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DEFENDANT ANSWER TO COMPLAINT FOR INJUNCTIVE RELIEF

GENERAL DENIAL

Pursuant to Code of Civil Procedure section 431.30(d), Defendants generally and specifically deny each and every allegation contained in the Complaint, and further deny that Plaintiff has been damaged in any sum whatsoever or is entitled to any relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(FAILURE TO STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION)

The Complaint fails to allege specific facts sufficient to constitute a cause of action for injunctive relief. The allegations are conclusory, made on information and belief, and do not identify with particularity any actual violation, when it occurred, or against whom it occurred.

SECOND AFFIRMATIVE DEFENSE

(NO ACTUAL OR ONGOING VIOLATION)

Defendants allege that they are, and at all relevant times have been, in substantial compliance with the Immigration Consultants Act. To the extent any technical deficiency existed, it has been cured. There is no ongoing violation warranting injunctive relief.

THIRD AFFIRMATIVE DEFENSE

(NO LIKELIHOOD OF FUTURE HARM)

Injunctive relief is improper because Plaintiff cannot establish a reasonable probability that any alleged violation will recur. Any alleged conduct has ceased, and there is no present or threatened future harm.

FOURTH AFFIRMATIVE DEFENSE

(MOOTNESS)

The claims for injunctive relief are moot because Defendants have taken corrective action and are currently compliant with applicable law, eliminating any basis for prospective relief.

FIFTH AFFIRMATIVE DEFENSE

(DUPLICATIVE AND UNNECESSARY INJUNCTION)

The requested injunction is improper because it merely seeks to require Defendants to comply with existing law. Such relief is duplicative, unnecessary, and does not provide any meaningful additional protection beyond that already required by statute.

SIXTH AFFIRMATIVE DEFENSE

(FAILURE TO MITIGATE ATTORNEY'S FEES)

Plaintiff's claims for attorney's fees are barred or must be reduced because Plaintiff failed to mitigate fees. Plaintiff unreasonably prolonged litigation, refused reasonable opportunities to resolve the matter early, and engaged in unnecessary discovery and motion practice after any alleged basis for injunctive relief could have been addressed.

SEVENTH AFFIRMATIVE DEFENSE

(UNREASONABLE AND EXCESSIVE FEES)

Plaintiff is not entitled to the attorney's fees sought, or to any fees, because the fees incurred are unreasonable, excessive, duplicative, and not necessary to achieve the limited relief sought. Plaintiff utilized boilerplate pleadings, standardized discovery, and repetitive litigation tactics that did not require the time claimed.

EIGHTH AFFIRMATIVE DEFENSE

(LIMITED OR NO PUBLIC BENEFIT)

Any relief obtained in this action provides minimal or no measurable public benefit. An injunction requiring compliance with existing law, without identifying specific conduct or remedies, does not justify a substantial award of attorney's fees.

NINTH AFFIRMATIVE DEFENSE

(UNCLEAN HANDS)

Plaintiff's claims are barred by the doctrine of unclean hands. Plaintiff has engaged in a pattern and practice of filing mass, boilerplate litigation for the primary purpose of generating attorney's fees rather than addressing specific, substantiated violations.

TENTH AFFIRMATIVE DEFENSE

(FAILURE TO EXERCISE GOOD FAITH)

Plaintiff failed to act in good faith by pursuing litigation and incurring fees disproportionate to the nature of the alleged violations, and by refusing reasonable opportunities to resolve the matter without unnecessary litigation.

ELEVENTH AFFIRMATIVE DEFENSE

(BALANCING OF EQUITIES)

The balance of equities weighs against granting injunctive relief. The requested injunction would impose unnecessary burden on Defendants while providing little or no additional benefit to the public.

TWELFTH AFFIRMATIVE DEFENSE

(ADEQUATE REMEDY AT LAW)

Injunctive relief is improper because there exists an adequate remedy at law, and equitable relief is neither necessary nor justified under the circumstances.

THIRTEENTH AFFIRMATIVE DEFENSE

(NO CAUSATION / NO DAMAGES)

Plaintiff has not suffered any injury or damage caused by Defendants, and therefore lacks a basis for the relief sought.

FOURTEENTH AFFIRMATIVE DEFENSE

(FIRST AMENDMENT / COMMERCIAL SPEECH)

To the extent the Complaint challenges advertising or communications, such claims are barred because Defendants' statements constitute lawful commercial speech and are protected under the First Amendment.

FIFTEENTH AFFIRMATIVE DEFENSE

(RESERVATION OF RIGHTS)

Defendants presently lack sufficient knowledge or information to form a belief as to whether additional defenses may exist and reserve the right to assert additional defenses as they become known through discovery.

PRAYER

WHEREFORE, Defendants pray for judgment as follows:

That Plaintiff take nothing by way of the Complaint;

That the Complaint be dismissed with prejudice;

That injunctive relief be denied;

That any claim for attorney's fees be denied or substantially reduced;

For costs of suit incurred herein; and

For such other and further relief as the Court deems just and proper.