

1 DAVID B. GOLDEN *SBN 114866*  
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7 Attorneys for Defendant  
8 Nader Kazanedar sued erroneously as Nauder Khazan,

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES – CENTRAL DISTRICT  
11 UNLIMITED JURISDICTION

12 WILLIAM SILVERSTEIN, ) Case No. BC480994  
13 )  
14 ) **ANSWER TO FIRST AMENDED**  
15 ) **VERIFIED COMPLAINT**  
16 )  
17 Plaintiff, )  
18 vs. )  
19 )  
20 ALIVEMAX, et al, et al )  
21 )  
22 )  
23 Defendants. )  
24 )  
25 )  
26 )  
27 )  
28 )

29 Defendant Nader Kazanedar sued erroneously as Nauder Khazan. hereby answers the First  
30 Amended verified Complaint on file as follows:

31 Defendant lacks sufficient information to admit or deny the following paragraphs and  
32 therefore deny paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24,  
33 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51,  
34 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77,  
35 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87.

36 Defendant admit paragraph 18.

1 As and for a FIRST AFFIRMATIVE DEFENSE, the Complaint, and each cause of action  
2 contained therein, fails to state a cause of action.

3 As and for a SECOND AFFIRMATIVE DEFENSE, the Complaint, and each cause of  
4 action contained therein, is barred by the statute of limitations set forth in California Code of Civil  
5 Procedure §§ 335 *et seq.*

6 As and for a THIRD AFFIRMATIVE DEFENSE, the Complaint, and each cause of action  
7 contained therein, is barred by the doctrines of waiver and estoppel by virtue its failures to act.  
8

9 As and for a FOURTH AFFIRMATIVE DEFENSE, the Complaint, and each cause of  
10 action contained therein, is barred by the doctrine of accord and satisfaction.  
11

12 As and for a FIFTH AFFIRMATIVE DEFENSE, the Complaint, and each cause of action  
13 contained therein, is barred by the doctrine of unclean hands.

14 As and for a SIXTH AFFIRMATIVE DEFENSE, the Plaintiff failed to mitigate its  
15 damages and/or loss, if any, as alleged in the Complaint.  
16

17 As and for a SEVENTH AFFIRMATIVE DEFENSE, the Complaint, and each and every  
18 cause of action therein, is barred by the doctrine of laches.

19 As and for a EIGHTH AFFIRMATIVE DEFENSE, by the words, actions and conduct of  
20 the Plaintiff in relation to Defendant, the Plaintiff deemed to have ratified the actions and conduct  
21 of Defendant as alleged in the Complaint.  
22

23 As and for a NINTH AFFIRMATIVE DEFENSE, the Complaint and each and every  
24 cause of action therein, is barred by one or more setoffs resulting from monies owed to the  
25 Defendant and/or damages caused Defendant by the Plaintiff.  
26

27 As and for a TENTH AFFIRMATIVE DEFENSE, the performance of the Defendant of  
28 the obligations alleged in the Complaint was prevented by Plaintiff.

1 As and for an ELEVENTH AFFIRMATIVE DEFENSE, the Defendant reserve the right  
2 to amend this answer and/or defenses, to assert additional affirmative defenses, and to  
3 supplement, alter or change the answer upon the discovery of additional facts.  
4

5 WHEREFORE, the Defendant prays judgment against Plaintiff, as follows:

6 1. That Plaintiffs take nothing by the Complaint on file herein and that  
7 judgment be entered in favor of Defendant;

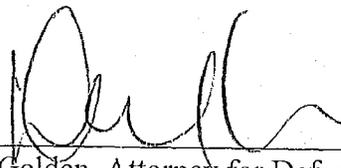
8 2. For costs of suit, including but not limited to expert witness fees, incurred  
9 herein; and,  
10

11 3. For such other and further relief as the Court may deem just and proper.

12 Dated: May 22, 2102

GOLDEN•KOPCKE

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15 by,

  
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17 David B. Golden, Attorney for Defendant  
18 Nader Kazanedar  
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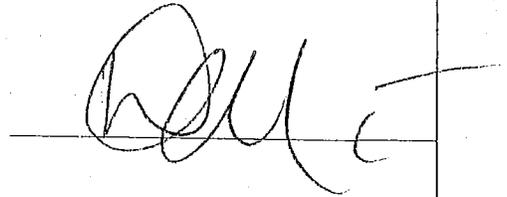
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VERIFICATION

I, David B. Golden, declare:

I am an attorney at law duly admitted and licensed to practice before all courts of the State of California and have my professional office at 22 Battery Street, Suite 1000 San Francisco, California 94111. I am the attorney of record for the defendant Nader Kazanedar who is absent from the county in which I have my office. For that reason I am making this verification on his behalf. I have read the foregoing Verified Answer and know the contents thereof. On information and belief, I believe the content of the complaint is true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 23, 2012

A handwritten signature in black ink, appearing to read "D. Golden", is written over a horizontal line. The signature is cursive and somewhat stylized.

PROOF OF SERVICE

I, DAVID B. GOLDEN, declare as follows:

I am a citizen of the United States over the age of 18 years, and not a party to this action. My business address is 22 Battery Street, Suite 1000, San Francisco, CA 94111,

On the date set forth below, I served the following documents(s) described as:

Verified answer to First Amended Complaint

On the parties below by placing a true copy thereof in a sealed envelope and served the same on the parties, addressed as follows:

William Silverstein  
3540 Wilshire Blvd, Suite 901  
Los Angeles, CA 90010

The following is the procedure in which service of this document was effected:

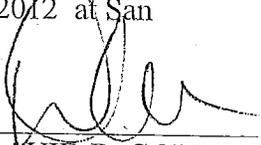
U.S. Postal Service, by placing such envelope with postage thereon fully prepaid in the United States Mail at San Francisco, CA.

Fax

Express Mail

Personal Delivery

I declare under penalty under the laws of the State of California that the foregoing is true and correct and that this declaration was executed by me on May 24, 2012 at San Francisco, CA.

  
\_\_\_\_\_  
DAVID B. GOLDEN