

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ANN M. YEAGER,

Plaintiff,

vs.

GO DADDY GROUP, INC.
GO DADDY.COM, et al.

Defendants.

: Case No. 11CVC4434

: Judge Guy L. Reece II

:

: MOTION OF DEFENDANTS GO
: DADDY GROUP, INC. AND
: GODADDY.COM TO DISMISS, OR
: IN THE ALTERNATIVE, FOR A
: MORE DEFINITE STATEMENT OF
: THE COMPLAINT

Pursuant to Ohio Rule of Civil Procedure 12(B)(6), Defendants Go Daddy Group, Inc. and GoDaddy.com (collectively "Go Daddy") move the Court to dismiss the claims asserted against them by Plaintiff Ann Yeager ("Plaintiff"). Plaintiff's Complaint is unintelligible and does not state any claim for which relief may be granted. In the alternative, Go Daddy requests that pursuant to Ohio Rule of Civil Procedure 12(E), the Court order Plaintiff to file an Amended Complaint providing a more definite statement of her "claims" against Go Daddy.

Proposed Orders granting Go Daddy's Motion are attached for the Court's consideration.

Respectfully submitted,



Christopher M. Bechhold (0014192)

Heather M. Hawkins (0078569)

THOMPSON HINE LLP

312 Walnut Street, Suite 1400

Cincinnati, Ohio 45202

Tel.: (513) 352-6790; Fax: (513) 241-4771

Trial Attorneys for Defendant Go Daddy

MEMORANDUM IN SUPPORT

In the Complaint, Plaintiff seeks \$1,000,000,000 for various, unspecified claims. (Complaint, p. 1, attached as Exhibit A)¹. The averments made in the Complaint, many of which have nothing to do with any factual allegations, are largely unintelligible and do not set forth any grounds for relief under Ohio law. Consequently, this Court should dismiss the Complaint under Civil Rule 12(B)(6) for failure to state a claim. Alternatively, Go Daddy requests that the Court follow the lead of Judge Mark Serrott, who on March 30, 2011 sua sponte issued a Notice of Intent to Dismiss Without Prejudice another Complaint filed by Plaintiff in Franklin County. The grounds for Go Daddy's Motion are more fully set forth below.

I. FACTUAL BACKGROUND.

On April 7, 2011, Plaintiff filed this lawsuit against Go Daddy, as well as a number of other defendants including "Unknown Registrants and Users of Copyrighted Words Aypress Years 2004-2011". (See Complaint). The Complaint consists of ten pages and numerous, unnumbered paragraphs attempting to assert unspecified claims against Go Daddy. (*Id.*).

To say that the Complaint is confusing is an understatement. Plaintiff appears to seek \$1,000,000,000 in damages, asks for summary judgment, and claims she has suffered a "severe loss to her own work, including direct, indirect, and copyright (including 70 years after death). (*Id.*, p. 6) However, it is unclear what claims, if any, Plaintiff has asserted against Go Daddy and what facts Plaintiff believes support those claims. (*Id.*) Go Daddy cannot even set forth a more detailed statement of facts, because it cannot determine what Plaintiff is alleging in the Complaint.

¹ Go Daddy is unable to cite for the Court specific paragraphs in the Complaint because Plaintiff did not number any of the paragraphs.

This is not an isolated occurrence. Recently, Plaintiff has filed four other lawsuits in this Court, including:

- *Yeager v. Federal Bureau of Investigation, et al.*, 11-CV-4433 (Complaint attached hereto as Exhibit B),
- *Yeager v. Alltel, CellCo., Verizon, Frontier, Yahoo!, and Map Communications*, 11-CV-3348 (Complaint attached hereto as Exhibit C)
- *Yeager v. Unknown Persons Posting Comments Between September, 2008 to July, 2010, @ FPS\Topix.com - Regarding the Plaintiff - Using the Following Pseudonyms, Tammi, RMiller1, Wow, et al.* (Complaint attached hereto as Exhibit D)
- *Yeager v. Dale Williams Carroll County Sheriff, Donald R. Burns Carroll County Prosecutor, and Carroll (OH) Democratic Party and Unknown Officers Responsible for the Nomination and Assistance in Electing and Re-Electing Dale Williams as Carroll County Sheriff, et al.*, 11-CV-3962 (Complaint attached hereto as Exhibit E).

