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Cricut, Inc.

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
03/30/2023 at 07:14:00 AM
Clerk of the Superior Court
By Armando Villasenor, Deputy Clerk

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SAN DIEGO

11
12 HEATHER VILLEGAS, individually and on
behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 CRICUT, INC.,

16 Defendant.

Case No.: 37-2023-00009047-CU-FR-CTL

**DEFENDANT CRICUT, INC.'S
ANSWER TO COMPLAINT**

Action Filed: March 3, 2023

Trial Date: None Set

1 Defendant Cricut, Inc. (Cricut) answers Plaintiff Heather Villegas's (Plaintiff) complaint
2 as follows:

3 **GENERAL DENIAL**

4 Pursuant to section 431.30, subdivision (d), of the Code of Civil Procedure, Defendant
5 generally denies the allegations in the complaint and further denies that Plaintiff is entitled to any
6 relief or damages of any kind and denies that the case is susceptible to treatment as a class action.

7 **AFFIRMATIVE DEFENSES**

8 Defendant alleges the following additional defenses as to all causes of action and claims
9 for relief asserted in the complaint.

10 **FIRST AFFIRMATIVE DEFENSE**

11 (Failure to State a Cause of Action)

12 The complaint fails to state facts sufficient to constitute a cause of action against
13 Defendant.

14 **SECOND AFFIRMATIVE DEFENSE**

15 (Statute of Limitations)

16 Each claim for relief in the complaint is barred and/or limited by the applicable statutes of
17 limitation, including but not limited to, Code of Civil Procedure sections 338, 340, and/or 343.

18 **THIRD AFFIRMATIVE DEFENSE**

19 (Laches)

20 Plaintiff is barred by the doctrine of laches from asserting all the claims in the complaint.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 (Estoppel and Waiver)

23 The claims in the complaint are barred by the doctrines of estoppel and/or waiver.

24 **FIFTH AFFIRMATIVE DEFENSE**

25 (Reservation of Rights to Assert Additional Defenses)

26 Defendant has not knowingly or voluntarily waived any applicable affirmative defenses
27 and reserves the right to assert and rely on such other applicable affirmative defenses as may
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1 become available or apparent in the future. Defendant reserves the right to amend its answer
2 and/or affirmative defenses accordingly.

3 **PRAYER FOR RELIEF**

4 Wherefore, Defendant prays for judgment as follows:

5 1. That judgment be entered in favor of Defendant and against Plaintiff with respect to
6 each cause of action pled in the Complaint and that this action be dismissed with prejudice;

7 2. That Plaintiff takes nothing by reason of the complaint;

8 3. That Defendant be awarded costs, disbursements, expenses and attorneys' fees in
9 this proceeding; and

10 4. That the Court award Defendant any other relief as it deems just and proper.

11
12
13 DATED: March 30, 2023

PAUL HASTINGS LLP

14
15 By: 

NAVI S. DHILLON

16 Attorneys for Defendant
17 Cricut, Inc.

1 **PROOF OF SERVICE**

2
3 I am employed in the City of San Francisco and County of San Francisco, State of
4 California. I am over the age of 18, and not a party to the within action. My business
5 address is 101 California Street, Forty-Eighth Floor, San Francisco, CA 94111.

6 On March 30, 2023, I served the foregoing document(s) described as:

7 **DEFENDANT CRICUT, INC’S ANSWER TO COMPLAINT**

8
9 on the interested parties by placing a true and correct copy thereof in a sealed envelope(s)
10 addressed as follows:

11 BURSOR & FISHER, P.A.
12 Neal J. Deckant
13 Julia K. Venditti
14 1990 North California Boulevard, Suite 940
15 Walnut Creek, CA 94956
16 Telephone: 925-300-4455
17 Email: ndeckant@bursor.com
18 Email: jvenditti@bursor.com

19 BURSOR & FISHER, P.A.
20 Frederick J. Klorczyk III
21 888 Seventh Avenue
22 New York, NY 10019
23 Telephone: 925-300-4455
24 Email: fklorczyk@bursor.com

25 **VIA U.S. MAIL:**
26 I am readily familiar with the firm’s practice of collection and processing of
27 correspondence for mailing. Under that practice such sealed envelope(s)
28 would be deposited with the U.S. postal service with postage thereon fully
prepaid, at San Francisco, California.

VIA ELECTRONIC MAIL:
By agreement of the parties, by personally emailing the aforementioned
document(s) in PDF format to the respective email address(es) listed above.
I did not receive an electronic message indicating any errors in transmission.

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

Executed on March 30, 2023, at San Francisco, California.

Ken Hartley

Ken Hartley

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