

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

Voltage Pictures, LLC,
Dunlap, Grubb & Weaver
1200 G Street, NW Suite 800
Washington, DC 20005
202-316-8558

Plaintiff,

-versus-

Jeffrey Scott Kowalski,
17445 Roosevelt Rd
Hemlock, MI 48626
989-607-4572
me@jeffkowalski.com

Defendants.

C.A. 1:10-cv-00873-RMU

Judge _____

RULE 15 AMENDED ANSWER TO COMPLAINT

PARTIES

1. Defendant is a citizen of the State of Michigan.
2. Defendant has not contracted with any Internet Service Provider (ISP).
3. Defendant downloads Motion Pictures from unsecured wireless access points.
4. Defendant is a member of many online filing sharing providers such as Mediafire (www.mediafire.com) for example.

**COUNT I
INFRINGEMENT OF COPYRIGHTS**

5. The alleged torrent could have been downloaded using the BitThief client.
6. Plaintiff's complaint fails to state the location of the torrent file.

RECEIVED

JUN 30 2010

U.S. District Court
Bankruptcy Courts

7. The Defendant could have owned the Copyrighted Content and simply was downloading a backup copy.
8. The Plaintiff has not alleged any commercial use of the Copyrighted Content.
9. The Plaintiff is not suing the correct Parties. Voltage Pictures could prevent far more infringement of the Copyrighted Content by restraining those who profit from uploading movies to the Internet. (for example united300.blogspot.com)
10. The BitThief client makes it possible to download content without uploading.
11. It is irrelevant if the Copyrighted Motion Picture contains a copyright notice, as it is still protected by copyright regardless.
12. The source of the Copyrighted Motion Picture is copied from Blu-Ray disc.
13. Encoding the file for online distribution significantly degrades the quality of the video.
14. The Defendant is providing at this time a DVD copy from the Retail DVD of “The Hurt Locker”.
15. Mr. Kowalski reports violations of the Terms of Service to the file sharing websites.
16. The Motion Picture Association of America (MPAA) has requested Mr. Kowalski cease from “community flagging”.
17. More copies of Plaintiff’s Copyrighted Motion Picture are being distributed over filing shares such as Rapidshare and MegaUpload than via Peer to Peer (P2P) software such as BitTorrent.
18. Plaintiff is indifferent to efforts by Mr. Kowalski and others to prevent Defendant’s Copyrighted Motion Picture from unlawful distribution.

19. Plaintiff's own acts and omissions led to the alleged causal relationship between Plaintiff and Defendants.

Therefore, based upon the foregoing, Defendant Mr. Kowalski, requests that Plaintiff's complaint be dismissed.

Dated: 6/28/2010

Respectfully submitted,

Jeff Kowalski

17445 Roosevelt Rd

Hemlock, MI 48626

Telephone: 989-607-4572

E-mail: me@jeffkowalski.com

Defendant

Jeffrey Kowalski

Jeff Kowalski

CERTIFICATE OF SERVICE

I hereby certify that on Monday, June 28, 2010, a true and correct copy of the foregoing Amended Answer was sent via facsimile, e-mail, and first-class mail to the Plaintiff.

/s/ Jeff Kowalski

Jeffrey S. Kowalski