

1 Joseph P. Wohrle  
California State Bar No. 143550  
2 Clyde DeWitt  
California State Bar No. 117911  
3 Weston, Garrou, DeWitt & Walters  
Suite 900  
4 Wilshire Bundy Plaza  
12121 Wilshire Boulevard  
5 Los Angeles, CA 90025-1176  
(310) 571-2710 or 442-0072  
6 Fax (310) 362-8667 or 442-0899

**CONFIRMED COPY**  
OF ORIGINAL FILES  
Los Angeles Superior Court

JUL 06 2006  
John A. Clarke, Executive Officer/Clerk  
By D.M. Swain Deputy

7 Attorneys for Defendant, Nino Enterprises, Inc.

8  
9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 WILLIAM SILVERSTEIN,  
12 Plaintiff,  
13 v.  
14 T.J. WEB PRODUCTIONS, LLC,  
15 NINO ENTERPRISES, INC. and Does  
16 1-50,  
17 Defendants.

Case Number BC 352733

**ORIGINAL VERIFIED ANSWER BY  
DEFENDANT, NINO ENTERPRISES,  
INC.**

Hon. Soussan Bruguera  
Dept. 71

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19 COMES NOW DEFENDANT, NINO ENTERPRISES, INC., who answers the  
20 Original Complaint for Damages and Injunctive Relief filed by the Plaintiff herein:

- 21  
22 1. Answering the allegations contained in Paragraph 1 of the Complaint, Defendant has  
23 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
24 same.  
25 2. Answering the allegations contained in Paragraph 2 of the Complaint, Defendant  
26 admits same.

1 3. Answering the allegations contained in Paragraph 3 of the Complaint, Defendant has  
2 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
3 same.

4 4. Answering the allegations contained in Paragraph 4 of the Complaint, Defendant has  
5 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
6 same.

7 5. Answering the allegations contained in Paragraph 5 of the Complaint, Defendant has  
8 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
9 same.

10 6. Answering the allegations contained in Paragraph 6 of the Complaint, Defendant has  
11 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
12 same.

13 7. Answering the allegations contained in Paragraph 7 of the Complaint, Defendant  
14 denies same.

15  
16 **JURISDICTION AND VENUE**

17 8. Answering the allegations contained in Paragraph 8 of the Complaint, Defendant  
18 admits same.

19 9. Answering the allegations contained in Paragraph 9 of the Complaint, Defendant has  
20 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
21 same.

22 10. Answering the allegations contained in Paragraph 10 of the Complaint, Defendant  
23 denies same.

24 11. Answering the allegations contained in Paragraph 11 of the Complaint, Defendant  
25 denies same.

1 12. Answering the allegations contained in Paragraph 12 of the Complaint, Defendant  
2 admits that it regularly solicits business from residents of the State of California and denies  
3 the balance of the allegations contained therein.

4 13. Answering the allegations contained in Paragraph 13 of the Complaint, Defendant  
5 admits that it regularly conducts business with residents of the State of California and  
6 businesses domiciled within the State of California, and denies the balance of the allegations  
7 contained therein.

8 14. Answering the allegations contained in Paragraph 14 of the Complaint, Defendant  
9 admits that it operated its business from locations in California and denies the balance of the  
10 allegations contained therein.

11 15. Answering the allegations contained in Paragraph 15 of the Complaint, Defendant  
12 admits that "spam" is a term commonly used to refer to unsolicited commercial e-mail and  
13 is a method of internet advertising. Defendant has have insufficient information or belief to  
14 admit or deny the balance of the allegations in Paragraph 15 and, accordingly, denies same.

15 16. Answering the allegations contained in Paragraph 16 of the Complaint, Defendant has  
16 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
17 same.

18 17. Answering the allegations contained in Paragraph 17 of the Complaint, Defendant  
19 admits same.

20 18. Answering the allegations contained in Paragraph 18 of the Complaint, Defendant  
21 denies same.

22 19. Answering the allegations contained in Paragraph 19 of the Complaint, Defendant has  
23 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
24 same.

1 20. Answering the allegations contained in Paragraph 20 of the Complaint, Defendant has  
2 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
3 same.

4 21. Answering the allegations contained in Paragraph 21 of the Complaint, Defendant  
5 denies same.

6 22. Answering the allegations contained in Paragraph 22 of the Complaint, Defendant has  
7 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
8 same.

9 23. Answering the allegations contained in Paragraph 23 of the Complaint, Defendant  
10 admits same.

