

1 Your name: Garland E. Harris  
 2 Address: 1011 Adams St.  
 3 W. Palm Beach, FL 33407  
 4 Phone Number: 412-334-8440  
 5 E-mail Address: garlandeharris@gmail.com

**FILED**  
 2012 MAY 11 P 3:34  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

7 Pro Se

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

10 [Redacted]

) Case Number: CV 12 1721 **LB**

11 [Redacted]

) **DECLARATION OF**

12 **TWITTER, INC.**

) [name] **GARLAND E. HARRIS**

13 Plaintiff(s),

14 vs.

) **IN SUPPORT OF MOTION**

15 [Redacted]

16 **SKOOTLE CORP., ET AL.**

17 **GARLAND E. HARRIS**

18 [Redacted]

19 [Redacted]

20 Defendant(s).

21 In support of [write "Plaintiff's" or "Defendant's"] [title of motion].

22 **DEFENDANT'S MOTION TO DISMISS**

23 I, [name] **GARLAND E. HARRIS**

24 declare as follows:

25 ///

26 **DECLARATION OF MOTION TO DISMISS**

1            *In the first paragraph, explain who you are and how you are connected to*  
2 *the party or events relevant to the lawsuit. If you are the Plaintiff or Defendant,*  
3 *say so here. If you are a witness, say how you are involved.*

4            1.     I am  
5  
6  
7  
8

9            2.     I have personal knowledge of all facts stated in this declaration, and if  
10 called to testify, I could and would testify competently thereto.

11            *Continue writing facts that support the argument that the Court should grant*  
12 *the motion. Write each fact in a separate paragraph, and number each paragraph.*  
13 *Add additional sheets of paper as necessary. You may only testify to facts or*  
14 *occurrences that you have personal knowledge of or that you personally witnessed.*  
*Explain how you know each fact that you know.*

15            1. The Plaintiff stated that their damages caused by me is at least \$75,000, but "at  
16 least" is below the threshold for Federal Court supports this Motion to Dismiss.

17  
18            2. The Plaintiff alleges "wrongdoing", but the complaint only supports a breach  
19 of contract causing only the permanent suspension of a twitter account.

20  
21            3. The Plaintiff has suspended the Defendant's account and has no further remedy  
22 according to their own TOS.

23  
24            4. "Spam" is well defined in the Can Spam Act and is applied to email not  
25 "tweets". The Plaintiff is in error to make up "new" uses for legally defined words  
26 and use the Court to confirm their new definition.

27            DECLARATION OF MOTION TO DISMISS

1 *[Insert this page if you need extra space. Make extra copies before you write*  
2 *on it.]*

3 5. In light of statement number "4.", Garland E. Harris did not spam Twitter or  
4 it's users and therefore could cause no damages.

5  
6 6. The Plaintiff states that the Defendant conducts business in California, which  
7 is patently false. The Defendant rejects the notion as ludicrous, that dealing with a  
8 website located on worldwide redundant servers constitutes doing business in  
9 California. NetworkSolutions.com: WHOis: twitter.com

10 Current Registrar: MELBOURNE IT, LTD. D/B/A INTERNET NAMES

11 WORLDWIDE - IP Address: 168.143.161.20 (ARIN & RIPE IP search)

12 Record Type: Domain - Name Server Type: Apache

13 Lock Status: clientTransferProhibited WebSite Status: Active

14 Australia - World Headquarters

15 Melbourne IT Ltd. Level 2, 120 King Street Melbourne, Victoria - 3000

16  
17 7. The Defendant is absolutely not responsible for the Plaintiff's choices in it's  
18 crusade to "fight spam" and to hire a "Trust & Safety" team. These actions were  
19 not stated in the Plaintiff's TOS as a condition of signing up, therefore the  
20 Plaintiff's "costs" are not proper to allege as cause for a Federal case. The Plaintiff  
21 was not "forced to spend money" on "anti-spam" efforts by the Defendant.

22  
23 8. The Plaintiff has a right to permanently suspend account according to  
24 "Exhibit A", of it's TOS agreement, but no further remedies are stated or implied.

25  
26  
27 DECLARATION OF MOTION TO DISMISS

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1 9. The Plaintiff alleges baseless user complaints, but has stated that users can  
2 block other users that they don't want to receive messages from.


3  
4 10. The Defendant has not damaged the Plaintiff's or it's users. If Twitter were  
5 damaged they would have emailed, called or messaged the Defendant via his  
6 websites asking for relief. The Defendant is VERY reachable online, e.g., email:  
7 GarlandEHarris@gmail.com, blog: GarlandEHarris.com. The Plaintiff was able to  
8 reach the Defendant with improper service so it is evident that had they or their  
9 clients been damaged, there were far more expeditious means of reprieve.

10  
11 11. The Plaintiff NEVER emailed, called, messaged, tweeted or mailed a letter.

12 WHEREFORE, I respectfully ask the Court to grant this motion, as well as  
13 such other relief as may be just and proper.

14  
15 I declare under penalty of perjury that the foregoing is true and correct and  
16 that this declaration was executed on [date] MAY 3, 2012.

17  
18  
19 Date: MAY 3, 2012

Signature: 

20 Printed name: Garland E. Harris

21 Address: 1011 Adams St.

22 W. Palm Beach, FL 33407

23 Phone Number: 412-334-8440

24  
25  
26  
27 DECLARATION OF MOTION TO DISMISS

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