

1 **Squire Patton Boggs (US) LLP**
Adam R. Fox (State Bar # 220584)
adam.fox@squirepb.com
2 Carmen J. Cole (State Bar # 218489)
carmen.cole@squirepb.com
3 555 South Flower Street, 31st Floor
4 Los Angeles, California 90071
Telephone: +1 213 624 2500
5 Facsimile: +1 213 623 4581

6 David W. Long-Daniels, *Admitted pro hac vice*
david.long-daniels@squirepb.com
7 1230 Peachtree Street NE, Suite 2200
Atlanta, Georgia 30339
8 Telephone: +1 678 272 3200
Facsimile: +1 678 272 3211

9 *Attorneys for Defendant*
10 Steven Victor Tallarico aka Steven Tyler

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

13
14 JULIA MISLEY, formerly known as JULIA
15 HOLCOMB, an individual,

16 Plaintiff,

17 v.

18 DEFENDANT DOE 1, an individual; and
19 DOES 2 through DOE 50, inclusive,

20 Defendant.

Case No. 22TRCV01604

Assigned to Hon. Tamara E. Hall, Dept. 1

**AMENDED ANSWER OF DEFENDANT
STEVEN VICTOR TALLARICO aka
STEVEN TYLER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

Action Filed: December 27, 2022

Trial Date: September 29, 2025

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23 Under the provisions of Section 431.30 of the California Code of Civil Procedure,
24 Defendant Steven Victor Tallarico aka Steven Tyler ("Defendant") denies, generally and
25 specifically, each and every allegation and cause of action contained in the First Amended
26 Complaint ("Complaint") of Plaintiff Julia Misley fka Julia Holcomb ("Plaintiff"), and Defendant
27 denies that Plaintiff is entitled to any relief whatsoever. Defendant further denies that Plaintiff
28 has sustained any injury or loss by reason of any act or omission on the part of Defendant, and

1 Defendant denies that Plaintiff has been damaged in any amount whatsoever or is entitled to any
2 relief against Defendant.

3
4 **AFFIRMATIVE DEFENSES**

5 Defendant pleads the following separate defenses. Defendant reserves the right to assert
6 additional affirmative defenses that discovery indicates are proper.

7 **FIRST AFFIRMATIVE DEFENSE**

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

9 1. The Complaint and each purported cause of action therein fails to state facts
10 sufficient to constitute a cause of action.

11 **SECOND AFFIRMATIVE DEFENSE**

12 **(Lack of Intent)**

13 2. Plaintiff's claims against Defendant are barred in whole or in part because
14 Defendant lacked the required element of intent.

15 **THIRD AFFIRMATIVE DEFENSE**

16 **(Lack of Injury)**

17 3. Plaintiff's claims against Defendant are barred in whole or in part because Plaintiff
18 has not suffered any injury or damage as a result of any action by Defendant.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 **(No Causation)**

21 4. Plaintiff's claims are barred in whole or in part because Defendant did not
22 cause Plaintiff any damages.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 **(Statute of Limitations)**

25 5. Plaintiff's claims are barred in whole or in part by the applicable statute of
26 limitations, including but not limited to California Code of Civil Procedure sections 335.1, 338,
27 339, 340.1, 340.16 and 343.

28 **SIXTH AFFIRMATIVE DEFENSE**

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(Comparative Negligence)

6. Plaintiff's claims are barred or reduced in whole or in part by Plaintiff's negligence.

SEVENTH AFFIRMATIVE DEFENSE

(Laches)

7. Plaintiff's claims are barred in whole or in part by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

(No Punitive Damages)

8. Plaintiff's request for an award of punitive damages against Defendant violates Defendant's right to due process under the California and United States Constitutions.

NINTH AFFIRMATIVE DEFENSE

(No Attorneys' Fees)

9. Plaintiff's recovery is barred in whole or in part because Plaintiff cannot state and prove a claim that entitles Plaintiff to recover attorneys' fees.

TENTH AFFIRMATIVE DEFENSE

(Estoppel)

10. Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

(Waiver/Release)

11. Plaintiff has waived and/or released any right to obtain the relief on her claims.

TWELFTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

12. Plaintiff's claims are barred in whole or in part because Plaintiff would be unjustly enriched if she were allowed to recover on any part of the damages alleged in her claims.

