

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

HEATHER MARIE KOTIS
and RACHEL CHRISTINE MILL,
individually,

Plaintiffs,

CASE NO. 8:07-cv-00447-JSM-EAJ

v.

DESLIN HOTELS, INC.;
IRENE L. DEVLIN;
DENNIS B., DEVLIN;
GOLDRUSH DISC JOCKEYS, INC.;
DAVID L. BARTON;
BV & BK PRODUCTIONS, LLLP;
CHAD W. CIANI;
MRA HOLDINGS, LLC;
AMX PRODUCTIONS, LLC d/b/a AMX Video, a/k/a GM Video, a/k/a George Martin Video,
ak/a Action Matrix, a/k/a Aztec Media Co.;
MANTRA FILMS, INC., d/b/a Girls Gone Wild;
JOSEPH R. FRANCIS;
SVOTHI, INC., d/b/a PPVNetworks and nakedontv.com; and
JUCCO HOLDINGS, INC., d/b/a drunkspringbreak.com;

Defendants

**DEFENDANT, CHAD CIANI'S, ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF HEATHER KOTIS' COMPLAINT**

Defendant, CHAD CIANI ("Ciani"), by and through his undersigned attorneys, hereby files
this Answer and Affirmative Defenses to the Complaint filed by Heather Kotis¹ and states as follows:

ANSWER

The Parties

¹Plaintiff Rachel Christine Mill has alleged no claims against this Defendant.

1. Without knowledge and therefore denied.
2. Without knowledge and therefore denied.
3. Without knowledge and therefore denied.
4. Without knowledge and therefore denied.
5. Without knowledge and therefore denied.
6. Admitted that BV & BK is a limited partnership and that BV & BK owns and operates several websites including www.bikinivoyeur.com, www.bv4free.com, and www.wett-shirt.tv. All other allegations of this paragraph are denied.
7. Admitted that Chad W. Ciani is a citizen of Florida. All other allegations of this paragraph are denied.
8. Without knowledge and therefore denied.
9. Without knowledge and therefore denied.
10. Without knowledge and therefore denied.
11. Without knowledge and therefore denied.
12. Without knowledge and therefore denied.
13. Without knowledge and therefore denied.

Jurisdiction and Venue

14. Admitted.
15. Admitted.
16. Denied.
17. Denied.

General Allegations Common to All Counts

18. Without knowledge and therefore denied.
19. Without knowledge and therefore denied.
20. Without knowledge and therefore denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Without knowledge and therefore denied.
31. Denied.
32. Denied.
33. Without knowledge and therefore denied.
34. Without knowledge and therefore denied.

Count 1: Violations of 18 U.S.C. §2251(a)
(Deslin and The Devlins)

- 35-53. The allegations of Count 1 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 2: Violations of 18 U.S.C. §2251(a)
(Goldrush and Barton)

54-64. The allegations of Count 2 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 3: Violations of 18 U.S.C. §2252(a)
(Goldrush and Barton)

65-72. The allegations of Count 3 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 4: Violations of 18 U.S.C. §2252A(a)
(Goldrush and Barton)

73-80. The allegations of Count 4 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 5: Violations of 18 U.S.C. §2251(a)
(Ciani, BV & BK)

81. Defendant Ciani incorporates herein his responses to the allegations of 1 through 34 above.

82. Admitted.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

Count 6: Violations of 18 U.S.C. §2252(a)
(Ciani and BV & BK)

93. Defendant Ciani incorporates herein his responses to the allegations of 1 through 34 above.

94. Admitted.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

Count 7: Violations of 18 U.S.C. §2252A(a)
(Ciani and BV & BK)

103. Defendant Ciani incorporates herein his responses to the allegations of 1 through 34 above.

104. Admitted.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

Count 8: Violations of 18 U.S.C. §1466A(a)(a)
(Ciani and BV & BK)

113. Defendant Ciani incorporates herein his responses to the allegations of 1 through 34 above.

114. Admitted.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

Count 9: Common Law Negligence
(Ciani and BV & BK)

122. Defendant Ciani incorporates herein his responses to the allegations of 1 through 34 above.

123. Admitted.

124. Denied.

125. Denied.

126. Denied.

127. Denied.

Count 10: Violation of 18 U.S.C. § 2252(a)
(Mantra Films/Joe Francis/MRA Holdings, LLC)

128-141. The allegations of Count 10 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 11: Violation of 18 U.S.C. § 2252A(a)
(MRA Holdings, LLC; Mantra Films, Inc; Joseph R. Francis)

142-148. The allegations of Count 11 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 12: Violations of 18 U.S.C. §1466A(a)(1)
(MRA Holdings, LLC; Mantra Films, Inc; Joseph R. Francis)

149-158. The allegations of Count 12 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 13: Violations of 18 U.S.C. §2252(a)
(AMX Productions, LLC)

159-175. The allegations of Count 13 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 14: Violations of 18 U.S.C. §2252A(a)
(AMX PRODUCTIONS, LLC)

176-187. The allegations of Count 14 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 15: Violations of 18 U.S.C. §1466A(a)(1)
(AMX VIDEO PRODUCTIONS)

188-196. The allegations of Count 15 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 16: Common Law Negligence
(AMX PRODUCTIONS, LLC)

197-202. The allegations of Count 16 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 17: Violations of 18 U.S.C. §2252A(a)
(SVOTHI, INC.)

