

**FILED**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

MAR 12 2003 JG

LARRY W. PROFFES, CLERK  
CHARLESTON, SC

DIRECTV, INC., a California )  
corporation, )  
 )  
Plaintiff, )  
 )  
 )  
 )  
Stephen Nicholson, )  
 )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: 8 03 0042 18

**DEFENDANT'S ANSWER**

TO: DONALD B. CLARK, Attorney for Plaintiff:

Defendant, answers the Complaint and Statement of Claim filed January 6, 2003, thus:

**INTRODUCTION**

1. Defendant does not have sufficient information to either admit or deny the allegations of paragraph 1.

2. Defendant does not have sufficient information to either admit or deny the allegations of paragraph 2.

3. Defendant does not have sufficient information to either admit or deny the allegations of paragraph 3.

4. Defendant does not have sufficient information to either admit or deny the allegations of paragraph 4.

5. Defendant admits he is a resident of the district, but denies the remaining allegations in paragraph 5.

6. Defendant denies violating any law and does not have sufficient information to

either admit or deny the remaining allegations of paragraph 6.

**PARTIES**

7. Defendant does not have sufficient information to either admit or deny the allegations of paragraph 7.

8. Defendant admits he is a resident of Greenwood but denies the remaining allegations of paragraph 8.

**JURISDICTION & VENUE**

9. Paragraph 9 is a legal conclusion which defendant cannot admit or deny.

10. Paragraph 10 is a legal conclusion which defendant cannot admit or deny.

**FIRST CLAIM: 47 U.S.C. §605(a)**

11. Defendant already responded to the previous allegations and need not provide any additional response.

12. Defendant denies the allegations in paragraph 12.

13. Defendant denies the allegations in paragraph 13.

14. Defendant denies the allegations in paragraph 14.

**SECOND CLAIM: 18 U.S.C. §2511(1)(a)**

15. Defendant already responded to the previous allegations and need not provide any additional response.

16. Defendant denies the allegations in paragraph 16.

17. Defendant denies the allegations in paragraph 17.

18. Defendant denies the allegations in paragraph 18.

**THIRD CLAIM: 18 U.S.C. §2512(1)(b)**

19. Defendant already responded to the previous allegations and need not provide any additional response.

20. Defendant denies the allegations in paragraph 20.

21. Defendant denies the allegations in paragraph 21.

22. Defendant denies the allegations in paragraph 22.

23. Defendant denies the allegations in paragraph 23.

**FOURTH CLAIM: CONVERSION**

24. Defendant already responded to the previous allegations and need not provide any additional response.

25. Defendant denies the allegations in paragraph 25.

26. Defendant denies the allegations in paragraph 26.

27. Defendant denies the allegations in paragraph 27.

**FIRST DEFENSE: QUALIFIED GENERAL DENIAL**

28. Defendant denies all allegations alleged in the complaint unless specifically admitted.

**SECOND DEFENSE: FAILURE TO STATE A CLAIM**

29. Plaintiff failed to state a claim against defendant for which relief can be granted pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) and this matter shall be dismissed with prejudice.

**THIRD DEFENSE: FAILURE TO JOIN AN INDISPENSABLE PARTY**

30. Plaintiff failed to include an indispensable party pursuant to Federal Rule of Civil Procedure Rule 12(b)(7) and Rule 19 and this matter shall be dismissed with prejudice.

**FOURTH DEFENSE: NO STANDING**

31. Plaintiff does not have standing under any of the named causes of action to prosecute defendant and this matter shall be dismissed with prejudice.

**FIFTH DEFENSE: STATUTE OF LIMITATIONS**

32. Plaintiff failed to file this action within the appropriate statute of limitations and this matter shall be dismissed with prejudice.

**SIXTH DEFENSE: SEVERENCE**

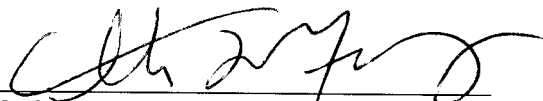
33. Plaintiff's lawsuit alleges various violations against several different defendants. Plaintiff's joinder of non-similar defendants greatly prejudices defendants' right to a fair trial.

**SEVENTH DEFENSE: IMPROPER SERVICE**

34. Plaintiff failed to effect proper service on defendant pursuant to both the Federal

and State Rules of Civil Procedure. Plaintiff attempted to serve defendant by leaving a copy of the summons and complaint in a hole a fence at defendant's place of business.

STUCKEY LAW OFFICES, LLC



**Christopher L. Murphy, Fed. Id. #7145**

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Attorneys for Defendant

Charleston, South Carolina

March 12, 2003.

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