

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	8:13-cv-03007-JSM-TBM
)	
ROBERTO ROLDAN,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF ROBERTO ROLDAN

I, ROBERTO ROLDAN, being of sound mind and legal age, and being sworn under oath, hereby state as follows:

1. I am Roberto Roldan, Defendant herein, and have personal knowledge about the facts attested to herein.
2. I have reviewed the Amended Complaint (Doc.008) in this action, and I deny the facts therein.
3. I am not an infringer of Plaintiff's copyrights.
4. I do not reside at 4690 57th Avenue North, St. Petersburg, FL. Rather, that is where my parents reside.
5. I did not download Plaintiff's videos.
6. In August 2012, I enrolled in, and began taking courses at the University of South Florida ("USF") in Tampa, Florida. A true and correct copy of my Official Transcript for spring 2011 through fall 2012 is attached hereto as **Exhibit "A."**

7. I have been enrolled as a student at USF for the fall, spring, and summer semesters of 2013, and fall and spring semesters of 2014.
8. In August 2012, I moved out of my parents' house, located at 4690 57th Avenue North, Saint Petersburg, FL 33714 ("my parents' house"), and into a different residence in Tampa, FL to attend college at USF.
9. I have not lived or resided in my parents' house since I moved out in August 2012.
10. Since August 2012, I have lived in Tampa, either in a dormitory on the USF campus or in an apartment.
11. On April 27, 2013, Christian Harris, Alexander Biondo, Elias Breitner, and I signed a lease agreement with Blackhawk Realty Management, LLC to lease the apartment at 13404 Village Circle, Apt. #103, Tampa, FL 33617 ("the Apartment"). A true and correct copy of that lease is attached hereto as **Exhibit "B."**
12. The lease was for the term beginning on May 1, 2013, and ending on July 31, 2014.
13. On May 1, 2013, Christian Harris, Alexander Biondo, Elias Breitner, and I moved into the Apartment and lived there as roommates.
14. During the period from May 1, 2013, through July 31, 2014, I maintained my permanent residence at the Apartment.

15. The electricity for the Apartment was in my name, and I made monthly payments to the electric company throughout my period of residence there. True and correct copies of the electric bills and payments I made for the months of May 2013, July 2013, August 2013, September 2013, December 2013, January 2013, and February 2013 are attached hereto as **Exhibit "C."**

16. During the period from August 5, 2013, through November 7, 2013:

a. I had and used a MacBook Pro laptop, which was the only computer I owned;

b. I did not bring the MacBook Pro laptop to my parents' house; and

c. I did not keep any computers at my parents' house.

17. Based on my recollection, during the period from August 5, 2013 through November 7, 2013, I did not visit my parents' house, as I was very busy with school and work at *The Oracle* during this time.

18. The only time that I remember visiting my parents' house close to the period of August 5, 2013 to November 7, 2013, was on or about Thanksgiving of 2013, which was after November 7, 2013.

19. During the period from July 7, 2013 to November 21, 2013, I worked as a News Editor at *The Oracle*, the University of

South Florida's Student Newspaper, located on the USF campus in Tampa, FL. A true and correct copy of my Hourly Timesheet at *The Oracle* is attached hereto as **Exhibit "D."**

20. The office of *The Oracle* is located at 4202 East Fowler Avenue, SVC 0002, Tampa, FL 33620, which is the location I worked each time that I worked at *The Oracle*.