203-212. The allegations of Count 17 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 17: Violations of 18 U.S.C. §1466A(a)(1)
(SVOTHI, INC.)

213-222. The allegations of Count 17 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 18: Violations of 18 U.S.C. §2252(a)
(SVOTHI, INC.)

223-236. The allegations of Count 18 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 19: Common Law Negligence
(SVOTHI, INC.)

237-242. The allegations of Count 19 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 20: Violations of 18 U.S.C. §2252A(a)
(JUCCO HOLDINGS, INC.)

_____243-251. The allegations of Count 20 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 21: Violations of 18 U.S.C. §1466A(a)(1)
(JUCCO HOLDINGS, INC.)

252-263. The allegations of Count 21 do not apply to BV & BK or Chad Ciani, therefore

no response required.

Count 22: Violations of 18 U.S.C. § 2252(a)
(JUCCO HOLDINGS, INC.)

264-278. The allegations of Count 22 do not apply to BV & BK or Chad Ciani, therefore no response required.

Count 23: Common Law Negligence
(JUCCO HOLDINGS, INC.)

279-284. The allegations of Count 23 do not apply to BV & BK or Chad Ciani, therefore no response required.

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Plaintiff has failed to meet all conditions precedent to the filing of the instant action.

THIRD AFFIRMATIVE DEFENSE

3. Plaintiff concealed, misrepresented, and lied about her age to enter the contests at issue.

FOURTH AFFIRMATIVE DEFENSE

4. Plaintiff concealed, misrepresented, and lied about her age to enter the property whereon the contests were conducted

FIFTH AFFIRMATIVE DEFENSE

5. Plaintiff is comparatively at fault for any and all damages she claims to have suffered.

SIXTH AFFIRMATIVE DEFENSE

6. Plaintiff's claims are barred by waiver and estoppel.

SEVENTH AFFIRMATIVE DEFENSE

7. Plaintiff's claims are barred by the applicable statutes of limitation.

EIGHTH AFFIRMATIVE DEFENSE

8. Plaintiff has failed to mitigate her alleged damages.

NINTH AFFIRMATIVE DEFENSE

9. Plaintiff knew she was being videotaped and photographed during the incidents described in the Complaint.

TENTH AFFIRMATIVE DEFENSE

10. Plaintiff's alleged injuries and damages, if any, were caused by the acts or omissions of others for whom this Defendant is neither liable nor responsible.

ELEVENTH AFFIRMATIVE DEFENSE

11. Plaintiff's claims are barred by the First Amendment to the United States Constitution.

TWELFTH AFFIRMATIVE DEFENSE

12. 18 U.S.C. §§ 1466, 2252, 2252A and 2255 violate the First and Fifth Amendments to the United States Constitution because they impose vague and standardless regulations on freedom of expression.

THIRTEENTH AFFIRMATIVE DEFENSE

13. The alleged depictions of Plaintiff are not sexually explicit as defined by 18 U.S.C. §2256 (a).

FOURTEENTH AFFIRMATIVE DEFENSE

- ____ 14. The alleged depictions of Plaintiff are not obscene nor do they include graphic depictions of acts specified in 18 U.S.C. §1466.

FIFTEENTH AFFIRMATIVE DEFENSE

15. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

Respectfully submitted,

/s/ Camille Godwin

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Attorneys for BV & BK Productions, LLLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **June 11, 2007**, the foregoing was served upon the following by email or US Mail:

Stanford R. Solomon Mark Stephen Howard Thomas E. DeBerg The Solomon Tropp Law Group, P.A. 1881 W. Kennedy Blvd. Tampa, FL 33606-1606 tdeberg@solomonlaw.com mhoward@solomonlaw.com ssolomon@solomonlaw.com P: 813-225-1818 F: 813-225-1050 Counsel for Kotis and Mill	Richard S. Shankman Litigation Concepts, L.C. 2536 NW 53 rd Street Boca Raton, FL 33496-2204 shankmantancredo@aol.com P: 561-997-2771 F: Unknown Co-Counsel for Kotis and Mill
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/s/ Camille Godwin
Camille Godwin