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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a)	CASE NO. C04-0515P
Washington corporation,)	
)	
Plaintiffs,)	ANSWER TO FIRST AMENDED
vs.)	COMPLAINT FOR DAMAGES AND
)	INJUNCTIVE RELIEF
JDO MEDIA, INC., a Florida)	
Corporation, TONY LAMPERT, an)	
Individual, TIMOTHY ROLAND, an)	
Individual, ERIK SUMMERS, an)	
Individual, and JOHN DOES 4-50)	
)	
Defendants.)	

COMES NOW defendant, ERIK SUMMERS, sued herein as an individual, and answering plaintiff's complaint on file herein, admits, denies and alleges as follows:

1. Answering paragraph 1, this answering defendant, while at all times denying liability, alleges insufficient information or belief to enable him to answer the allegations contained in said paragraphs, and basing his denial on that ground, denies each and every, all and singular, generally and specifically, the allegations contained therein.

2. Answering paragraphs 2 through 3, this answering

1 defendant, denies.

2 3. Answering paragraphs 4 through 10, this answering
3 defendant, while at all times denying liability, alleges
4 insufficient information or belief to enable him to answer
5 the allegations contained in said paragraph, and basing
6 his denial on that ground, denies each and every, all and
7 singular, generally and specifically, the allegations
8 contained therein.

9 4. Answering paragraph 11, this answering defendant, admits.

10 5. Answering paragraph 12, this answering defendant, while at
11 all times denying liability, alleges insufficient
12 information or belief to enable him to answer the
13 allegations contained in said paragraph, and basing his
14 denial on that ground, denies each and every, all and
15 singular, generally and specifically, the allegations
16 contained therein.

17 6. Answering paragraph 13, this answering defendant, denies.

18 7. Answering paragraphs 14 through 24, this answering
19 defendant, while at all times denying liability, alleges
20 insufficient information or belief to enable him to answer
21 the allegations contained in said paragraph, and basing
22 his denial on that ground, denies each and every, all and
23 singular, generally and specifically, the allegations
24 contained therein.

25 8. Answering paragraphs 25 through 32, this answering
26 defendant, denies.

27 9. Answering paragraphs 33 through 34, this answering
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1 defendant, while at all times denying liability, alleges
2 insufficient information or belief to enable him to answer
3 the allegations contained in said paragraph, and basing
4 his denial on that ground, denies each and every, all and
5 singular, generally and specifically, the allegations
6 contained therein.

7 10. Answering paragraphs 35 through 37, this answering
8 defendant, denies.

9 11. Answering paragraphs 38 through 40, this answering
10 defendant, while at all times denying liability, alleges
11 insufficient information or belief to enable him to answer
12 the allegations contained in said paragraph, and basing
13 his denial on that ground, denies each and every, all and
14 singular, generally and specifically, the allegations
15 contained therein.

16 12. Answering paragraphs 41(a)(b)(c), through 43, this
17 answering defendant, denies.

18 13. Answering paragraphs 44 through 47, this answering
19 defendant, while at all times denying liability, alleges
20 insufficient information or belief to enable him to answer
21 the allegations contained in said paragraph, and basing
22 his denial on that ground, denies each and every, all and
23 singular, generally and specifically, the allegations
24 contained therein.

25 14. Answering paragraphs 48 through 49, this answering
26 defendant, denies.

27 15. Answering paragraphs 50 through 51, this answering
28

1 defendant, while at all times denying liability, alleges
2 insufficient information or belief to enable him to answer
3 the allegations contained in said paragraph, and basing
4 his denial on that ground, denies each and every, all and
5 singular, generally and specifically, the allegations
6 contained therein.

7 16. Answering paragraph 52, this answering defendant, denies.

8 17. Answering paragraphs 53 through 54, this answering
9 defendant, while at all times denying liability, alleges
10 insufficient information or belief to enable him to answer
11 the allegations contained in said paragraph, and basing
12 his denial on that ground, denies each and every, all and
13 singular, generally and specifically, the allegations
14 contained therein.

15 18. Answering paragraph 55 (a), (b) (c), this answering
16 defendant, denies.

17 19. Answering paragraphs 56 through 57, this answering
18 defendant, while at all times denying liability, alleges
19 insufficient information or belief to enable him to answer
20 the allegations contained in said paragraph, and basing
21 his denial on that ground, denies each and every, all and
22 singular, generally and specifically, the allegations
23 contained therein.

24 20. Answering paragraph 58, this answering defendant, denies.

25 21. Answering paragraph 59, this answering defendant, while at
26 all times denying liability, alleges insufficient
27 information or belief to enable him to answer the
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1 allegations contained in said paragraph, and basing his
2 denial on that ground, denies each and every, all and
3 singular, generally and specifically, the allegations
4 contained therein.

5 22. Answering paragraphs 60 through 61, this answering
6 defendant, denies.

7 23. Answering paragraphs 62 through 63, this answering
8 defendant, while at all times denying liability, alleges
9 insufficient information or belief to enable him to answer
10 the allegations contained in said paragraph, and basing
11 his denial on that ground, denies each and every, all and
12 singular, generally and specifically, the allegations
13 contained therein.

14 24. Answering paragraphs 64 through 65, this answering
15 defendant, denies.

16 25. Answering paragraphs 66 through 67, this answering
17 defendant, while at all times denying liability, alleges
18 insufficient information or belief to enable him to answer
19 the allegations contained in said paragraph, and basing
20 his denial on that ground, denies each and every, all and
21 singular, generally and specifically, the allegations
22 contained therein.

23 26. Answering paragraphs 68 through 70, this answering
24 defendant, denies.

25 27. Answering paragraph 71, this answering defendant, while at
26 all times denying liability, alleges insufficient
27 information or belief to enable him to answer the
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1 allegations contained in said paragraph, and basing his
2 denial on that ground, denies each and every, all and
3 singular, generally and specifically, the allegations
4 contained therein.
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7
8 **FIRST AFFIRMATIVE DEFENSE**

9 The plaintiff's contentions based in their entire complaint,
10 lacks merit and substantial evidence to constitute a cause of
11 action brought forth in this action against Defendant, Erik
12 Summers.
13

14 **SECOND AFFIRMATIVE DEFENSE**

15 Defendant never sent any SPAM, and never encouraged any SPAM
16 and he clearly took action against SPAMMERS.
17

18 **WHEREFORE,** this answering defendant prays that the
19 plaintiff's take nothing by reason of the complaint on file
20 herein, and that this answering defendant be awarded costs of suit
21 and such other and further relief as may be appropriate.

22 DATED: 8/18/04

Respectfully Submitted,

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24 By: 

ERIK SUMMERS

Defendant in pro per
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VERIFICATION

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I am a party in this proceeding, as named defendant of this action and have read the foregoing document described as ANSWER TO FIRST AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF. I declare under penalty of perjury under the laws of the United States that the responses are true and correct.

Date: 8/18/04


ERIK SUMMERS/Declarant

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

CERTIFICATE OF SERVICE

I hereby certify that on (X) 8/18/04 (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

David A. Bateman ~~bateman@bateman.com~~

Robert J. Dzielak ~~rdzielak@deloitte.com~~

G Wrede Kirkpatrick ~~gkirkpatrick@kirkpatrick.com~~

Scott T. Wilsdon ~~swilsdon@wilsdon.com~~

2:04-cv-515 Notice will be delivered by other means to:



Erik Summers, Defendant in pro per
1649 Seattle Slew Way
Oceanside, CA 92057

~~XXXXXXXXXXXXXXXXXXXX~~

email@eriksummers.com