

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

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U.S. DISTRICT COURT

DIRECTV, Inc.,)
)
Plaintiff,)
)
V.) No. CIV. 03 C 50218
)
BRIAN CLARK, STEVE MCCASLIN,)
SCOTT TOLESKI and IRMA VERA)
)
Defendants.)

DOCKETED
JUL 02 2003

ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT

Defendant, BRIAN CLARK, by his attorney, Douglas P. Floski, SMITH, HANSON, HAHN, MORROW & FLOSKI, P.C., hereby answers Plaintiff, DIRECTV, Inc.'s Original Complaint filed herein as follows:

I. PRELIMINARY STATEMENT

1. Defendant, BRIAN CLARK, admits this lawsuit involves allegations as presented in paragraph 1 on the Plaintiff's Complaint.

II. FACTS REGARDING DIRECTV'S BUSINESS OPERATIONS & SUPPORTING SATELLITE PIRACY CLAIMS

2. Defendant, BRIAN CLARK, admits the allegations in paragraph 2 of Plaintiff, DIRECTV's, Complaint.

3. Defendant, BRIAN CLARK, admits the allegations in paragraph 3 of Plaintiff, DIRECTV's, Complaint.

4. Defendant, BRIAN CLARK, admits the allegations in paragraph 4 of Plaintiff, DIRECTV's, Complaint.

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5. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 5 of Plaintiff, DIRECTV's, Complaint.

6. Defendant, BRIAN CLARK, admits that he is a resident of the State of Illinois. Defendant, BRIAN CLARK, denies the remaining allegations of paragraph 6 of Plaintiff, DIRECTV's, Complaint.

7. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 7 of Plaintiff, DIRECTV's, Complaint.

8. Defendant, BRIAN CLARK, denies the allegations of paragraph 8 of Plaintiff, DIRECTV's, Complaint.

III. JURISDICTION

9. Defendant, BRIAN CLARK, hereby incorporates by reference the foregoing paragraphs of the this Answer as if fully set forth herein.

10. Defendant, BRIAN CLARK, admits the allegations in paragraph 10 of Plaintiff, DIRECTV's, Complaint.

11. Defendant, BRIAN CLARK, admits that he resides within the State of Illinois. Defendant, BRIAN CLARK, denies any act of violating federal law. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truths of the remaining averments of paragraph 11.

IV. VENUE

12. Defendant, BRIAN CLARK, admits the allegations of paragraph 12 of Plaintiff, DIRECTV's, Complaint.

V. PARTIES

13. Defendant, BRIAN CLARK, hereby incorporates by reference the foregoing paragraphs of this Answer as set forth herein.

14. Defendant, BRIAN CLARK, admits the allegations of paragraph 14 of Plaintiff, DIRECTV's, Complaint.

15. Defendant, BRIAN CLARK, admits that he resides in Byron, Illinois. Defendant, BRIAN CLARK, denies the remaining allegations of paragraph 15 of Plaintiff, DIRECTV's, Complaint.

16. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 16 and all sub-parts thereof of Plaintiff, DIRECTV's, Complaint.

17. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 17 and all sub-parts thereof of Plaintiff, DIRECTV's, Complaint.

18. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 18 and all sub-parts thereof of Plaintiff, DIRECTV's, Complaint.

19. The averment of paragraph 19 of Plaintiff, DIRECTV's, Complaint is not subject to response.

20. Defendant, BRIAN CLARK, denies the allegations of paragraph 20 of Plaintiff, DIRECTV's, Complaint.

21. Defendant, BRIAN CLARK, denies the allegations of paragraph 21 of Plaintiff, DIRECTV's, Complaint.

22. Defendant, BRIAN CLARK, denies the allegations of paragraph 22 of Plaintiff, DIRECTV's, Complaint.

VI. DISCOVERY OF ILLEGAL CONDUCT

23. Defendant, BRIAN CLARK, is without knowledge or information sufficient to form a belief as to the truth of the averment in paragraph 23 of Plaintiff, DIRECTV's, Complaint.

VII. CAUSES OF ACTION

Count 1 - Damages for Violations of Cable Communications Policy Act (47 U.S.C. Para. 605 (e)(3)(C))

24. Defendant, BRIAN CLARK, incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

25. Defendant, BRIAN CLARK, denies the allegations of paragraph 25 of Plaintiff, DIRECTV's, Complaint.

26. Defendant, BRIAN CLARK, denies the allegations of paragraph 26 of Plaintiff, DIRECTV's, Complaint.

27. Defendant, BRIAN CLARK, denies the allegations of paragraph 27 of Plaintiff, DIRECTV's, Complaint as they relate to him.

28. Defendant, BRIAN CLARK, denies the allegations of paragraph 28 of Plaintiff, DIRECTV's, Complaint as they relate to him.

