

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

J DOG FRANCHISES, LLC.
100 Berwyn Park,
850 Cassatt Rd, Suite 225
Berwyn, PA 19312

v.

LOUIS VAUGHN JR.
1326 Garden Gove Court
Houston, Texas 77082

Case 2:15-cv-02780-GJP

ANSWER TO COUNTERCLAIMS OF DEFENDANT

Jurisdiction and Venue

1. Admitted in so far as Defendant's Counterclaims attempt to state a claim of copyright infringement.
2. Admitted in so far as Defendant's Counterclaims attempt to state a claim for breach of contract under the common law of the Commonwealth of Pennsylvania.
3. Admitted in so far as Defendant's Counterclaims attempt to state a claim for misappropriation of name and likeness as codified in 42 Pa. Cons. Stat. § 8316 and under the common law of the Commonwealth of Pennsylvania.
4. Admitted.
5. Admitted.
6. Admitted.

The Parties

7. Admitted upon information and belief.
8. Admitted.

Statement of Facts

9. Denied.

10. Admitted.

11. Admitted in part and denied in part. It is admitted that J Dog franchises its business to veterans. J Dog currently has more locations in Pennsylvania than any other state. J Dog does license its trademarks to all franchisees. Paragraph 11 does not accurately reflect the current proprietary system of J Dog and is denied.

12. Admitted.

13. Admitted in part and denied in part. It is admitted that Counterclaim Plaintiff began to operate a J. Dog junk removal franchise in Houston, Texas. Paragraph 13 is otherwise denied. By way of further response, any advertisements created by a franchisee become part of the J Dog “system” pursuant to section 9.3(b) of the Franchise Agreement.

14. Denied. By way of further response, any such actions were taken pursuant to *inter alia* section 9.3(b) of the Franchise Agreement

15. Denied.

15. Denied. (Counterclaim Plaintiff included two paragraphs labeled 15, Counterclaim Defendant now does the same for the sake of consistency).

16. Admitted.

Count I
Federal Copyright Infringement under 17 U.S.C. § 101 et seq.

17. No response is required.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied as a conclusion of law.

23. Denied as a conclusion of law.

24. Denied as a conclusion of law.

**Count II
Breach of Contract**

25. No response is required.

26. Admitted.

26. Section 11.9 of the Franchise agreement speaks for itself. (Counterclaim Plaintiff included two paragraphs labeled 26, Counterclaim Defendant now does the same for the sake of consistency).

27. Section 11.9 of the Franchise agreement speaks for itself.

28. Denied.

29. Denied.

30. Denied

31. Denied as a conclusion of law.

**Count III
Unauthorized Use of Name and Likeness under 42 Pa. Cons. Stat. § 8316**

32. No response is required.

33. Admitted in part and denied in part. It is admitted that Vaughn derives commercial value from his perceived status as a J Dog Franchisee and is otherwise denied.

34. Admitted in so far as J Dog attempted to provide publicity for Vaughn and otherwise denied.

35. Denied

36. Denied as a conclusion of law.

37. Denied as a conclusion of law.

Affirmative Defenses to Counterclaim

1. Counterclaim Plaintiff's claims are barred by the doctrine of estoppel.

2. Counterclaim Plaintiff's claims are barred because Counterclaim plaintiff granted Counterclaim Defendant a license to perform the acts complained of.

3. Counter claim Plaintiff's claims are barred by payment.
4. Counter claim Plaintiff's claims are barred by release

Wherefore Counterclaim Defendant prays that all counts of the counterclaim be dismissed.

Date: July 29, 2015

SPADEA, LANARD & LIGNANA LLC

Respectfully Submitted,

/Samuel Halterman

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Counterclaims were electronically filed on July 29, 2015 and a copy served via email and ECF upon the following:

Ryder, Lu, Mazzeo & Konieczny LLC
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Date: July 29, 2015

By: /Samuel Halterman/
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