

IN THE COURT OF COMMON PLEAS OF
FRANKLIN COUNTY, OHIO
369 SOUTH HIGH STREET
COLUMBUS OH 43215

FILED COURT
COMMON PLEAS COURT
FRANKLIN CO OHIO
2011 JUN -3 PM 12:11
CLERK OF COURTS-CV

CASE NO 11 CVC⁰⁴⁻4434
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YFAGLR, ANN M
3546 STUBBINSVILLE RD SW
AMSTERDAM OH 43903
ILL NONI
PLAINTIFF, PRO SE

MOTION TO STRIKE DEFENDANT'S
MOTION TO DISMISS FOR ALLEGED
FAILURE TO COMPLY WITH CIV R 12 E

v

GODADDY COM LLC AL
DEFENDANT

Plaintiff respectfully asks the Court to strike the Defendant Go Daddy Group's Motion to Dismiss for Civ R 12 B 6—believing—the Plaintiff provided “no claim on which relief may be granted, and because it cannot determine what the Plaintiff is alleging” (p2 of said Motion)—and any other named Defendant making the same Motion

There is nothing “vague” or “ambiguous” or “incomprehensible” regarding the Defendant's involvement in the complaint

The Defendant's culpability is self-evident

a) Godaddy com—created the platform—in which Defendant Ibrahim Kazanci infringed Were it not for the platform—Godaddy com would not be named and Ibrahim Kazanci would not be able to use the Plaintiff's copyrighted word as a domain

b) Any business is responsible for the conduct of those it invites onto its property—especially—when one would not otherwise be able to harm in the manner complained of—were it not for the creation of the premises, property, management, etc—in which to perpetrate

c) Godaddy com profits from said infringement—and has gained from the

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infringement—and cannot be held as non-complicit, or non-culpable for its conduct

d) Godaddy com is aware of the risks associated with its business—whether those risks were assessed in writing a blueprint for their business, or by any other act, or meeting, in which assessment of risk might be discussed—in order to limit damage and liability

e) Plaintiff created and copyrighted said word, Aypress, which was also the Plaintiff's business name, and registered with the State of Ohio

f) It is clear—that Defendant Kazanci, using GoDaddy's consent—and nature of its business—to register said copyrighted name, Aypress—is using the original spelling of the Plaintiff's copyrighted word at the website, when one views said website Aypress.com Such further contributes to the greatest likelihood, that said Defendant is attempting to assert or align himself with the Plaintiff's authorship, business, and press—falsely—before the world wide audience

As they say, the thing speaks for itself ' It is, therefore self-evident—that Defendant Go Daddy Group—who owns and profits from such infringement—in creating and controlling GoDaddy.com (a business constructed for the sole purpose of registering names for Internet/Website use, and to which it is well aware of how its conduct is involved in the Petition's grounds)—the Plaintiff's copyrighted word—would not be in existence on the Internet—in said fashion

Godaddy Group, etc in said manner—are complicit in the cause of actions—having created the platform or premises—in which harm takes place and it need not be explicitly stated—as the Defendants are aware of the nature of its business—and cannot claim ignorance otherwise

Quite frankly on a side note any combination of letters and numbers may be used to create a domain There exists, therefore, no need to infringe upon the rights belonging to another and such can only be viewed as intentional

Hence, the Plaintiff, in so naming the Defendants who construct themselves for said sole act of registering names—need to be named—to prevent the exhaustive effort of the

Plaintiff to file new Petitions for every new copyright infringement

That multiple causes of action—stem from the sole act of using the Plaintiff's copyrighted word—does not need redundant expression citing each averment—from the sole act giving rise to each explicit cause

Defendants argue the Plaintiff failed to comply with Civ R 8 A, and cite the Court's remand in *Yeager v Alltel et al*—as similar rationale *Alltel* is a technically complex injury, in which the Plaintiff did omit the simple introduction (the basis for Civ R 8 A) allowing the Court to understand—or know what to expect—from what follows said omitted brief description

However, Plaintiff appeals—contending that Civ R 8 A premise is inherently met in the Petition Civ R 8 A—merely requires one to perform a minimum effort to give fair notice' Plaintiff did so in *Alltel*, and in all other said suits Defendant attaches as exhibits

There is no comparison to the complexity of *Alltel et al*—to the simplicity of *GoDaddy.com et al*—and other said suits The Defendant wastes the Court's and Plaintiff's time—complaining of allegations that do not directly involve them—or in which relies upon the deduction of their sole judgment

Neither is the Defendant in the position of the Court—to determine if the objective of Civ R 8 A has been met in each suit and should not so attempt to assert that the Plaintiff failed in other Petitions

The Petition is neither without merit—nor without inherently complying with Civ R 8 A basis (within the length of the Petition) to serve the simplicity of merely 'requiring a claim that shows the party is entitled to relief (Ohio Jur 3d, Pleadings, § 42)—so that the Pleader is not burdened with the task of pleading 'ultimate facts '

The attachments can only be viewed as a burden to the Court and the Plaintiff, with view of raising the cost of litigation for no purpose

In the sole complaint, which does directly involve the Defendant, *Godaddy.com et al* the Plaintiff wrote a simple statement providing a clear basis for the nature of the injury on

page 1, titled 'synopsis of the injury "

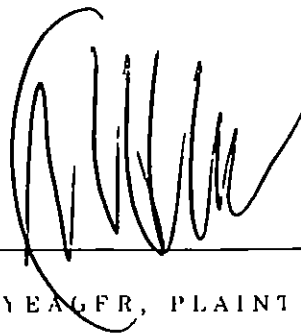
The Plaintiff made a clear outline of the injury, presenting compelling facts, in order to begin judicial proceedings, and ultimately provide the Plaintiff with relief from the combined Defendants' intentional negligence

Defendant's Motion, therefore—fails Go Daddy is complicit with consent, creation control, and oversight—and from the nature of its business—knows it contributes, and furthermore—has superintending control inherent in the word "ownership" (See Civ R 8 A attached) The fact does not need to be reiterated It is self-evident by the conduct of the Defendant's business existing in construction for the sole purpose of registering words—even those that infringe

Whether the Defendants GoDaddy, or any other registry—registered the Plaintiff's copyrighted word—as their own property—prior to Mr Kazancı s—then sold said infringing word to any number of persons—will be known to the Plaintiff through interrogatories—as the Defendant is the only one privy to that fact at the moment

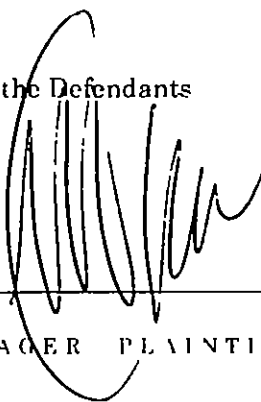
Defendant's Motion is moot/without merit, frivolous delays judicial proceedings—and should be viewed for what it is an attempt to disrupt the Court, and burden the Plaintiff with facts already remitted The Defendant would know—that if a customer registered a domain—it may be liable for injury of the use any copyrighted word—under the Defendant's supervision and control

The Rule does not—require—the Plaintiff to plead the legal theory of recovery, nor is the Plaintiff bound by any particular theory of claim Where the complaint states—any facts—that if proven—would entitle the Pleader to relief—as a matter of law—the motion to dismiss should be denied Consequently, a Complaint should not be dismissed—if the trial court doubts that the Plaintiff will win on the merits " Ohio Jur 3d, Pleadings §42



ANN YEAGER, PLAINTIFF, PRO SE

I certify that a copy of this Motion has been remitted to the Defendants



ANN YEAGER PLAINTIFF, PRO SE

cc

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