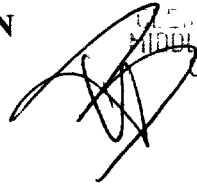


FILED

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

02 DEC 26 PM 12: 02

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA



DIRECT TV, INC., a California corporation,

Plaintiff,

CASE NO.: 6:02-CV-1439-ORL-19-KRS

v.

TIM SHAW, ROBERT BAMAS, DALE
BORK, JOE ALVEY and JEFFREY
GIMBEL,

Defendants.

_____ /

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, Defendant, ROBERT BAMBAS (hereinafter referred to as "Defendant Bambas"), by and through his undersigned counsel, and files his Answer and Affirmative Defenses to Plaintiff, DIRECT TV, INC., a California corporation (hereinafter referred to as "Plaintiff"), and states as follows:

INTRODUCTION

1. Defendant is without knowledge as to the allegations contained in Paragraph 1, and therefore they are denied.
2. Defendant is without knowledge as to the allegations contained in Paragraph 2, and therefore they are denied.
3. Defendant is without knowledge as to the allegations contained in Paragraph 3, and therefore they are denied.

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4. Defendant is without knowledge as to the allegations contained in Paragraph 4, and therefore they are denied.

5. Defendant is without knowledge as to the allegations contained in Paragraph 5, and therefore they are denied.

6. Defendant is without knowledge as to the allegations contained in Paragraph 6, and therefore they are denied.

DIRECT TV'S SECURITY SYSTEM

7. Defendant is without knowledge as to the allegations contained in Paragraph 7, and therefore they are denied.

8. Defendant is without knowledge as to the allegations contained in Paragraph 8, and therefore they are denied.

9. Defendant is without knowledge as to the allegations contained in Paragraph 9, and therefore they are denied.

10. Defendant is without knowledge as to the allegations contained in Paragraph 10, and therefore they are denied.

11. Defendant is without knowledge as to the allegations contained in Paragraph 11, and therefore they are denied.

12. Defendant is without knowledge as to the allegations contained in Paragraph 12, and therefore they are denied.

13. Defendant is without knowledge as to the allegations contained in Paragraph 13, and therefore they are denied.

14. Defendant is without knowledge as to the allegations contained in Paragraph 14, and therefore they are denied.

15. Defendant is without knowledge as to the allegations contained in Paragraph 14, and therefore they are denied.

PARTIES

16. Defendant denies the allegations contained in Paragraph 16.

17. Defendant is without knowledge as to the allegations contained in Paragraph 17, and therefore they are denied.

18. Defendant admits that he is a resident of the district. All other allegations contained in Paragraph 18 are denied.

19. Paragraph 19 is not directed towards Defendant and as a result, Defendant does not answer the allegations contained in Paragraph 19.

20. Defendant denies the allegations contained in Paragraph 20, and demands strict proof thereof.

21. Paragraph 21 is not directed towards Defendant and as a result, Defendant does not answer the allegations contained in Paragraph 21.

22. Paragraph 22 is not directed towards Defendant and as a result, Defendant does not answer the allegations contained in Paragraph 22.

23. Paragraph 23 is not directed towards Defendant and as a result, Defendant does not answer the allegations contained in Paragraph 23.

24. Defendant denies the allegations contained in Paragraph 24.

SUBJECT MATTER JURISDICTION

25. Defendant denies the allegations contained in Paragraph 25.

26. Defendant denies the allegations contained in Paragraph 26.

VENUE

27. To the extent that Plaintiff has asserted a proper cause of action, Defendant admits that venue would be appropriate in this district. The remaining allegations contained in Paragraph 27 are denied.

COUNT I - UNAUTHORIZED RECEPTION OF SATELLITE SIGNALS IN VIOLATION OF 42 U.S.C. § 605(a)

28. Defendant realleges and reincorporates his answers to Paragraphs 1 through 27, above, as if fully set forth herein.

29. Defendant denies the allegations contained in Paragraph 29.

30. Defendant denies the allegations contained in Paragraph 30.

31. Defendant denies the allegations contained in Paragraph 31.

COUNT II - UNAUTHORIZED INTERCEPTIONS OF ELECTRONIC COMMUNICATIONS IN VIOLATION OF 18 U.S.C. § 2511(1)(a)

32. Defendant realleges and reincorporates his answers to Paragraphs 1 through 27, above, as if fully set forth herein.

33. Defendant denies the allegations contained in Paragraph 33.

34. Defendant denies the allegations contained in Paragraph 34.

35. Defendant denies the allegations contained in Paragraph 35.

**COUNT III - POSSESSION OF PIRATE ACCESS DEVICES IN VIOLATION OF
18 U.S.C. § 2512(1)(b)**

36 Defendant realleges and reincorporates his answers to Paragraphs 1 through 27, above, as if fully set forth herein.

37. Defendant denies the allegations contained in Paragraph 37.

38. Defendant denies the allegations contained in Paragraph 38.

39. Defendant denies the allegations contained in Paragraph 39.

AFFIRMATIVE DEFENSES

COMES NOW, Defendant, ROBERT BAMBAS (hereinafter referred to as "Defendant Bambas"), by and through his undersigned counsel, and sets forth the following Affirmative Defenses to Plaintiff, DIRECT TV, INC., a California corporation (hereinafter referred to as "Plaintiff"), and states as follows:

FIRST AFFIRMATIVE DEFENSE: Plaintiff has no standing to bring this action.

SECOND AFFIRMATIVE DEFENSE: Plaintiff's Complaint fails to state a cause of action.

THIRD AFFIRMATIVE DEFENSE: Plaintiff is estopped from bringing this action.

FOURTH AFFIRMATIVE DEFENSE: Plaintiff has waived its right to assert this action.

FIFTH AFFIRMATIVE DEFENSE: The doctrine of laches applies to bar Plaintiff's cause of action.

SIXTH AFFIRMATIVE DEFENSE: Defendant had no scienter and at all times operated in good faith.

SEVENTH AFFIRMATIVE DEFENSE: The Statutes Plaintiff attempts to assert against Defendant are unconstitutional as applied to Defendant.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to: **JAMES A. BOATMAN, JR., ESQUIRE**, P.O. Box 3388, Orlando FL 32802-3388, this 24th day of December, 2002.

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