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15 Attorneys for Defendant  
16 DIGITAL RECOGNITION NETWORK, INC.

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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **FOR THE COUNTY OF SAN DIEGO**

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GUILLERMO MATA, individually and on  
behalf of all other similarly situated,

Plaintiff,

v.

DIGITAL RECOGNITION NETWORK,  
INC., a Delaware corporation,

Defendant.

Case No. 37-2021-00023321-CU-MC-CTL

**DEFENDANT DIGITAL RECOGNITION  
NETWORK, INC.'S ANSWER TO  
PLAINTIFF'S CLASS ACTION  
COMPLAINT**

Complaint Filed: May 26, 2021  
Complaint Served: July 23, 2021

1 Defendant Digital Recognition Network, Inc. (“DRN”), by and through its undersigned  
2 counsel, hereby answers Plaintiff Guillermo Mata’s (“Mata”) Class Action Complaint for (1)  
3 Violation of Cal. Civ. Code §1798.90.5 *et seq.* as follows:

4 **GENERAL DENIAL**

5 Pursuant to Cal. Code Civ. Proc. §431.30, DRN generally denies each and every claim and  
6 allegation set forth in the Complaint, including any claims or allegations that Mata has suffered or  
7 is entitled to recover damages, attorneys’ fees, costs, or other monetary or non-monetary relief  
8 from DRN.

9 **AFFIRMATIVE DEFENSES**

10 DRN affirmatively states the following separate defenses without assuming the burden of  
11 proof that otherwise would rest with Plaintiff:

12 **First Affirmative Defense**

13 **(Failure to State a Claim)**

14 The Complaint fails to state a claim against DRN upon which relief may be granted.

15 **Second Affirmative Defense**

16 **(Statute of Limitations)**

17 The Complaint and each cause of action stated therein are barred by the applicable statute of  
18 limitations, including, without limitation, California Code of Civil Procedure §§ 312, 338, 335.1,  
19 and 343 and California Government Code § 12960, *et seq.*

20 **Third Affirmative Defense**

21 **(Unclean Hands/Waiver/Laches/Estoppel)**

22 The Complaint and each cause of action stated therein are barred by the doctrines of  
23 unclean hands, waiver, laches and estoppel.

24 **Fourth Affirmative Defense**

25 **(Good Faith)**

26 The Complaint and each cause of action stated therein are barred because DRN acted in  
27 good faith at all times, had reasonable grounds to believe that its conduct did not violate the law,  
28 and in fact it has not willfully violated any law or regulation, and has acted without malice or

1 reckless indifference to the rights of Mata.

2 **Fifth Affirmative Defense**

3 **(Consent)**

4 The Complaint, and each cause of action stated therein, is barred because Mata consented  
5 to the actions of DRN which he now complains of in the Complaint.

6 **Sixth Affirmative Defense**

7 **(Privilege/Justification)**

8 The Complaint, and each cause of action stated therein, is barred because DRN's alleged  
9 conduct, as set forth therein, was fully justified or privileged, or both, under the circumstances.

10 **Seventh Affirmative Defense**

11 **(Failure to Mitigate Damages)**

12 Mata's damages, if any, are barred or diminished by reason of his failure to mitigate those  
13 alleged damages.

14 **Eighth Affirmative Defense**

15 **(No Duty)**

16 The Complaint and each cause of action stated therein, are barred because DRN did not  
17 owe Mata a duty. If DRN did owe Mata a duty, DRN did not breach its duty to Mata.

18 **Ninth Affirmative Defense**

19 **(No Entitlement to Punitive Damages)**

20 Mata cannot recover punitive or exemplary damages because he has failed to plead and  
21 cannot establish facts sufficient to support an award of punitive damages pursuant to California  
22 Civil Code § 3294.

23 **Tenth Affirmative Defense**

24 **(Additional Affirmative Defenses)**

25 DRN has insufficient knowledge or information upon which to form a belief as to whether  
26 there may be additional affirmative defenses, and thereby reserve its rights to assert additional  
27 affirmative defenses in the event discovery indicates such defenses would be appropriate.

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**PRAYER FOR RELIEF**

WHEREFORE, DRN respectfully requests that the Court enter judgment against Mata and in favor of DRN in connection with all claims for relief in the Complaint, and award DRN its reasonable attorneys' fees and costs, and for such other and further relief as the Court deems just and proper.

DATED: August 8, 2022

KILPATRICK TOWNSEND & STOCKTON LLP

By: 

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X. DIEGO WU MIN  
Attorney for Defendant  
DIGITAL RECOGNITION NETWORK, INC.

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**PROOF OF SERVICE**  
[C.C.P. §§ 1011 and 1013, C.R.C. § 2008]

I declare I am employed in the City and County of San Diego, California in the office of Kilpatrick Townsend & Stockton LLP, 12255 El Camino Real, Suite 250, San Diego, California 92130.

I served the following document entitled: **DEFENDANT DIGITAL RECOGNITION NETWORK, INC.'S ANSWER TO PLAINTIFF'S CLASS ACTION COMPLAINT** on the interested parties in this action as follows:

Raley Balabanian	Telephone: 415 212 9300
<a href="mailto:rbalabanian@edelson.com">rbalabanian@edelson.com</a>	Facsimile: 415 373 9435
Aaron Lawson	
<a href="mailto:alawson@edelson.com">alawson@edelson.com</a>	
Yaman Salahi	
<a href="mailto:ysalahi@edelson.com">ysalahi@edelson.com</a>	
EDELSON PC	
150 California Street, 18 <sup>th</sup> Floor	
San Francisco, CA 94111	

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 8, 2022.

  
\_\_\_\_\_  
Margaret R. Chapman