

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 11-14052-CV – Martinez/Lynch

JOHN ZUCCARINI,

Plaintiff,

vs.

NETWORK SOLUTIONS, LLC, *et al.*,

Defendants.

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**NETWORK SOLUTIONS, LLC’S AND NAMEJET, LLC’S
MEMORANDUM IN OPPOSITION TO PLAINTIFF’S MOTION FOR SANCTIONS**

Plaintiff, John Zuccarini (“Zuccarini”), has filed a Motion for Sanctions under Fed. R. Civ. P. 11 (Dkt. No. 44) against Defendants, Network Solutions, LLC (“Network Solutions”) and NameJet, LLC (“NameJet”). The basis for his motion appears to be that Zuccarini believes Network Solutions and NameJet filed their own “Motion for Sanctions Pursuant to Fed. R. Civ. P. 11”¹ against him for purposes of harassment. See Zuccarini Motion for Sanctions, at 3.

Contrary to Zuccarini’s bald assertion, Network Solutions and NameJet were forced to file their Motion for Sanctions (Dkt. No. 42) as a result of the multiplicity of frivolous suits, including this one, filed by Zuccarini against them because they obeyed an order of the United States District Court for the Northern District of California. Mr. Zuccarini was warned the first time he filed a suit on this

¹ Network Solutions and NameJet filed a joint Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 with the Court on May 17, 2011 after providing Zuccarini with 21 days’ notice of their intent to file the same if Zuccarini refused to dismiss his improper claims against them.

basis – by the United States District Court for the Eastern District of Virginia – that he might be sanctioned if he persisted. Nonetheless, ignoring that court’s admonition, he filed this action.

“Rule 11 sanctions are appropriate when (1) a party files a pleading that has no reasonable factual basis; (2) the party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; or (3) the party files a pleading in bad faith for an improper purpose.” *Worldwide Primates v. McGreal*, 87 F.3d 1252, 1254 (11th Cir.1996) (quoting *Jones v. Int’l Riding Helmets, Ltd.*, 49 F.3d 692, 694 (11th Cir. 1995)). Here, Zuccarini does not allege, nor can he, that any pleading filed by Network Solutions or NameJet is without a factual basis. Zuccarini further does not allege, nor can he, that any pleading filed by Network Solutions or NameJet is based upon a legal theory that has no reasonable chance of success. And, while Zuccarini baldly asserts that Network Solutions and NameJet filed their Motion for Sanctions for some improper purpose, it clearly was not. Rather, the purpose of Network Solutions’ and NameJet’s Motion for Sanctions was, and is, to put an end to Zuccarini’s abusive, baseless, and repetitive litigation.

Accordingly, Network Solutions and NameJet respectfully request that Zuccarini’s Motion for Sanctions be denied.

/s/ Jamie M. Roos

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that that on this 27th day of May, 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being serviced this day on the Pro Se Plaintiff and all counsel of record on the attached Service List in the manner specified, either by transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s/ Jamie M. Roos

Jamie M. Roos

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