

Theodore D. Karantsalis

*Plaintiff*

V.

Roofer Mike Inc

*Defendant*

Civil Action No. 13-CV-23956-WILLIAMS/TURNOFF

### **ANSWER TO COMPLAINT DENYING ALLEGATION OF COPYRIGHT INFRINGEMENT**

Defendant ROOFER MIKE INC ("Defendant") now answers the Complaint against him alleging copyright infringement, and denies any and all such allegations, and further denies the specific allegations of the Complaint and states affirmative defenses, as follows:

#### **NATURE OF ACTION**

1. Agree

#### **PARTIES**

2. Agree

3. Agree

#### **JURISDICTION**

4. Agree

5. Agree

6. There was no infringement and the Work is no longer displayed on the Websites.

7. Alleged infringement is no longer accessible in South Florida.

8. The alleged infringement does not continue to occur in South Florida.

9. Answering paragraph 9 of the Complaint, Defendant lacks information sufficient to form a belief as to the facts alleged, and on that basis, Defendant denies them.

#### **VENUE**

10. Answering paragraph 10 of the Complaint, Defendant lacks information sufficient to form a belief as to the facts alleged, and on that basis, Defendant denies them.

#### **FACTS**

11. Agree

12. Agree

13. Shortly following publication on Plaintiff's blog on March 13, 2013, Plaintiff emailed "the Work" to Defendant, Michael Slattery, President of Roofer Mike Inc. Plaintiff did not request any payment for "the Work". Plaintiff and Defendant had a personal friendship and Plaintiff made several suggestions on how Defendant could market his business. Plaintiff wrote and submitted "the Work" along with a favorable article to local newspaper, River Cities Gazette. Article was published on March 21, 2013. Further, Plaintiff assisted Defendant in marketing his company by creating a video of Roofer Mike Inc employees replacing a metal roof. Plaintiff and Defendant worked together to edit the video. Plaintiff was paid \$300.00 in cash for his efforts and Plaintiff placed the video on Youtube. Video also appeared on Roofer Mike Inc website but has since been removed.

14. Plaintiff submitted copyright registration for "the Work" on October 16, 2013, approximately six months after he emailed "the Work" to the defendant. During that six month period, Plaintiff and Defendant had many conversations. Plaintiff never asked for payment for "the Work" and never asked Defendant to remove "the Work" from the websites.
15. Defendant displayed "the Work" on his websites but does not continue to do so. Defendant received an email from Plaintiff on October 19, 2013, three days following Plaintiff's copyright registration stating his Demand for Licensing Fees and Defendant removed "the Work" from his Websites. Roofer Mike has replaced the head shot, referred to as "the Work" with another head shot which appeared on the websites prior to Plaintiff tendering "the Work".
16. Plaintiff emailed "the Work" to the Defendant and in light of several conversations between Plaintiff and Defendant regarding marketing Roofer Mike Inc, Michael Slattery did not seek formal permission to display "the Work".
17. Plaintiff never requested payment for displaying "the Work" and was aware "the Work" appeared on the Websites. On August 4, 2013 Plaintiff offered a "Plus 1" on Defendant's blog website, indicating approval of the content. Plaintiff made many favorable comments regarding content on the website but has since removed them.

#### CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

18. Defendant repeats answers set forth in Paragraphs 1 through 17 above.
19. Plaintiff did not register copyright of "the Work" until 6 months after he tendered "the Work" to Defendant in an email.
20. Plaintiff did not register copyright of "the Work" until 6 months after he tendered "the Work" to Defendant in an email.
21. Plaintiff did not register copyright of "the Work" until 6 months after he tendered "the Work" to Defendant in an email.
22. Plaintiff did not register copyright of "the Work" until 6 months after he tendered "the Work" to Defendant in an email.
23. "The Work" was emailed from Plaintiff with the knowledge that it would be used on the websites.
24. At the time "the Work" was added to the Websites, Plaintiff was aware and approved of the publication. Plaintiff made favorable comments at offered Plus 1 on many website posts. Plaintiff has since removed his comments added during the six month period with the exception of the Plus 1 mentioned in Paragraph 17.
25. Roofer Mike removed "the Work" from his websites immediately following receipt of email from Plaintiff regarding copyright infringement, approximately three days following Plaintiff's copyright registration of "the Work".
26. Roofer Mike removed "the Work" from his websites immediately following receipt of email from Plaintiff regarding copyright infringement, approximately three days following Plaintiff's copyright registration of "the Work".
27. Roofer Mike displayed "the Work" with the full knowledge and approval of the Plaintiff prior to the copyright registered on October 16, 2013.
28. Roofer Mike removed "the Work" from the websites immediately following receipt of email from Plaintiff making him aware of copyright registration. Roofer Mike had numerous conversations with Plaintiff between the time Plaintiff emailed "the Work" to Roofer Mike and the email regarding


28. Roofer Mike removed "the Work" from the websites immediately following receipt of email from Plaintiff making him aware of copyright registration. Roofer Mike had numerous conversations with Plaintiff between the time Plaintiff emailed "the Work" to Roofer Mike and the email regarding copyright infringement. Plaintiff, at no time, expressed displeasure with the display of "the Work" and never requested that Roofer Mike remove "the Work" from the websites.
29. Roofer Mike removed "the Work" from the websites following Plaintiff's email on October 16, 2013. When Defendant was served with court documents on November 2, 2013, "the Work" had already been removed.

PRAYER FOR RELIEF

1. Plaintiff never requested payment for display of "the Work" and "the Work" was removed days after Plaintiff registered for copyright and as soon as Defendant was made aware that "the Work" had been registered for copyright. Roofer Mike has made no money from the display of "the Work".
2. Defendant denies that Plaintiff is owed any damages for display of "the Work" as Plaintiff gave Defendant "the Work" in the form of an attachment to an email, never asked for payment and did not register the copyright of "the Work" until approximately six months after Plaintiff emailed "the Work" to the Defendant.
3. Deny
4. Deny

Respectfully submitted,  
MICHAEL R SLATTERY, PRESIDENT  
ROOFER MIKE INC

By: \_\_\_\_\_

  
Michael R Slattery  
449 Swallow Drive #18  
Miami Springs, FL 33166

I certify that on November 20, 2013 a copy of this document was mailed to:  
Theodore D. Karantsalis  
289 Shadow Way  
Miami Springs, FL 33166

And to:  
Steven M Larimore  
Clerk of U.S. District Court  
Southern District of Florida  
301 N. Miami Avenue, Room 150  
Miami Florida 33128

\_\_\_\_\_  
Michael R Slattery