On March 30, 2011, in *Yeager v. Alltel*, Judge Serrott *sua sponte* issued a Notice of Intent to Dismiss Without Prejudice. (See Ex. F). In the Notice, Judge Serrott found that Plaintiff "asserts approximately forty claims and seeks damages of ten billion dollars" and that her "factual allegations are rambling, disjointed, and sometimes unintelligible." (*Id.*, p. 1). Judge Serrott held that Complaint did not contain a short and plain statement of the claims showing that Plaintiff was entitled to relief, and, thus, did not satisfy the requirements of Ohio Rule of Civil Procedure 8(A). (*Id.*, 2). Accordingly, Judge Serrott, pursuant to Ohio Rules of

Civil Procedure 12(B)(6) and 12(F) gave Plaintiff notice that he would dismiss the case if Plaintiff did not, within ten days, demonstrate why it should not be dismissed. (*Id.*)²

Go Daddy moves the Court to take similar action to that taken by Judge Serrott and either dismiss Plaintiff's Complaint for failure to make a short and plain statement of a claim for relief or order that Plaintiff provide a more definite statement of her claims against Go Daddy and show the Court why it should not dismiss the claims.

II. LEGAL ARGUMENT.

Pursuant to Ohio Rule of Civil Procedure 12(B)(6), a court should grant a motion to dismiss where, looking only to the complaint, the plaintiff fails to articulate more than unsupported legal conclusions. *Fain v. Summit County Adult Probation Dept.* (1995), 71 Ohio St. 3d 658, 659; *Community Hous. Network, Inc. v. Stoyer* (10th Dist. 2006), No. 06-AP-73, 2006 WL 2789919, 2006-Ohio-5094, ¶ 6 ("Unsupported conclusions of a complaint are not considered admitted and are not sufficient to withstand a motion to dismiss." (internal quotations omitted)).

Ohio Rule of Civil Procedure 12(E) states in relevant part that "[i]f a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a definite statement before interposing his responsive pleading." Here, the Complaint is so vague and ambiguous that if not dismissed, Go Daddy needs Plaintiff to provide a more definite statement of all of her claims and factual allegations before Go Daddy can form a response.

Dismissal is appropriate in this case, however, since the allegations in the Complaint are incomprehensible, and no claim can be deciphered therefrom. *See Phelps v. Office of the*

² In response, Plaintiff filed a "Motion to Accept Petition" on April 7, 2011. This issue is still pending before the Court.

Attorney General (10th Dist. Jan. 4, 2007), No. 07-AP-751, 2007 WL 16926, 2007-Ohio-14, ¶¶ 2, 5-8 (dismissing complaint, reasoning that “[d]espite the length of appellants’ amended complaint, their identification of a number of legal claims, and their detailed recitation of several different legal proceedings, the factual basis for appellants’ purported claims against appellee is largely indecipherable.”); *Community Hous. Network, Inc.*, 2006 WL 2789919, 2006-Ohio-5094 at ¶¶ 6-10 (dismissing counterclaims where they were “largely indecipherable”); *Griffin v. Akron Adult Parole Auth.* (9th Dist. Jan. 22, 1992), Nos. 15202, 15203, 1992 WL 10156, *1 (reasoning that the court “properly dismissed [the plaintiff’s] rambling complaint” where it could not discern any causes of action); *Earl v. Office of the Governor* (Ct. Cl. Sept. 24, 2002), No. 2002-06758, 2002 WL 31957022, 2002-Ohio-5117, ¶¶ 2-3 (granting motion to dismiss complaint, reasoning that “Plaintiff’s lengthy complaint contains a rambling and disjointed discourse devoid of any operative facts. Numerous references to the various attachments and exhibits provide the court with no guidance as to the claim(s) plaintiff attempts to assert.”).

Plaintiff’s status as a pro se litigant neither exempts her from the pleading requirements of the Ohio Rules of Civil Procedure, nor entitles her to deference. *See Community Hous. Network, Inc.*, 2006 WL 2789919, 2006-Ohio-5094 at ¶ 9 (“The fact that appellant is acting pro se is immaterial because a pro se person is held to the same rules, procedures and standards as those litigants represented by counsel and must accept the results of her own mistakes and errors.” (internal quotation omitted)); *Phelps*, 2007 WL 16926, 2007-Ohio-14 at ¶ 8 (same); *Dailey v. R&J Commercial Contracting, Inc.* (10th Dist. Sept. 10, 2002), No. 01-AP-1464, 2002 WL 31013033, 2002-Ohio-4724, ¶ 17 (same). Indeed, it is not the job of the Court to search a pro se plaintiff’s complaint to find a cause of action. *See McGrath v. Mgmt. &*

Training Corp. (11th Dist. Dec. 14, 2001), No. 2001-A-0014, 2001 WL 1602740, *3, 2001-Ohio-8731 (“A trial court does not have the duty of assisting a *pro se* litigant in the practice of law. It is not the trial court’s job to clean up deficient pleadings.”); *Sonoga v. Trumbull County Child Support Enforcement Agency* (11th Dist. July 15, 2005), 2005 WL 1663939, 2005-Ohio-3615, ¶ 10 (same); *Nyamusevya v. Med. Mut. of Ohio* (10th Dist. June 26, 2003), No. 02-AP-0769, 2003 WL 21468909, 2003-Ohio-3335¶ 23 (affirming dismissal based on lack of jurisdiction, reasoning that “to the extent plaintiff asserts the trial court erred by not advising plaintiff about possible pleading errors or, alternatively plaintiff should be held less accountable for his own mistakes because he is a *pro se* litigant, plaintiff’s contention is not well-taken.”).³

