

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAN-ALBANIAN FEDERATION OF AMERICA  
VATRA (THE HEARTH), INC.,

*Plaintiff,*

- against -

Case No.: 1:21-cv-00875-JSR

PAN-ALBANIAN FEDERATION OF AMERICA  
DC CHAPTER; AHMET GIAFFO-ADESA;  
DR. NEXHAT KALICI; GJON BUÇAJ;  
ARMIN ZOTAJ, and THE “COMMISSION”,

*Defendants.*

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**DEFENDANTS’ ANSWER TO PLAINTIFF’S COMPLAINT**

Defendants Pan-Albanian Federation of America - DC Chapter (“DC Chapter”), Ahmet Giaffo-Adesa (“Giaffo”), Dr. Nexhat Kalici (“Dr. Kalici”), Dr. Gjon Buçaj (“Dr. Buçaj”), Armin Zotaj (“Zotaj”), and The Commission (collectively, “Defendants”), by their undersigned counsel, submit this Answer to the Complaint filed by Plaintiff Pan-Albanian Federation of America Vatra (The Hearth), Inc. (“VATRA” or “Plaintiff”).

**GENERAL DENIAL OF CLAIMS**

Defendants deny that the “Plaintiff” in this case has proper authority to file the instant Complaint. As detailed in the Counter and Third-Party Claim filed by the Commission (defined therein as the “October Committee”), it is Defendants’ position that the individuals that purport to control Plaintiff have relinquished any control of VATRA through certain acts and omissions, mainly through repeated and egregious violations of VATRA’s Bylaws and Constitution (the “Bylaws”). Based upon these acts and omissions, certain of the Defendants sought control of VATRA to restore order and uphold the traditions, history, and Bylaws. Accordingly, in

answering this Complaint, Defendants dispute “Plaintiff’s” standing to bring this instant lawsuit on behalf of VATRA and deny that “Plaintiff” owns any intellectual property related to the VATRA trademarks. For purposes of answering the Complaint, and without a waiver of any rights, Defendants will refer to “Plaintiff” as VATRA.

Defendants generally deny any and all allegations of the Complaint that are not specifically addressed herein, and further deny they are liable to VATRA as set forth in the Complaint.

**ANSWER**

Defendants state that no response is required with respect to the “Preliminary Statement” of the Complaint as any allegations included therein are not included in a “numbered paragraph,” as required by Fed. R. Civ. P. Rule 10 (b). To the extent such statements require a response, Defendants generally deny the allegations contained therein.

**Answering Paragraph No. 1:** Defendants state that no response is required as it states a conclusion(s) of law.

**Answering Paragraph No. 2:** Defendants state that no response is required as it states a conclusion(s) of law. Defendants otherwise deny that “Defendants maintain New York as their principal place of business”; that they “receive their mail in Bronx, New York”; that they held an “illegitimate” VATRA convention; that they infringed on any intellectual property purportedly owned by Plaintiff; that they engaged in any wrongdoing; or that they violated any other of Plaintiff’s rights. Giaffo denies the allegations related to him. Dr. Kalici admits that he reside in New York and denies the remaining allegations related to him. Zotaj admits that he resides in Virginia and denies the remaining allegations related to him. Dr. Buçaj denies the allegations related to him.

**Answering Paragraph No. 3:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny that they held an “illegitimate VATRA Convention.” To the extent required, Defendants deny such conclusion(s) of law.

**Answering Paragraph No. 4:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 5:** Defendants deny the allegations made therein.

**Answering Paragraph No. 6:** Giaffo admits that he has been a member of VATRA for more than twenty years. Giaffo denies the remaining allegations contained therein.

**Answering Paragraph No. 7:** Zotaj admits that he resides in Virginia Beach, Virginia and that he has been a member of VATRA for more than twenty years. Zotaj denies the remaining allegations contained therein.

**Answering Paragraph No. 8:** Dr. Kalici admits that he resides in Newburgh, New York and that he has been a member of VATRA for more than twenty years. Dr. Kalici denies the remaining allegations contained therein.

**Answering Paragraph No. 9:** Dr. Buçaj admits that he resides in Sterling, Virginia and has been a twenty-year member of VATRA. Dr. Buçaj denies the remaining allegations contained therein.

**Answering Paragraph No. 10:** Defendants deny the allegations made therein.

**Answering Paragraph No. 11:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 12:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 13:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 14:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 15:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 16:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 17:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 18:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 19:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 20:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 21:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 22:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 23:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 24:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 25:** Defendants admit that the VATRA marks are distinctive and uniquely recognizable but deny the remaining allegations made therein.

**Answering Paragraph No. 26:** With respect to Plaintiff’s claim that the VATRA Marks have “garnered VATRA strong common law rights and statutory protection under the Lanham Act for its name and its VATRA Marks,” Defendants state that no response is required as

it states a conclusion(s) of law. As to the remaining allegations, Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 27:** Defendants deny the allegations made therein.

**Answering Paragraph No. 28:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 29:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 30:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 31:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 32:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 33:** Defendants admit to the general characterizations made therein, but deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 34:** Defendants deny the allegations made therein.