21. That office is over 20 miles away from my parents' home.

22. During the summer of 2013, from July 1 to August 9, 2013, I took USF course PHI 1103, Critical Thinking, on Mondays, Wednesdays and Fridays, from 11:00am to 1:20pm. A true and correct copy of my schedule for the week of August 5, 2013, is attached hereto as **Exhibit "E."**

23. During the fall semester of 2013, from August 26 to December 13, 2013:

a. I was enrolled in 5 courses: POS 2112, CRW 2100, SYG 2010, IDH 3400, and MUH 3016, for a total of 15 credits. A true and correct copy of my weekly course schedule is attached hereto as **Exhibit "F."**

b. I took USF course POS 2122, State and Local Government, on Mondays, Wednesdays, and Fridays from 9:40am to 10:30am. A true and correct copy of the syllabus for this class is attached hereto as **Exhibit "G."**

c. I took USF course CRW 2100, Narration & Description, on Tuesdays and Thursdays from 12:30pm to 1:45pm. A true and correct copy of the syllabus for this class is attached hereto as **Exhibit "H."**

d. I took USF course SYG 2010, Contemporary Social Problems, on Tuesdays from 2:00pm to 4:45pm. A true and correct copy of the syllabus for this class is attached hereto as **Exhibit "I."**

e. I took USF course IDH 3400, Global Tourism, on Thursdays from 2:00pm to 4:50pm. A true and correct copy of the syllabus for this class is attached hereto as **Exhibit "J."**

f. I took USF course MUH 3016, Survey of Jazz, which class did not physically meet, but met through online discussion groups and required three hours of my time a week, plus additional time studying for class. A true and correct copy of the syllabus for this course is attached as **Exhibit "K."**

g. In addition to these classes, I also spent on average 8 to 12 hours per week doing homework.

24. True and correct copies of my debit card statements for the following periods are attached and show my debit card purchases and the location of these purchases:

- a. 07/20/2013 to 08/20/2013, a true and correct copy is attached hereto as **Exhibit "L;"**
 - b. 8/21/2013 to 9/19/2013, a true and correct copy is attached hereto as **Exhibit "M;"**
 - c. 9/20/2013 to 10/21/2013, a true and correct copy is attached hereto as **Exhibit "N;"** and
 - d. 10/22/2013 to 11/20/2013, a true and correct copy is attached hereto as **Exhibit "O."**
25. As evidence of my location in Tampa, the majority of the purchases made with my debit card were made at or near the USF campus in Tampa.
26. On August 4, 2013, I visited my childhood friend Vinnie Beneduci at 6829 120th Place, Largo, FL 33773 ("Vinnie's fathers house"), and spent the night. I went back home to the Tampa Apartment the following day on August 5, 2013.
27. On August 5, 2013, on my way back home to Tampa, I made a purchase in the area surrounding Vinnie's fathers house, as demonstrated by the debit card transaction dated 08/05/2013: POS Purchase Advance Stores Pinellas Park FL. See **Exhibit "L."**
28. On September 22, 2013, I again visited Vinnie Beneduci at Vinnie's fathers house and again I spent the night there. I returned home the following day on September 23, 2013.

29. On September 23, 2013, on my way back home to Tampa, I made a purchase at Wawa in Pinellas Park, which is near Vinnie's father's house, as demonstrated by the debit card transaction dated 09/23/2013: 3850 Check Card Purchase Wawa 5125 Pinellas PA. See **Exhibit "N."**
30. I was back in Tampa for the evening of September 23, 2013, and worked at The Oracle from 5:00pm to 10:00pm. See **Exhibit "D."**
31. On November 11, 2013, I visited Vinnie Beneduci at Vinnie's father's house and again I spent the night there. I returned home the following day on November 12, 2013.
32. On November 12, 2013, on my way back home to Tampa, I made a purchase at the Park Convenience Store, which is near Vinnie's father's house, as demonstrated by the debit card transaction dated 11/12/2013: POS Purchase Park Convenien Pinellas Par Fl. See **Exhibit "O."**
33. I was back in Tampa for the evening of November 12, 2013 and worked at The Oracle from 5:00pm to 10:00pm. See **Exhibit "D."**

AFFIANT FURTHER SAYETH NOT.

Dated: 9/5/, 2014

Signed: Roberto Roldan

State of Florida) ss
County of Hillsborough)

I hereby certify that the above document was signed by
Roberto Roldan, who presented her
Florida Drivers License on this 5th day of
September, 2014.



[Signature]
Notary Public
State of Florida