29. Defendant, BRIAN CLARK, denies the allegations of paragraph 29 of Plaintiff, DIRECTV's, Complaint.

Count 2 - Damages for Violations of 18 U.S.C. Para. 2511

30. Defendant, BRIAN CLARK, incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

31. Defendant, BRIAN CLARK, denies the allegations contained in paragraph 31 of Plaintiff, DIRECTV's, Complaint.

32. Defendant, BRIAN CLARK, denies the allegations of paragraph 32 of Plaintiff, DIRECTV's, Complaint.

33. Defendant, BRIAN CLARK, denies the allegations of paragraph 33 of Plaintiff, DIRECTV's, Complaint.

**Count 3 - Damages for Possession, Manufacture, and/or Assembly of
Electronic, Mechanical or Other Device or Equipment
(18 U.S.C. Para. 2512)**

34. Defendant, BRIAN CLARK, realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

35. Defendant, BRIAN CLARK, denies the allegations contained in paragraph 35 of Plaintiff, DIRECTV's, Complaint.

36. Defendant, BRIAN CLARK, denies the allegations contained in paragraph 36 of Plaintiff, DIRECTV's, Complaint.

37. Defendant, BRIAN CLARK, denies the allegations contained in paragraph 37 of Plaintiff, DIRECTV's, Complaint.

**Count 4 - Damages for Willful Assembly or Modification
of Devices or Equipment
(47 U.S.C. Para. 605 (e)(4))**

38. Defendant, BRIAN CLARK, incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

39. Defendant, BRIAN CLARK, denies the allegations of paragraph 39 of Plaintiff, DIRECTV's, Complaint.

40. Defendant, BRIAN CLARK, denies the allegations of paragraph 40 of Plaintiff, DIRECTV's, Complaint.

41. Defendant, BRIAN CLARK, denies the allegations of paragraph 41 of Plaintiff, DIRECTV's, Complaint.

Count 5 - Civil Conversion

42. Defendant, BRIAN CLARK, incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

43. Defendant, BRIAN CLARK, denies the allegations of paragraph 43 of Plaintiff, DIRECTV's, Complaint.

44. Defendant, BRIAN CLARK, denies the allegations of paragraph 44 of Plaintiff, DIRECTV's, Complaint.

45. Defendant, BRIAN CLARK, denies the allegations of paragraph 45 of Plaintiff, DIRECTV's, Complaint.

VIII. REQUEST FOR INJUNCTIVE RELIEF

46. Defendant, BRIAN CLARK, hereby incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

47. Defendant, BRIAN CLARK, denies the allegations of paragraph 47 of Plaintiff, DIRECTV's, Complaint.

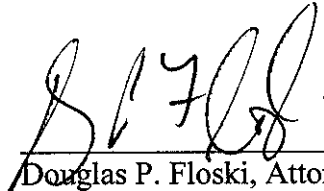
48. Defendant, BRIAN CLARK, denies the allegations of paragraph 48 of Plaintiff, DIRECTV's, Complaint.

49. Defendant, BRIAN CLARK, denies the allegations of paragraph 49 of Plaintiff, DIRECTV's, Complaint.

50. Defendant, BRIAN CLARK, denies the allegations of paragraph 50 of Plaintiff, DIRECTV's, Complaint.

IX. PRAYER

WHEREFORE, Defendant, BRIAN CLARK, prays that this Court enter an Order dismissing Plaintiff, DIRECTV, INC.'s, Original Complaint filed herein and for such other relief as may be equitable.



Douglas P. Floski, Attorney for
Defendant, Brian Clark

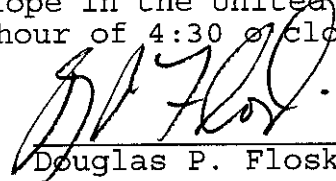
Douglas P. Floski
SMITH, HANSON, HAHN,
MORROW & FLOSKI, P.C.
131 W. Second Street
P.O. Box 1007
Byron, IL 61010
(815) 234-5454

CERTIFICATE OF ATTORNEY

I, the undersigned Attorney at Law, certify that I served a copy of the attached Answer to Plaintiff's Original Complaint and Entry of Appearance upon the following:

Attorney Paul A. Rettberg
Querry & Harrow, Ltd.
Suite 1600
175 West Jackson Boulevard
Chicago, Illinois 60604

by placing the same in an envelope, with each envelope addressed as is shown above, and by sealing said envelope and placing sufficient, proper and fully prepaid U.S. Postage on each, and by depositing said document and envelope in the United States Mail at Byron, Illinois, at or about the hour of 4:30 o'clock P.M. on the 2nd day of July, 2003.



Douglas P. Floski, Attorney