

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

ANN M. YEAGER  
3546 Steubenville Road, SE  
Amsterdam, OH 43903,

: Case No. 11CVC4434  
: Judge Guy L. Reece II

Plaintiff,

:

vs.

:

GO DADDY GROUP, INC.  
GO DADDY.COM  
14455 N. Hayden Road, Suite 219  
Scottsdale, AZ 85260

: MEMORANDUM IN OPPOSITION  
OF DEFENDANTS GO DADDY  
GROUP, INC. AND GODADDY.COM  
TO PLAINTIFF'S MOTION TO  
STRIKE FILED ON JUNE 3, 2011

INTERNATIONAL CORPORATION OF  
ASSIGNED NAMES & NUMBERS  
4676 Admiralty Way, Suite 330  
Marina Del Rey, CA 90292-6601

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:  
:

UNKNOWN REGISTRANT(S) & USERS  
OF COPYRIGHTED WORDS YEARS  
2004-2011

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:  
:

IBRAHIM KAZANCI  
P.O. Box 67158  
Calgary, Alberta T2L 2L2  
Canada

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:  
:

Defendants.

:

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2011 JUN - 9 PM 3:03  
CLERK OF COURTS

Defendants Go Daddy Group, Inc., and Godaddy.com [collectively "Go Daddy"] moved the Court, pursuant to Ohio Rules of Civil Procedure 12(B)(6) and 12(E) for dismissal of Plaintiff Ann M. Yeager's ["Plaintiff"] Complaint or, in the alternative, for a more definite statement of Plaintiff's "claims" against Go Daddy. Plaintiff did not filed a memorandum in opposition to Go Daddy's Motion to dismiss. Rather, Plaintiff filed a motion captioned "Motion to Strike Defendants' Motion to Dismiss for Alleged Failure to Comply With Civ. R. 12E". Since, Go Daddy's Motion to Dismiss is unopposed, Go Daddy respectfully requests

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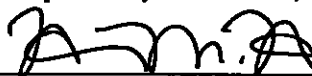
that the Court grant its motion and dismiss the Complaint or order that Plaintiff file an amended complaint setting forth a more definite statement of her "claims."

Plaintiff's Motion to Strike is not a proper response to Go Daddy's Motion to Dismiss. Moreover, even if the Court were to consider the Motion to Strike a Response to Go Daddy's Motion to Dismiss, Plaintiff has not set forth any valid reasons why the Court should not dismiss the action or at the minimum require a more definite statement.

In her Motion to Strike, Plaintiff cites 74 O. Jur. Pleading § 42 for the proposition that the Ohio Civil Rules do not require her to plead a legal theory for recovery or be bound by any particular legal theory.<sup>1</sup> (Motion to Strike, p. 4) While this general proposition is correct, it does not address the grounds for dismissal or a more definite statement raised in Go Daddy's Motion to Dismiss. The fact that Plaintiff is not required to plead a legal theory or be tied to a particular theory of the claim does not excuse her failure to plead a short and plain statement of her claims allegedly entitling her to relief against Go Daddy.

Therefore, as set forth in Go Daddy's Motion to Dismiss and Notice of Filing Supplemental Authority in Support of the Motion to Dismiss, Go Daddy respectfully requests that the Court follow Judge Serrott's lead and dismiss Plaintiff's Complaint for failure to state a claim against Go Daddy.

Respectfully submitted,



Christopher M. Bechhold (0014192)

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*Trial Attorneys for Defendant Go Daddy*

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<sup>1</sup> The portion of 74 O. Jur. Pleading § 42 cited by Plaintiff as authority appears in the commentary to the section.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served this 8<sup>th</sup> day of June, 2011

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

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Attorney for Defendant Internet Corporation  
for Assigned Names and Numbers



Heather M. Hawkins

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