admit any allegation contained in said paragraph.

27 47. Answering Paragraph 47 of the Complaint, Defendant denies each and
28 every allegation contained in said paragraph. Defendant lacks sufficient

1 information to deny or admit any allegation contained in said paragraph relating to
2 other Defendants.

3 48. Answering Paragraph 48 of the Complaint, Defendant denies each and
4 every allegation contained in said paragraph relating to her actions or inactions.
5 Defendant lacks sufficient information to deny or admit any allegation contained in
6 said paragraph relating to Plaintiff's alleged damages.

7 49. Answering Paragraph 49 of the Complaint, Defendant refers to her
8 answers to Paragraphs 1-48 of the Complaint.

9 50. Answering Paragraph 50 of the Complaint, Defendant denies each and
10 every allegation contained in said paragraph relating to ownership of the Diary
11 and/or any related copyrights. Defendant lacks sufficient information to deny or
12 admit any allegation contained in said paragraph relating to Plaintiff's actions.

13 51. Answering Paragraph 51 of the Complaint, Defendant admits that she
14 has licensed portions of the Diary for publication. Defendant lacks sufficient
15 information to deny or admit any allegation contained in said paragraph relating to
16 other Defendants. Except as so admitted, Defendant denies each and every
17 allegation contained in said paragraph.

18 52. Answering Paragraph 52 of the Complaint, Defendant denies each and
19 every allegation contained in said paragraph.

20 53. Answering Paragraph 53 of the Complaint, Defendant denies each and
21 every allegation contained in said paragraph.

22 54. Answering Paragraph 54 of the Complaint, Defendant denies each and
23 every allegation contained in said paragraph.

24 55. Answering Paragraph 55 of the Complaint, Defendant lacks sufficient
25 information to deny or admit any allegation contained in said paragraph.

26 56. Answering Paragraph 56 of the Complaint, Defendant denies each and
27 every allegation contained in said paragraph.

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1 57. Answering Paragraph 57 of the Complaint, Defendant denies each and
2 every allegation contained in said paragraph.

3 58. Answering Paragraph 58 of the Complaint, Defendant denies each and
4 every allegation contained in said paragraph.

5 59. Answering Paragraph 59 of the Complaint, Defendant refers to her
6 answers to Paragraphs 1-58 of the Complaint.

7 60. Answering Paragraph 60 of the Complaint, Defendant denies each and
8 every allegation contained in said paragraph relating to ownership of the
9 Photograph and/or any related copyrights. Defendant lacks sufficient information
10 to deny or admit any allegation contained in said paragraph relating to Plaintiff's
11 actions.

12 61. Answering Paragraph 61 of the Complaint, Defendant admits that she
13 has licensed the Photograph. Except as so admitted, Defendant denies each and
14 every allegation contained in said paragraph.

15 62. Answering Paragraph 62 of the Complaint, Defendant denies each and
16 every allegation contained in said paragraph.

17 63. Answering Paragraph 63 of the Complaint, Defendant denies each and
18 every allegation contained in said paragraph.

19 64. Answering Paragraph 64 of the Complaint, Defendant denies each and
20 every allegation contained in said paragraph.

21 65. Answering Paragraph 65 of the Complaint, Defendant lacks sufficient
22 information to deny or admit any allegation contained in said paragraph.

23 66. Answering Paragraph 66 of the Complaint, Defendant denies each and
24 every allegation contained in said paragraph.

25 67. Answering Paragraph 67 of the Complaint, Defendant denies each and
26 every allegation contained in said paragraph.

27 68. Answering Paragraph 68 of the Complaint, Defendant lacks sufficient
28 information to deny or admit any allegation contained in said paragraph.

1 69. Answering Paragraph 69 of the Complaint, Defendant refers to her
2 answers to Paragraphs 1-68 of the Complaint.

3 70. Answering Paragraph 70 of the Complaint, Defendant denies each and
4 every allegation contained in said paragraph.

5 71. Answering Paragraph 71 of the Complaint, Defendant lacks sufficient
6 information to deny or admit any allegation contained in said paragraph.

7 72. Answering Paragraph 72 of the Complaint, Defendant lacks sufficient
8 information to deny or admit any allegation contained in said paragraph.

9 73. Answering Paragraph 73 of the Complaint, Defendant denies each and
10 every allegation contained in said paragraph.

11 74. Answering Paragraph 74 of the Complaint, Defendant denies each and
12 every allegation contained in said paragraph.

13 75. Answering Paragraph 75 of the Complaint, Defendant denies each and
14 every allegation contained in said paragraph.

15 76. Answering Paragraph 76 of the Complaint, Defendant denies each and
16 every allegation contained in said paragraph. Defendant lacks sufficient
17 information to deny or admit any allegation contained in said paragraph relating to
18 other Defendants.

19 77. Answering Paragraph 77 of the Complaint, Defendant refers to her
20 answers to Paragraphs 1-76 of the Complaint.

21 78. Answering Paragraph 78 of the Complaint, Defendant denies each and
22 every allegation relating to the legitimacy of their conduct, contained in said
23 paragraph.

24 79. Answering Paragraph 79 of the Complaint, Defendant denies each and
25 every allegation contained in said paragraph.

26 80. Answering Paragraph 80 of the Complaint, Defendant refers to her
27 answers to Paragraphs 1-79 of the Complaint.

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1 81. Answering Paragraph 81 of the Complaint, Defendant denies each and
2 every allegation contained in said paragraph.

