

**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

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**DEFENDANT, BV & BK PRODUCTIONS, LLLP'S, ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFF HEATHER KOTIS' COMPLAINT**

Defendant, BV & BK PRODUCTIONS, LLLP ("BV & BK"), by and through its undersigned attorneys, hereby files this Answer and Affirmative Defenses to the Complaint filed by Heather Kotis<sup>1</sup> and states as follows:

**ANSWER**

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<sup>1</sup>Plaintiff Rachel Christine Mill has alleged no claims against this Defendant.

**The Parties**

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](http://www.bikinivoyeur.com), [www.bv4free.com](http://www.bv4free.com), and [www.wett-shirt.tv](http://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 BV & BK incorporates herein its 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 BV & BK incorporates herein its 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 BV & BK incorporates herein its 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 BV & BK incorporates herein its 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 BV & BK incorporates herein its 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<br>Mark Stephen Howard<br>Thomas E. DeBerg<br>The Solomon Tropp Law Group, P.A.<br>1881 W. Kennedy Blvd.<br>Tampa, FL 33606-1606<br><a href="mailto:tdeberg@solomonlaw.com">tdeberg@solomonlaw.com</a><br><a href="mailto:mhoward@solomonlaw.com">mhoward@solomonlaw.com</a><br><a href="mailto:ssolomon@solomonlaw.com">ssolomon@solomonlaw.com</a><br>P: 813-225-1818<br>F: 813-225-1050<br>Counsel for Kotis and Mill | Richard S. Shankman<br>Litigation Concepts, L.C.<br>2536 NW 53 <sup>rd</sup> Street<br>Boca Raton, FL 33496-2204<br><a href="mailto:shankmantancredo@aol.com">shankmantancredo@aol.com</a><br>P: 561-997-2771<br>F: Unknown<br>Co-Counsel for Kotis and Mill |
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

/s/ Camille Godwin  
Camille Godwin