

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARENEM, INC.)	
)	
Plaintiff,)	
)	Case No.: 5:23-cv-05054-TLB
SPRINGDALE PUBLIC SCHOOLS)	
and JOHN DOES 1 – 10,)	Jury Trial Demanded
)	Attorney's Lien Claimed
Defendants.)	

**DEFENDANT SPRINGDALE PUBLIC SCHOOL'S ANSWER
TO PLAINTIFF'S COMPLAINT**

COME NOW Defendant, Springdale Public Schools, and for its Answer to the Complaint filed by Plaintiff, Marenem, Inc., states as follows:

PARTIES

1. Denied.
2. Admitted.
3. Defendants are without sufficient information to admit or deny the specifics of Plaintiffs' copyrights and trademarks. To the extent further response is required, denied.
4. Admitted that the three teachers of Springdale's Walker Elementary School First Grade classes utilized Marenem materials in the course of jointly teaching three lessons out of 20 total lessons that were recorded by video in the homes of the three First Grade teachers during COVID quarantine. The videos were created in March, April and May 2020. During those months, they were privately accessible to the students enrolled in Springdale's three First Grade classrooms during State-mandated remote learning in 2020. Further admitted that the set of 20 videos later were featured on the YouTube channel of

Springdale Public Schools for community relations purposes. The videos were removed from the YouTube platform by August 12, 2021. The remaining allegations of this paragraph are denied.

5. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted
10. Denied.
11. Admitted.
12. Admitted.
13. Admitted.
14. On information and belief, admitted.
15. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
16. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
17. On information and belief, admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.

22. Admitted.
23. Admitted.
24. Admitted that Plaintiff's products are offered in various formats, the details of which Defendants have in insufficient facts to admit or deny. To the extent further response to this paragraph is required, denied.
25. Admitted that Plaintiff's products are offered in various formats, the details of which Defendants have in insufficient facts to admit or deny. To the extent further response to this paragraph is required, denied.
26. Admitted that Plaintiff's products are offered in various formats, the details of which Defendants have in insufficient facts to admit or deny. To the extent further response to this paragraph is required, denied.
27. Admitted.
28. Admitted.
29. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
30. Admitted.
31. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
32. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
33. Admitted.
34. Admitted.

35. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
36. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
37. Admitted.
38. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
39. Admitted.
40. This paragraph contains no allegation that can be admitted or denied. To the extent further response is required, denied.
41. Defendants have insufficient information to admit or deny the allegations of this paragraph.
To the extent further response is required, denied.
42. Admitted.
43. Admitted that Springdale Public Schools has purchased products from Plaintiff from time to time. The remaining allegations of this paragraph are denied.
44. Denied.
45. Denied.
46. Admitted that Plaintiff's material is visible in the Lesson 5 video. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.
47. Admitted that the three individuals pictured in the Lesson 5 video were and are teachers of First Grade at Walker Elementary School. The remaining allegations of this paragraph are denied.

48. Admitted that Marenem materials were purchased by Springdale Public Schools in 2018. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.
49. Denied.
50. Denied.
51. Denied.
52. Denied.
53. Admitted that Plaintiff's material is visible in the Lesson 2 video. The allegation of infringement is denied. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.
54. Admitted that Plaintiff's material is visible in the Lesson 10 video. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.
55. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
56. Denied.
57. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
58. Denied.
59. Denied.
60. Denied.
61. Denied.
62. Denied.

- 63. Denied.
- 64. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.
- 65. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
- 66. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
- 67. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
- 68. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
- 69. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.
- 70. Admitted.
- 71. Denied.
- 72. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. The remaining allegations of this paragraph are denied.
- 73. Following the receipt by Springdale Public Schools of a threat of litigation by Plaintiff, the administration of Springdale Public Schools decided to suspend future business with Plaintiff.
- 74. Admitted that Plaintiff issued a legal hold notice. The remaining allegations of this paragraph are denied.

75. This paragraph contains no allegation that can be admitted or denied. To the extent further response is required, denied.
76. Admitted.
77. To the extent that this is a partial and incomplete statement of law, admitted. To the extent further response to this paragraph is required, denied.
78. To the extent Plaintiff's materials are protected by copyright, admitted.
79. Denied.
80. Denied.
81. Admitted that materials of Plaintiff were visible in portions of three videos on the YouTube channel of Springdale Public Schools. The remaining allegations of this paragraph are denied.
82. Denied.
83. Denied.
84. Denied.
85. Admitted that Springdale Public Schools purchased sets of materials from Plaintiff. The remaining allegations of this paragraph are denied.
86. Denied.
87. Admitted that materials of Plaintiff were visible in portions of three videos on the YouTube channel of Springdale Public Schools. The remaining allegations of this paragraph are denied.
88. Denied.
89. Denied.
90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. This paragraph contains no allegation that can be admitted or denied. To the extent further response is required, denied.

97. Admitted that Springdale Public Schools employs teachers and administrators. The remaining allegations of this paragraph are denied.

98. Denied.

99. Denied.

100. Denied.

101. Admitted that Plaintiff and Defendants have communicated concerning the allegations of the Complaint. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.

102. Admitted that Defendants told Plaintiff that the videos had been removed from the YouTube platform. Defendants have insufficient information to admit or deny the remaining allegations of this paragraph. To the extent further response is required, denied.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

- 108. Denied.
- 109. Denied.
- 110. Denied.
- 111. This paragraph contains no allegation that can be admitted or denied. To the extent further response is required, denied.
- 112. Denied.
- 113. Denied.
- 114. Denied.
- 115. Denied.
- 116. Denied.
- 117., Denied.
- 118. Denied.
- 119. Denied.
- 120. Denied.
- 121. Denied.
- 122. Denied.
- 123. Denied.
- 124. This paragraph contains no allegation that can be admitted or denied. To the extent further response is required, denied.
- 125. To the extent that this is a partial and incomplete statement of law, admitted. To the extent further response to this paragraph is required, denied.
- 126. Defendants have insufficient information to admit or deny the allegations of this paragraph. To the extent further response is required, denied.

127. Admitted that three First Grade teachers at Walker Elementary School created three videos in which Plaintiff's materials were visible. The remaining allegations of this paragraph are denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. Denied.

136. Denied.

137 through 146. Defendants deny that Plaintiff is entitled to any of the relief sought in its Complaint, and for such other relief at law and in equity as the facts and law provide.

AFFIRMATIVE DEFENSES

1. Tort liability immunity, A.C.A. § 21-9-301 et seq.
2. Failure to state a claim upon which relief can be granted.
3. Accord and satisfaction.
4. Laches.
5. License.
6. Payment and release.
7. Unclean hands.

WHEREFORE, premises considered, Springdale Public Schools pray that the Court grant judgement in their favor on all of Plaintiff's claims, award them their costs and attorneys' fees and any other relief and damages they may be entitled to recover.

Respectfully submitted,

**RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, P.L.L.C**

By:

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2023, I electronically filed the foregoing with all counsel of record via electronic mail.

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