3 82. Answering Paragraph 82 of the Complaint, Defendant denies each and
4 every allegation relating to the legitimacy of their conduct, contained in said
5 paragraph. Defendant lacks sufficient information to deny or admit any allegation
6 contained in said paragraph relating to other Defendants.

7 83. Answering Paragraph 81 of the Complaint, Defendant denies each and
8 every allegation contained in said paragraph. Defendant lacks sufficient
9 information to deny or admit any allegation contained in said paragraph relating to
10 other Defendants.

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12 **AFFIRMATIVE DEFENSES**

13 1. Further answering the Complaint, Defendant pleads the following
14 Affirmative Defenses:

15 **FIRST AFFIRMATIVE DEFENSE**

16 **Failure to State a Claim**

17 2. Plaintiff has failed to state a claim upon which relief may be granted
18 against this answering Defendant;

19 **SECOND AFFIRMATIVE DEFENSE**

20 **Statute of Limitations**

21 3. The Complaint, and each cause of action therein, is barred by
22 applicable statutes of limitations;

23 **THIRD AFFIRMATIVE DEFENSE**

24 **Lack of Subject Matter Jurisdiction and Failure to Meet Registration**

25 **Requirements**

26 4. Plaintiff's claims are barred for lack of subject matter jurisdiction
27 because Plaintiff lacks valid copyright registration and/or has not registered the
28 alleged copyright in proper or timely fashion;

1 **FOURTH AFFIRMATIVE DEFENSE**

2 **Res Judicata**

3 5. Plaintiff's claims are barred by the doctrine of res judicata.

4 **FIFTH AFFIRMATIVE DEFENSE**

5 **Collateral Estoppel**

6 6. Plaintiff s claims are barred by the doctrine of collateral estoppel.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 **Laches**

9 7. Plaintiff s claims are time-barred by the doctrine of laches for failing
10 to timely allege claims against Defendant.

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 **Estoppel**

13 8. Plaintiff's claims are barred by the doctrine of estoppel.

14 **EIGHTH AFFIRMATIVE DEFENSE**

15 **Mistake**

16 9. Plaintiff s claimed right of recovery from Defendant is barred in
17 whole or in part by the doctrine of mistake.

18 **NINTH AFFIRMATIVE DEFENSE**

19 **Failure to Mitigate Damages**

20 10. Plaintiffs claimed right of recovery from Defendant is barred in whole
21 or in part by Plaintiff's failure to mitigate, minimize or avoid any losses Plaintiff
22 allegedly sustained, and recovery against Defendant, if any, must be reduced by
23 that amount.

24 **TENTH AFFIRMATIVE DEFENSE**

25 **Third Parties**

26 11. If Plaintiff is entitled to any of the remedies alleged in his Complaint,
27 he is entitled to recover from persons or entities other than Defendant.

1 **ELEVENTH AFFIRMATIVE DEFENSE**

2 **Fair Use**

3 12. Plaintiffs' claimed right of recovery from Defendant is barred in
4 whole or in part by the doctrine of fair use.

5 **TWELFTH AFFIRMATIVE DEFENSE**

6 **Misuse of Copyright**

7 13. Plaintiffs claimed right of recovery against this Defendant is barred by
8 the doctrine of misuse of copyright.

9 **THIRTEENTH AFFIRMATIVE DEFENSE**

10 **First Amendment Freedom of Speech**

11 14. Plaintiff s claimed right of recovery against this Defendant is barred in
12 whole or in part because Plaintiff's actions and speech are afforded Constitutional
13 protection under the First Amendment to the Constitution of the United States.

14 **FOURTEENTH AFFIRMATIVE DEFENSE**

15 **Forfeiture and Abandonment**

16 15. Plaintiff's claims are barred in whole or in part to the extent Plaintiff
17 abandoned any valid copyrights.

18 **FIFTEENTH AFFIRMATIVE DEFENSE**

19 **Lack of Standing**

20 16. Plaintiff lacks standing to assert the causes of action asserted, and to
21 maintain claims made in the Complaint.

22 **SIXTEENTH AFFIRMATIVE DEFENSE**

23 **Reservation of Affirmative Defenses**

24 17. Plaintiffs Complaint does not describe the claims made against
25 Defendant with sufficient particularity to enable Defendant to determine all
26 applicable defenses, and Defendant therefore hereby reserves his right to assert any
27 and all additional defenses that may be appropriate once the precise nature of each
28 claim is fully ascertained.

DEFENDANT'S PRAYER

WHEREFOR, Defendant prays as follows:

- 1. That Plaintiff take nothing by way of the instant action;
- 2. That Defendant be awarded all costs of suit incurred by reason of his defense, including without limitation attorney fees;
- 3. All further relief as the Court may determine to be equitable, proper and just.

Respectfully submitted,

PETER LAW GROUP

Dated: May 14, 2013

/s/ Arnold P. Peter

By: ARNOLD P. PETER
Attorney for Defendant
ELLEN KARDASHIAN

JURY DEMAND

Defendant hereby demands trial of the within causes by jury.

Respectfully submitted,

Dated: May 14, 2013

PETER LAW GROUP

/s/ Arnold P. Peter

By: ARNOLD P. PETER
Attorney for Defendant
ELLEN KARDASHIAN

CERTIFICATE OF SERVICE

Kardashian, et al v Ellen Pearson aka Ellen Kardashian

USDC Case No. CV-13-02406-GHK(JCx)

I hereby certify that on May 14, 2013, I electronically transmitted the above document to the Clerk's Office of the United States District Court using the CM/ECF System for filing, and that the CM/ECF System will send a copy via electronic notice to all registered ECF participants.

/s/ Andrea Ramirez