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THIRTEENTH AFFIRMATIVE DEFENSE

(Superseding/Intervening Cause)

13. Plaintiff's claims are barred in whole or in part by superseding and/or intervening cause.

FOURTEENTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

14. As a result of Plaintiff's knowledge, conduct, words, actions, and/or failure to act, Plaintiff's claims are barred or limited because Plaintiff failed to exercise reasonable care and diligence to mitigate her alleged damages.

FIFTEENTH AFFIRMATIVE DEFENSE

(Failure to Satisfy/Exhaust Administrative Remedies)

15. Plaintiff's claims are barred in whole or in part because Plaintiff failed to satisfy/exhaust her administrative remedies and/or Plaintiff failed to comply with the statutory prerequisites to the bringing of this action.

SIXTEENTH AFFIRMATIVE DEFENSE

(First Amendment)

16. Plaintiff's claims are barred in whole or in part as Defendant's alleged conduct is protected under the First Amendment of the United State Constitution.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Standing)

17. Plaintiff's claims are barred in whole or in part because Plaintiff lacks standing to bring her claims.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Good Faith)

18. Plaintiff's claims are barred in whole or in part because Defendant's actions were legitimate, good faith, justified, nondiscriminatory, and/or non-retaliatory.

1 **NINETEENTH AFFIRMATIVE DEFENSE**

2 **(Consent)**

3 19. Plaintiffs claims are barred in whole or in part by Plaintiffs consent.

4 **TWENTIETH AFFIRMATIVE DEFENSE**

5 **(Comparative Fault by Third Parties)**

6 20. Defendant denies that Plaintiff suffered any damages, but if it is determined that
7 Plaintiff has been damaged, then any such damages were not caused by Defendant.

8 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

9 **(Unclean Hands)**

10 21. As a result of Plaintiffs knowledge, conduct, words and/or actions, Plaintiff s
11 claims against Defendant are barred in whole or in part by unclean hands.

12 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

13 **(Speculative Damages)**

14 22. Plaintiff cannot recover any of the damages alleged because such damages, if any,
15 are too speculative to be recoverable.

16 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

17 **(Reservation of Other Defenses)**

18 23. Defendants reserve the right to assert other affirmative defenses as this action
19 proceeds up to and including the time of trial.


20 WHEREFORE, Defendant prays for relief as follows:

- 21 1. That the Complaint be dismissed with prejudice and in its entirety;
- 22 2. That Plaintiff take nothing by reason of her Complaint and that judgment
23 be entered against Plaintiff and in favor of Defendant;

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Dated: April 4, 2025

Respectfully submitted,
Squire Patton Boggs (US) LLP

By: 
David W. Long-Daniels
Attorneys for Defendant
Steven Victor Tallarico aka Steven Tyler

SQUIRE PATTON BOGGS (US) LLP
555 S. Flower Street, Suite 3100
Los Angeles, California 90071

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PROOF OF SERVICE
Julia Misley v. Defendant Doe 1
(Pursuant to California State Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is 555 South Flower Street, 31st Floor, Los Angeles, California 90071, which is located in the county where any non-personal service described below took place.

On April 4, 2025, a copy of the following document(s):

**AMENDED ANSWER OF DEFENDANT STEVEN VICTOR TALLARICO aka
STEVEN TYLER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

was served on:

JEFF ANDERSON & ASSOCIATES PA Attorneys for Plaintiff Julia Misley
Michael Reck
Neda Lotfi
12011 San Vicente Boulevard, Suite 700
Los Angeles, CA 90049
jeff@andersonadvocates.com
mreck@andersonadvocates.com
neda.lotfi@andersonadvocates.com
krystal.pazanti@andersonadvocates.com


KBM LAW CORP.
Karen Barth Menzies
6701 Center Drive West, Suite 1400
Los Angeles, CA 90045
kbm@kbmlaw.com
mae@kbmlaw.com

Service was accomplished as follows.

By Email Service, by transmitting via email or electronic transmission the document(s) listed above to the parties at the email address(es) set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 4, 2025, at Los Angeles, California.



Consuelo M. Lopez
128313.00001