

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES BASS,

Plaintiff,

-vs-

SYRACUSE UNIVERSITY,

Defendant.

ANSWER

Civil Action No.
5:19-CV-566-TJM-ATB

Defendant Syracuse University (the “University”), by and through its attorneys, Barclay Damon LLP, as and for its Answer to the Complaint of Plaintiff James Bass (“Bass”), states as follows:

1. The University admits that Bass has brought an action for copyright infringement and seeks monetary relief, but denies the remaining allegations set forth in Paragraph 1 of the Complaint.

2. The University states that the allegations set forth in Paragraph 2 are legal conclusions to which no response is required. To the extent a response is required, the University denies the allegations contained in Paragraph 2.

3. The University states that the allegations set forth in Paragraph 3 are legal conclusions to which no response is required. To the extent a response is required, the University admits that its primary campus is located within the geographic area in which the United States District Court for the Northern District of New York is located and that the University transacts business in New York, but otherwise denies the allegations contained in Paragraph 3.

4. The University states that the allegations set forth in Paragraph 4 are legal conclusions to which no response is required. To the extent a response is required, the University denies the allegations contained in Paragraph 4.

5. The University denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Complaint, and, therefore, denies them.

6. The University admits the allegations contained in paragraph 6 of the Complaint.

7. The University admits that Bass photographed members of the University's men's basketball team, but otherwise denies the allegations contained in Paragraph 7 of the Complaint.

8. The University denies the allegations contained in Paragraph 8 of the Complaint.

9. The University denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 9 of the Complaint, and, therefore, denies them.

10. The University admits that Bass photographed members of the University's men's basketball team, but otherwise denies the allegations contained in Paragraph 10 of the Complaint.

11. The University denies the allegations contained in Paragraph 11 of the Complaint.

12. The University denies the allegations contained in Paragraph 12 of the Complaint.

13. In response to Paragraph 13 of the Complaint, the University repeats and realleges the preceding responses as if more fully set forth.

14. The University denies the allegations contained in Paragraph 14 of the Complaint.

15. The University denies the allegations contained in Paragraph 15 of the Complaint.

16. The University denies the allegations contained in Paragraph 16 of the Complaint.

17. The University denies the allegations contained in Paragraph 17 of the Complaint.

18. The provisions in Bass's "Prayer for Relief" set forth Bass's characterization of the relief he is requesting, and contain no averment of fact to which a responsive pleading is required; to the extent a response is required, the University denies any wrongdoing, and further denies that Bass is entitled to any relief whatsoever in this action.

19. The University denies each and every other allegation contained in the Complaint not herein admitted, denied, or otherwise controverted.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Bass's claims are barred to the extent the allegedly unlawful or infringing use of the works at issue was licensed or otherwise authorized by Bass.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Upon information and belief, Bass's claims are barred under the doctrines of waiver, laches, equitable estoppel and/or ratification.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Bass has suffered no damages.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

At all relevant times, the University's actions were lawful and undertaken in good faith.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

At all relevant times, the University was acting in the reasonable belief that its actions were lawful.

JURY DEMAND

The University demands a trial by jury on any and all issues for which it is entitled to a trial by jury.

DATED: June 5, 2019

BARCLAY DAMON LLP

By: s/ John D. Cook
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Syracuse University

CERTIFICATE OF SERVICE

I certify that on June 5, 2019, I electronically filed the foregoing document using the CM/ECF system, which sent electronic or other notification of such filing to all counsel of record in this case.

s/ John D. Cook