

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

OMIR BERNARD
et al.,

CIVIL DIVISION

CASE NO.: 2021-020147-CA-01

Plaintiff,

v.

SE LAVI PRODUCTIONS, LLC
and STANLEY GABART,

Defendant,
_____ /

DEFENDANTS' ANSWERS AND AFFIRMATIVE DEFENSES

COMES NOW the Defendants, by and through his undersigned attorney and for his answer and affirmative defenses states as follows:

1. Denied. Defendants do not believe that the Plaintiffs have satisfied its conditions precedent in order to establish causes of action for breach of contract, breach of fiduciary duty, equitable accounting, declaratory relief, and copyright infringement.
2. Denied.
3. Denied.
4. Denied.
5. Admit.
6. Admit.
7. Defendants are without knowledge and thereby deny.
8. Denied.
9. Denied.
10. Admit as to Defendant SE LAVI only.
11. Denied.
12. Denied.

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13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied. Defendant SE LAVI does not believe that the Plaintiffs have satisfied its conditions precedent in order to establish a cause of action for breach of contract.
26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Denied.
31. Denied. Defendants do not believe that the Plaintiffs have satisfied its conditions precedent in order to establish a cause of action for breach of fiduciary duty.
32. Denied.
33. Denied.
34. Denied.
35. Denied.
36. Denied. Defendants do not believe that the Plaintiffs have satisfied its conditions precedent in order to establish a cause of action for equitable accounting.

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37. Denied.
38. Denied. Defendants do not believe that the Plaintiffs have satisfied its conditions precedent in order to establish a cause of action for declaratory relief.
39. Denied.
40. Denied.
41. Denied. Defendants do not believe that the Plaintiffs have satisfied its conditions precedent in order to establish a cause of action for copyright infringement.
42. Denied
43. Denied.
44. Denied.
45. Denied.

WHEREFORE, Defendants respectfully request this Court:

- a. Enter an Order denying the Plaintiffs Complaint; and,
- b. Any other relief the Court deems just and proper.

AFFIRMATIVE DEFENSE:

FIRST AFFIRMATIVE DEFENSE

FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Plaintiffs claim that the Defendants breached its contract, breach of fiduciary duty, equitable accounting, declaratory relief, and copyright infringement, which subjected the Plaintiffs to this civil action is a claim upon which relief cannot be granted in this case because the Plaintiffs were engaged in a legal business contract that did not involve any legal causes of actions to which the Plaintiffs are entitled to claims for relief.

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SECOND AFFIRMATIVE DEFENSE

Defendants acted in good faith at all times relevant to this Complaint.

THIRD AFFIRMATIVE DEFENSE

Plaintiff is estopped from pursuing this civil action because it has failed to conduct an adequate investigation and filed its Complaint without sufficient prior analysis of the facts or understanding of the currency, venue, business activities, and/or the currency's rightful owner.

FOURTH AFFIRMATIVE DEFENSE

The allegations contained in Plaintiffs Complaint are compound, vague, and ambiguous.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs cannot obtain a forfeiture judgment pursuant to the unclean hands doctrine.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiffs cannot obtain a judgment because they had not acted in good faith.

RESERVATION OF RIGHTS

Defendants reserve the right to assert additional affirmative defenses and/or amend his affirmative defenses as discovery warrants.

DEFENDANTS DEMAND FOR JURY TRIAL

Respondent hereby demands a trial by jury on all issues so triable.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 3, 2022, I electronically filed the foregoing with the Clerk of the Court by using the Florida E-Portal system which will send a notice of electronic filing to the following:

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Counsel for Plaintiff
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Respectfully Submitted,

THE DAVIS LEGAL CENTER

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