While Plaintiff provides a listing of claims on the cover page of the Complaint, many of which do not exist under Ohio law, the allegations in the Complaint are nonsensical and do not appear to correspond to the claims Plaintiff indicates she is asserting on the cover page of the Complaint. Rather, the Complaint contains ten pages of unnumbered paragraphs containing rambling, disjointed allegations from which no discernable cause of action can be gleaned. Thus, Plaintiff’s Complaint does not meet the essential, minimum pleading requirements of the Ohio Rules of Civil Procedure because it utterly fails to put Go Daddy on notice of what conduct and/or causes of actions Plaintiff has asserted against them. Rather, the Court and Go Daddy must guess as to what claims Plaintiff is actually asserting against them and the other various Defendants.

³ Judge Serrott held that the Plaintiff’s *pro se* status was immaterial because she is held to the “same rules, procedures, and standards as those litigants represented by counsel.” (Ex. F, p. 2, *citing Discover Bank v. Doran*, Franklin App. No. 10AP-496, 2011-Ohio-205, at ¶6).

Because Plaintiff's rambling, incoherent Complaint fails to state a claim under Rule 12(b)(6), it should be dismissed in its entirety. To hold otherwise would require both the Court and Go Daddy to cure Plaintiff's pleading deficiencies, which is not required under the law.

III. CONCLUSION.

For the reasons set forth above, Go Daddy respectfully requests that the Court dismiss Plaintiff's Complaint pursuant to Ohio Rule of Civil Procedure 12(B)(6). In the alternative, Go Daddy requests that the Court require Plaintiff to provide a more definite statement of all of her claims or face dismissal.

Respectfully submitted,



Christopher M. Bechhold (0014192)

Heather M. Hawkins (0078569)

THOMPSON HINE LLP

312 Walnut Street, Suite 1400

Cincinnati, Ohio 45202

Tel.: (513) 352-6790; Fax: (513) 241-4771

Trial Attorneys for Defendants

Go Daddy Group, Inc. and GoDaddy.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 2nd day of May, 2011

via ordinary U.S. mail, postage prepaid upon the following:

Ann M. Yeager
3546 Steubenville Road, SE
Amsterdam, Ohio 43903

Ibrahim Kazanci
P.O. Box 67158
Calgary, Alberta T2L 2L2
Canada

International Corporation of Assigned Names
& Numbers
4676 Admiralty Way, Suited 330
Marina Del Rey, California 90292-6601


Heather M. Hawkins

812568.1

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ANN M. YEAGER, : Case No. 11CVC4434
Plaintiff, : Judge Guy L. Reece II
vs. :
GO DADDY GROUP, INC. : [PROPOSED] ORDER GRANTING
GO DADDY.COM, et al. : MOTION OF DEFENDANT GO
Defendants. : DADDY TO DISMISS
:
:

This matter is before the court on Defendant Go Daddy's Motion to Dismiss, or, in the Alternative, Motion for A More Definite Statement. The Court finds that Plaintiff's Complaint does not comply with Ohio Rule of Civil Procedure 8(A). Therefore, pursuant to Ohio Rule of Civil Procedure 12(B)(6), the Court ORDERS that Plaintiff's Complaint against Defendant Go Daddy (named as "Defendant Go Daddy Group, Inc. Go Daddy Group") is dismissed, with prejudice.

IT IS SO ORDERED.

Dated: _____

JUDGE

cc: Ann M. Yeager
International Corporation of Assigned Names & Numbers
Ibrahim Kazanci

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vs. :
GO DADDY GROUP, INC. : [PROPOSED] ORDER GRANTING
GO DADDY.COM, et al. : MOTION OF DEFENDANT GO
Defendants. : DADDY FOR A MORE DEFINITE
 : STATEMENT
 :

This matter is before the court on Defendant Go Daddy's Motion to Dismiss, or, in the Alternative, Motion for A More Definite Statement. The Court finds that Plaintiff's Complaint is so vague and ambiguous that Defendant Go Daddy cannot form a responsive pleading. Therefore, pursuant to Ohio Rule of Civil Procedure 12(E), the Court ORDERS Plaintiff to file an Amended Complaint within fourteen (14) days from the date of this Order setting forth a more definite statement of her claims in accordance with Ohio Rule of Civil Procedure 8(A). If Plaintiff does not file an Amended Complaint within fourteen (14) days from the date of this Order that complies with Ohio Rule of Civil Procedure 8(A), the Court will dismiss the Complaint, with prejudice.

IT IS SO ORDERED.

Dated: _____

JUDGE

cc: Ann M. Yeager
International Corporation of Assigned Names & Numbers
Ibrahim Kazanci