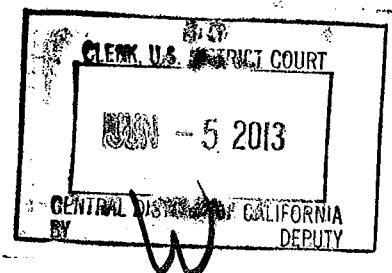


Case 2:12-cv-

JSG

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8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

11 SAM ARGYROPOULUS, an individual,
 12 Plaintiff,
 13 v.
 14 DIRTY WORLD, LLC,
 15 a Delaware Limited Liability Company;
 16 and Does 1-30 inclusive,
 17 Defendants.

Case No: 2:12-cv-08741-R-PJW

**STATEMENT OF UNDISPUTED
 FACTS IN SUPPORT OF
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT
 AND JUDGEMENT**

Hearing Date: March 4, 2013
 Time: 10:00 AM
 Room: 8

18 Pursuant to Fed. R. Civ. P. 56(a) Defendant DIRTY WORLD, LLC ("Defendant"
 19 or "Dirty World" or "DW") respectfully submits the following Statement of Undisputed
 20 Facts in

FACT(S)	EVIDENCE
21 1. Defendant Dirty World owns and operates a website 22 located at <u>www.TheDirty.com</u> . The site originally began 23 in 2007 as <u>www.DirtyScottsdale.com</u> , which at the time 24 was primarily about Scottsdale, Arizona. The site's 25 founder and current editor-in-chief is non-party NIK 26 LAMAS-RICHIE. 27	Declaration of Nik Lamas-Richie ("Richie Decl.") ¶ 1.

28 **STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF
 DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**
 CASE No.: 2:12-cv-08741-R-PJW

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<p>2. When the site first began, Mr. Richie personally created all content appearing on <u>www.DirtyScottsdale.com</u> which included humorous satirical commentary and criticism based on his perception of moral and social decay in Scottsdale’s nightlife and club scene.</p>	<p>Richie Decl. ¶ 2.</p>
<p>3. Within a short period of time, <u>www.DirtyScottsdale.com</u> expanded nationwide, eventually growing to cover more than 50 different U.S. cities and more than 20 cities in Canada.</p>	<p>Richie Decl. ¶ 3.</p>
<p>4. As the site has grown, its focus and format has changed. Among other things, Mr. Richie no longer creates every post that appears on the site.</p>	<p>Richie Decl. ¶ 4.</p>
<p>5. Users are now permitted to “submit dirt” which can include news, photos, video or text, and users can post their own comments about material submitted by others.</p>	<p>Richie Decl. ¶ 4.</p>
<p>6. The submission form provided by the site is 100% content neutral; it does not ask users to post anything about any particular individual, nor does the site suggest what the author should say. The only instructions given by the site are as follows: <i>“Tell us what’s happening. Remember to tell us Who, What, When, Where, Why.”</i></p>	<p>Richie Decl. ¶ 6.</p>
<p>7. As part of the submission process, users are required to enter a “title” for their submission, along with basic information about the material they are submitting. Specifically, users are asked to identify the “City”, “College”, and “Category” for their submission.</p>	<p>Richie Decl. ¶ 7.</p>

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF
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<p>8. In terms of categories, the user is required to pick from a list of more than 40 different options provided by the site which include: "I HAVE NO IDEA", "Business", "News", "Spring Break" and so forth.</p>	<p>Richie Decl. ¶ 8.</p>
<p>9. Before a post can be submitted to the site, users must agree to the site's Terms of Service which provide, among other things: "Comments or any other material which is false, defamatory, or otherwise unlawful is not allowed." The site's Terms of Service further explain: "All written submissions on the blog are opinions of third parties and not of Dirty World LLC. Dirty World LLC is not responsible for the written opinions and content submitted."</p>	<p>Richie Decl. ¶ 10.</p>
<p>10. Once a user submits a post to the site, Mr. Richie will briefly review it and may remove any unduly offensive information (i.e., nudity, threats of violence, profanity, racial slurs, etc.), but he not does fact-check submissions for accuracy.</p>	<p>Richie Decl. ¶ 11.</p>
<p>11. Mr. Richie will often add a short, one-line editorial comment below the post which is sarcastic, mildly rude or comical. Mr. Richie always uses a bold typeface to distinguish his comments from user-submitted material.</p>	<p>Richie Decl. ¶ 12.</p>
<p>12. This case arises from a single post on www.TheDirty.com about the Plaintiff which was submitted to the site by a third party on June 14, 2012. The post featured a photograph of the plaintiff and a title which read: "Sam Argyropoulos Is A Con Artist".</p>	<p>Richie Decl. ¶ 13.</p>

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF
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<p>13. The body of the posted message stated as follows:</p> <p style="padding-left: 40px;">Nik, if you ever meet this man beware. The man is a con-artist and manipulator. He manipulated an old lady to put him on the deed of her house in Bel Air. She had Alzheimer's, so he got the house when she died. He now owns a house in Bel Air and acts like he earned it on his own through hard work. He tells girls he has a daughter and is looking to settle down. It is all lies. He left the mother of his daughter because she actually needed him to be responsible when she had a baby, and he ran out on her cause he could not handle it. He would sleep with a pig and probably has. He just looks for ways to use both men and women. He only has male friends that he believes will get him into parties. He is also only 5 feet 5 inches tall. But because he is so insecure he wears inserts in his shoes to make himself taller. He tries to do real estate in Los Angeles. But, most people catch on to how he double talks and tries to push them into deals. You have been warned.</p>	<p style="text-align: center;">Richie Decl. Ex. J.</p>
<p>14. In keeping with his normal practice, Mr. Richie added a brief sarcastic comment below the user-submitted post and using bold font which read: "I bet you can find boxes of this picture at his house.- nik"</p>	<p style="text-align: center;">Richie Decl. ¶ 16.</p>
<p>15. Before this post was submitted to the site, Mr. Richie had never met, spoken to, or otherwise communicated with either the Plaintiff or the third party user who submitted the post to the website.</p>	<p style="text-align: center;">Richie Decl. ¶ 17.</p>

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16. Mr. Richie did nothing to encourage the author to submit the post concerning Plaintiff, nor did Mr. Richie materially change any part of the post.	Richie Decl. ¶ 17.
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RESPECTFULLY SUBMITTED: February 4, 2013.

GINGRAS LAW OFFICE, PLLC
/S/ David S. Gingras
David S. Gingras
Attorneys for Defendant
Dirty World, LLC

Judgement is ENTERED ON BEHALF OF DEFENDANT.

IT IS SO ORDERED AND ADJUDGED

DATE 

June 5, 2013

U.S. DISTRICT COURT JUDGE

GINGRAS LAW OFFICE, PLLC
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PHOENIX, ARIZONA 85048