**Answering Paragraph No. 35:** Defendants deny the allegations made therein.

**Answering Paragraph No. 36:** Defendants deny the allegations made therein.

**Answering Paragraph No. 37:** Defendants deny the allegations made therein.

**Answering Paragraph No. 38:** Defendants deny the allegations made therein.

**Answering Paragraph No. 39:** Defendants deny the allegations made therein.

**Answering Paragraph No. 40:** Defendants deny the allegations made therein.

**Answering Paragraph No. 41:** Defendants deny the allegations made therein.

**Answering Paragraph No. 42:** Defendants deny the allegations made therein.

**Answering Paragraph No. 43:** Defendants deny the allegations made therein.

**Answering Paragraph No. 44:** Defendants deny the allegations made therein.

**Answering Paragraph No. 45:** Defendants deny the allegations made therein.

**Answering Paragraph No. 46:** Defendants deny the allegations made therein.

**Answering Paragraph No. 47:** Defendants deny the allegations made therein.

**Answering Paragraph No. 48:** Defendants deny the allegations made therein.

**Answering Paragraph No. 49:** Defendants deny the allegations made therein.

**Answering Paragraph No. 50:** Defendants deny the allegations made therein.

**Answering Paragraph No. 51:** Defendants admit to the existence and receipt of the cease and desist letter attached as **Exhibit E** to the Complaint and deny the remaining allegations made therein, including the contents of the cease and desist letter.

**Answering Paragraph No. 52:** Defendants admit to the general characterizations made therein.

**Answering Paragraph No. 53:** Defendants lack knowledge or information sufficient to form a belief about the allegations made therein and further denies that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 54:** Defendants lack knowledge or information sufficient to form a belief about the allegations made therein and further denies that “Plaintiff” owns or has rights to the intellectual property at issue in this case. Defendants further deny that they solicited subscription fees for the *Deilli*.

**Answering Paragraph No. 55:** Defendants deny the allegations made therein.

**Answering Paragraph No. 56:** Defendants deny the allegations made therein.

**Answering Paragraph No. 57:** Defendants deny the allegations made therein.

**Answering Paragraph No. 58:** Defendants deny the allegations made therein.

**Answering Paragraph No. 59:** Defendants deny that the VATRA Foundation “unlawfully remains under the control of Kalici who despite VATRA’s demands has failed to return the VATRA Foundation proverbial keys to VATRA, maintaining on-going control of its bank accounts and assets,” but admits to the remaining general characterizations regarding the VATRA Foundation made therein.

**Answering Paragraph No. 60:** Defendants deny the allegations made therein.

**Answering Paragraph No. 61:** Defendants deny the allegations made therein.

**Answering Paragraph No. 62:** Defendants deny the allegations made therein.

**Answering Paragraph No. 63:** Defendants deny the allegations made therein.

**Answering Paragraph No. 64:** Defendants incorporate their answers to the previous paragraphs of the Complaint.



**Answering Paragraph No. 65:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 66:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 67:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 68:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 69:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 70:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 71:** Defendants admit that the VATRA marks are distinctive but deny the remaining allegations made therein, including that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 72:** Defendants admit that the VATRA marks are distinctive but deny the remaining allegations made therein, including that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 73:** Defendants deny the allegations made therein.

**Answering Paragraph No. 74:** Defendants deny the allegations made therein.

**Answering Paragraph No. 75:** Defendants deny the allegations made therein.

**Answering Paragraph No. 76:** Defendants deny the allegations made therein.

**Answering Paragraph No. 77:** Defendants deny the allegations made therein.

**Answering Paragraph No. 78:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 79:** Defendants deny the allegations made therein.

**Answering Paragraph No. 80:** Defendants admit that the VATRA marks are distinctive but deny the remaining allegations made therein.

**Answering Paragraph No. 81:** Defendants deny the allegations made therein.

**Answering Paragraph No. 82:** Defendants deny the allegations made therein.

**Answering Paragraph No. 83:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 84:** Defendants deny the allegations made therein.

**Answering Paragraph No. 85:** Defendants deny the allegations made therein.

**Answering Paragraph No. 86:** Defendants deny the allegations made therein.

**Answering Paragraph No. 87:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 88:** Defendants state that no response is required as it states a conclusion(s) of law.

**Answering Paragraph No. 89:** Defendants deny the allegations made therein.

**Answering Paragraph No. 90:** Defendants deny the allegations made therein.

**Answering Paragraph No. 91:** Defendants deny the allegations made therein.

**Answering Paragraph No. 92:** Defendants deny the allegations made therein.

**Answering Paragraph No. 93:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 94:** Defendants generally admit the allegations made therein.

**Answering Paragraph No. 95:** Defendants deny the allegations made therein.

**Answering Paragraph No. 96:** Defendants deny the allegations made therein and, specifically, deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 97:** Defendants deny the allegations made therein and, specifically, deny that “Plaintiff” owns or has rights to the intellectual property at issue in this case.

**Answering Paragraph No. 98:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 99:** Defendants state that no response is required as it states a conclusion(s) of law and otherwise deny the allegations made therein.