11 24. Answering the allegations contained in Paragraph 24 of the Complaint, Defendant has  
12 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
13 same.

14 25. Answering the allegations contained in Paragraph 25 of the Complaint, Defendant  
15 admits same.

16 26. Answering the allegations contained in Paragraph 26 of the Complaint, Defendant  
17 denies same.

18 27. Answering the allegations contained in Paragraph 27 of the Complaint, Defendant  
19 denies same.

20  
21 **FIRST CAUSE OF ACTION**

22 **Violation of Cal. Bus. And Prof. Code Sec. 17529.5**

23 (Against All Defendants)

24 28. Answering the allegations of Paragraph 28 of the Complaint, Defendant incorporates  
25 all of its answers to paragraphs 1 through 27, inclusive, of this Answer as though fully set  
26 forth at length.

1 29. Answering the allegations contained in Paragraph 29 of the Complaint, Defendant  
2 denies same.

3 30. Answering the allegations contained in Paragraph 30 of the Complaint, Defendants  
4 has insufficient information or belief to admit or deny said allegations and, accordingly,  
5 denies same.

6 31. Answering the allegations contained in Paragraph 31 of the Complaint, Defendant  
7 denies same.

8 32. Answering the allegations contained in Paragraph 32 of the Complaint, Defendant has  
9 insufficient information or belief to admit or deny said allegations and, accordingly, denies  
10 same.

11 33. Answering the allegations contained in Paragraph 33 of the Complaint, Defendant  
12 denies same.

13 34. Answering the allegations contained in Paragraph 34 of the Complaint, Defendant  
14 denies same.

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16 **AFFIRMATIVE DEFENSES**

17 **First Affirmative Defense**

18 The complaint fails to state a claim upon which relief can be granted.  
19

20 **Second Affirmative Defense**

21 Imposition of civil penalties on Defendant under the circumstances would violate the  
22 prohibition in the Eighth Amendment to the United States Constitution against excessive  
23 fines.  
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25 **Third Affirmative Defense**

26 Defendant maintains an "anti-spamming" policy that all of its affiliates must agree to.  
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2. Award costs in favor of Defendant and against Plaintiff.
3. Attorneys' fees, as allowed by law.
4. Further relief as may be supported by proof.

Dated: July 05, 2006

Respectfully Submitted,  
JOSEPH P. WOHRLE  
CLYDE DeWITT  
WESTON, GARROU, DEWITT & WALTERS

By:   
Joseph P. Wohrle

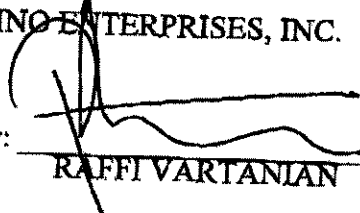
Counsel for Defendant, Nino Enterprises, Inc.

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**VERIFICATION**

I am an officer of DEFENDANT, NINO ENTERPRISES, INC., and am authorized to make this verification on its behalf. I have read the foregoing "ORIGINAL VERIFIED ANSWER BY DEFENDANT, NINO ENTERPRISES, INC." and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California the same are true and correct.

Dated: July 5, 2006

NINO ENTERPRISES, INC.  
By:   
RAFFI VARTANIAN



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**PROOF OF SERVICE BY MAIL**

[Pursuant to Calif. Code of Civil Procedure § 1013a(3)  
and Fed.R.Civ.P. 5]

I am a resident of and/or employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within entitled action. I work at the law firm of Weston, Garrou, DeWitt & Walters, located at 12121 Wilshire Blvd., Suite 900, Los Angeles, California 90025.

I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service and, in the ordinary course of business, any correspondence delivered to our firm's mail room employee(s) is routinely deposited with the United States Postal Service on the same day.

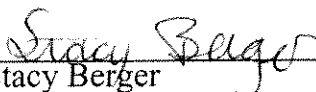
**ORIGINAL VERIFIED ANSWER BY DEFENDANT, NINO ENTERPRISES, INC.**

On the date shown below, I served the foregoing document on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class, with postage thereon fully prepaid, and either: (1) personally delivering it to our firm's mail room employee(s) for deposit with the United States Postal Service pursuant to our firm's ordinary business practice; or (2) personally depositing such correspondence directly in the United States mail, addressed as follows:

**F. Bari Nejadpour, Esq.  
3450 Wilshire Blvd., # 715  
Los Angeles, CA 90010**

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

Executed on July 6, 2006.

  
\_\_\_\_\_  
Stacy Berger