

IN THE COURT OF COMMON PLEAS OF
FRANKLIN COUNTY, OHIO

ANN M. YEAGER,

Plaintiff,

v.

GO DADDY GROUP, INC.; INTERNET
CORPORATION FOR ASSIGNED
NAMES AND NUMBERS; UNKNOWN
REGISTRANT(S) & USERS OF
COPYRIGHTED WORD; IBRAHIM
KAZANCI,

Defendants.

Case No. 11CVC4434

Judge Guy L. Reece II

MEMORANDUM CONTRA OF DEFENDANT INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS TO PLAINTIFF ANN M. YEAGER'S
SECOND MOTION TO EXTEND TIME FILED JULY 21, 2011

COMMON PLEAS COURT
FRANKLIN CO. OHIO
2011 JUL 27 PM 3:43
CLERK OF COURTS-CV

On June 20, 2011, this Court entered a Decision and Entry granting in part Defendants GoDaddy Group, Inc. and GoDaddy.com's May 3, 2011 motion to dismiss or, in the alternative, motion for a more definite statement (the "Order"). Plaintiff Yeager was given fourteen (14) days, until July 5, 2011, "to provide a more definite statement of her claims in accordance with Civ.R. 8(A) and (E) and Civ.R 12(E). Failure to do so [would] result in dismissal of Plaintiff's Complaint, without prejudice."¹

To date, Plaintiff has not filed an amended complaint and has thus failed to comply with this Court's Order. Instead, two days *after* her deadline to file an amended complaint, on July 7, 2011, Plaintiff filed her first motion to extend time, requesting thirty (30) additional days to comply with the Court's Order. Defendant Internet Corporation for Assigned Names and Numbers ("ICANN") did not oppose Plaintiff's first motion. However, Plaintiff has now filed a second motion to extend time, this time seeking a *three-month* extension, until October 1, 2011, to file her amended complaint. ICANN opposes Plaintiff's extraordinary request.

First, Plaintiff failed to file an amended complaint on or before July 5, 2011 in accordance with the Court's Order. Neither Plaintiff's first nor second motion to extend time (which were both filed *after* her amended complaint was due) rectifies this error. *See* Civ.R. 60 (relief from order may be requested only for mistakes, inadvertence, excusable neglect, newly discovered evidence, or fraud). Plaintiff's motion should be denied – and her complaint dismissed – on this ground alone.

Second, Plaintiff's status as a pro se litigant neither exempts her from complying with this Court's Order, nor entitles her to deference. *See Community Hous. Network, Inc.*, 2006 WL 2789919, 2006-Ohio-5094 at ¶ 9 ("The fact that the appellant is acting pro se is immaterial

¹ The Court further found it appropriate to hold in abeyance ICANN's May 13, 2011 motion to dismiss and stay discovery in this matter pending Plaintiff's compliance with its June 20, 2011 Order.

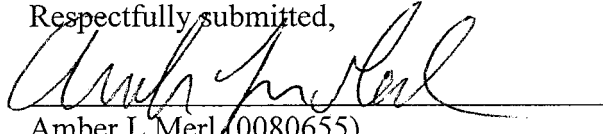
because a pro se person is held to the same rules, procedures and standards as those litigants represented by counsel and must accept the results of her own mistakes and errors.”).

At bottom, Plaintiff’s request for a three-month extension is excessive. Even recognizing Plaintiff’s pro se status, there simply is no justification for extending Plaintiff’s time to amend her complaint by three full months.

For the foregoing reasons, ICANN respectfully requests that Plaintiff’s motion to extend time to October 1, 2011 to amend her complaint be denied and that, in accordance with this Court’s June 20, 2011 Order, Plaintiff’s complaint be dismissed.

Dated: July 27, 2011

Respectfully submitted,



Amber L Merl(0080655)

almer@jonesday.com

JONES DAY

Street Address:

325 John H. McConnell Blvd., Suite 600

Columbus, Ohio 43215-2673

Mailing Address:

P.O. Box 165017

Columbus, Ohio 43216-5017

Telephone: (614) 469-3939

Facsimile: (614) 461-4198

*Attorney for Defendant Internet Corporation
for Assigned Names and Numbers*

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2011, I served the foregoing by regular United States mail, postage prepaid, upon the following:

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

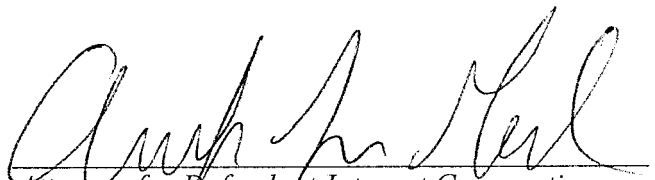
Christopher M. Bechhold
Heather M. Hawkins
Thompson Hine LLP
312 Walnut Street, Suite 1400
Cincinnati, OH 45202

Pro Se Plaintiff

*Attorneys for Defendants Go Daddy
Group, Inc. and GoDaddy.com*

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

Defendant


*Attorney for Defendant Internet Corporation
for Assigned Names and Numbers*