**Answering Paragraph No. 100:** Defendants deny the allegations made therein.

**Answering Paragraph No. 101:** Defendants deny the allegations made therein.

**Answering Paragraph No. 102:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 103:** Defendants deny the allegations made therein.

**Answering Paragraph No. 104:** Defendants deny the allegations made therein.

**Answering Paragraph No. 105:** Defendants deny the allegations made therein.

**Answering Paragraph No. 106:** Defendants deny the allegations made therein.

**Answering Paragraph No. 107:** Defendants deny the allegations made therein.

**Answering Paragraph No. 108:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 109:** Defendants deny the allegations made therein.

**Answering Paragraph No. 110:** Defendants deny the allegations made therein.

**Answering Paragraph No. 111:** Defendants deny the allegations made therein.

**Answering Paragraph No. 112:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 113:** Defendants deny the allegations made therein.

**Answering Paragraph No. 114:** Defendants admit that they conduct business using the VATRA Marks as they, not the Plaintiffs, have the right and authority under the VATRA by-laws to use those Marks.

**Answering Paragraph No. 115:** Defendants deny the allegations made therein.

**Answering Paragraph No. 116:** Defendants deny the allegations made therein.

**Answering Paragraph No. 117:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 118:** Defendants deny the allegations made therein.

**Answering Paragraph No. 119:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 120:** Defendants deny the allegations made therein.

**Answering Paragraph No. 121:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 122:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 123:** Defendants incorporate their answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 124:** Defendants deny the allegations made therein.

**Answering Paragraph No. 125:** Defendants deny the allegations made therein.

**Answering Paragraph No. 126:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 127:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 128:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 129:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 130:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Defendants deny the allegations made therein.

**Answering Paragraph No. 131:** Kalici incorporates his answers to the previous paragraphs of the Complaint.

**Answering Paragraph No. 132:** Kalici denies the allegations made therein.

**Answering Paragraph No. 133:** This paragraph does not contain an allegation and, therefore, does not require a response. To the extent a response is required, Kalici denies the allegations made therein.

**PLAINTIFF’S REQUEST FOR RELIEF**

Defendants deny that Plaintiff is entitled to any of the relief requested in its Complaint.

**PLAINTIFF’S DEMAND FOR JURY TRIAL**

Plaintiff’s Demand for Jury Trial contains no factual allegations that require a response. To the extent a response is required, Defendants deny the allegations contained therein.

**DEFENDANTS’ AFFIRMATIVE DEFENSES**

Based on the foregoing answer to Plaintiff’s Complaint and for the reasons stated in Defendant the Commission’s Counterclaim (which will be filed contemporaneous to this Answer), Defendants assert the following defenses and affirmative defenses to the Complaint and do not concede that it has the burden of proof on such defenses that would otherwise rest on Plaintiff. Further, Defendants reserve the right to supplement the defenses and affirmative defenses relied on as discovery has yet to commence.

1. The Complaint fails to state a claim upon which relief may be granted because, in part, Plaintiff does not own or control the rights to the intellectual property at issue in its Complaint.
2. Plaintiff’s claims are barred because it has no standing to bring any claims against Defendants because, in part, Plaintiff does not own or control the rights to the intellectual property at issue in its Complaint.
3. Plaintiff’s claims are otherwise barred because Plaintiff does not own or control the rights to the intellectual property at issue in its Complaint.

4. Plaintiff's claims are barred, in whole or in part, by Plaintiff's bad faith because Plaintiff, in part, failed to abide by VATRA's Bylaws in operating the organization and, therefore, effectively relinquished its control over VATRA.

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

6. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

7. Plaintiff's claims are barred, in whole or in part, because Defendants acted in good faith with respect to the matters alleged, including by regaining control of VATRA in response to Plaintiff's many organizational Bylaw violations it committed while in control of VATRA (such Bylaw violations are detailed in the Counterclaim).

8. Plaintiff's' claims are barred, in whole or in part, because they contravene public policy.

9. Plaintiff is not a consumer, and thus, does not have standing to bring a claim under N.Y. Gen. Bus. Law § 360.

10. The relief sought by Plaintiff is barred, in whole or in part, because Plaintiff has failed to take appropriate and necessary steps to mitigate its alleged damages, if any.

**WHEREFORE**, Defendants respectfully pray for judgment against Plaintiff and in favor of Defendants and entry of an Order:

1. Denying Plaintiff's demand for judgment against Defendants, denying each and every prayer and/or request for relief contained in the Complaint, and dismissing the Complaint in its entirety with prejudice;

2. Awarding costs and attorneys' fees to Defendants; and

3. Granting such other and further relief in favor of and to Defendants as the Court may deem just and proper.

Respectfully,

*/s/ Kenneth M. Lewis*

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**Kenneth M. Lewis**

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*Attorneys for Defendants*



**CERTIFICATE OF SERVICE**

I hereby certify that on this **26th** day of **April, 2021**, a copy of the foregoing Answer to Plaintiff's Complaint was filed with the Court and served via the Court's electronic filing system, which provides service to all counsel of record.

*/s/ Kenneth M. Lewis*

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**Kenneth M. Lewis**

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