

**FILED**  
DEC 21 2009  
CLERK OF THE COURT  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

**IN THE UNITED STATES DISTRICT COURT  
THE CENTRAL DISTRICT OF ILLINOIS – SPRINGFIELD DIVISION**

ANDY MARTIN, )  
)  
Plaintiff, )  
)  
vs. )  
)  
SCOTT SHIRLEY, d/b/a ADR PRODUCTIONS, )  
WASHINGTON POST COMPANY, DANIEL )  
MORSE, GOOGLE, INC., JOHN GILCHRIST, )  
a/k/a JOHN BORLAZA, JIM BROSEMER, )  
MONTGOMERY COUNTY, MARYLAND, )  
JOHN McCARTHY, JOHN DOE AGENT OF )  
MARK KIRK and/or BARACK HUSSEIN )  
OBAMA, WILLIAM G. SIMMONS, EUGENE )  
WOLFE, CHERYL McCALLY )  
)  
)  
Defendants )

Case No. 3:09-cv-03295-JES-BGC

Magistrate Judge Byron G. Cudmore

MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION

**MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant Scott Shirley, pro se, hereby submits motion to dismiss all charges in the above case for lack of personal jurisdiction under Rule 12 and further upon the merits of the Plaintiffs complaint. Defendant Scott Shirley respectfully request that this court defer proceedings on defendant’s Rule 12 Motion until the motion submitted by defendant Daniel Morse of the Washington Post, by his attorneys, for DISMISSAL OF ACTION FOR PLAINTIFF’S VIOLATION OF INJUNCTION ORDER REQUIRING PLAINTIFF TO DISCLOSE HIS PRO SE LITIGATION HISTORY be considered by this court.

1. Defendant is a resident of the state of Maryland.
2. Defendant was hired and contracted by Mr. John Gilchrist (a.k.a. John Borlaza) for filming a public speaker event held by the Plaintiff in Washington, DC. The Plaintiff was not a party to the contractual agreement between Mr. Gilchrist and the Defendant as set forth in Exhibit A.
3. Defendant has no business operations within the state of Illinois.
4. Defendant's company is owned and registered in the state of Maryland and operates his business solely in the state of Maryland and the Washington, DC metropolitan area. Defendant's business tax liability is to the State of Maryland as set forth in Exhibit B.
5. Defendant has only had contact with the Plaintiff in person, by phone and U.S. Postal service, prior to Defendant seeking relief through Maryland Courts from harassment by Plaintiff, in the District of Columbia, State of Maryland, State of Florida and State of New York as set forth in Exhibit C.
6. Plaintiff's operation for the National Conference on Barack Obama's Missing Birth Certificate and College Records is headquartered and operated out of the address location of Andy Martin, J.D., Professor of Law (Adj.) Executive Director, Post Office Box 1851, New York, NY 10150-1851 as set forth in Exhibit C. Plaintiff was not operating as an Illinois Senate candidate and therefore excluding any complaint

by Plaintiff as to civil and criminal obstruction of Plaintiff's political and professional activities.

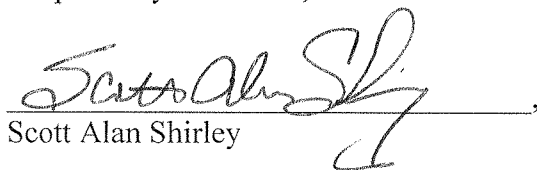
7. Plaintiff's unsubstantiated claims to defendant's property and the return of such property, involved request by plaintiff originated out of a New York address as set forth in Exhibit D.
8. Defendant lacks the capacity and knowledge of Illinois politics to target Plaintiff through "operative activity" as stated by the Plaintiff in his complaint. Defendant has no association now or in Defendant's past with Barack Hussein Obama and/or Mark Kirk.
9. Defendant had absolutely no knowledge of Plaintiff's campaign for U.S. Senator in the state of Illinois until Plaintiff's e-mail dated July 7, 2009.
10. Defendant's civil action against Plaintiff for a "Peace Order" in Montgomery County, Maryland, as set forth in Exhibit D, was for the sole purpose of seeking relief from harassment by the Plaintiff towards Defendant at Defendant's home and/or business, both of which are located in Rockville, Maryland and never intended as an action to harass or obstruct Plaintiff's professional and/or political activity.
11. Plaintiff's claim to Defendant's intellectual property is not supported under Title 17, Chapter 2, 201(b) of The United States Copyright Office. Furthermore, under Title 17, Chapter 2, 201(e) it states:  
*(e) Involuntary Transfer. — When an individual author's ownership of a copyright, or*

*of any of the exclusive rights under a copyright, has not previously been transferred voluntarily by that individual author, no action by any governmental body or other official or organization purporting to seize, expropriate, transfer, or exercise rights of ownership with respect to the copyright, or any of the exclusive rights under a copyright, shall be given effect under this title, except as provided under title 11.<sup>2</sup>*

12. Defendant has never agreed to relinquish his intellectual property rights to the Plaintiff for the raw footage in dispute.
  
13. Defendant's contract with Defendant John Gilchrist, under "Rights" section clearly states John Gilchrist had consent of all attending guest and participants for the purpose of filming such individuals as set forth in Exhibit A. Defendant claims Plaintiff has no intellectual property rights to Defendant's raw film footage of taped event. Consent was further granted by Plaintiff upon Plaintiff granting Defendant access to public forum for the sole purpose of filming the event for Defendant Gilchrist.

WHEREFORE, defendant Scott Shirley respectfully request that this court defer proceedings on defendant's Rule 12 Motion requesting all civil claims by plaintiff Andy Martin be dismissed for lack of personal jurisdiction until the motion submitted by defendant Daniel Morse of the Washington Post, by his attorneys, for DISMISSAL OF ACTION FOR PLAINTIFF'S VIOLATION OF INJUNCTION ORDER REQUIRING PLAINTIFF TO DISCLOSE HIS PRO SE LITIGATION HISTORY be considered by this court.

Respectfully submitted,

  
\_\_\_\_\_  
Scott Alan Shirley

  
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12/18/2009

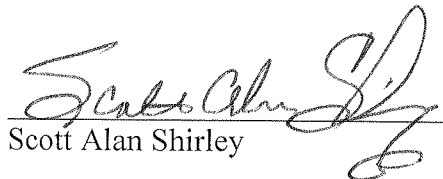
IN PRO SE

**CERTIFICATE OF SERVICE**

Scott Shirley, Pro Se, certifies that he caused the attached MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION to be served by United States mail, proper first class postage prepaid on December 18, 2009, upon the following party:

Andy Martin  
30 E. Huron, Suite 4406  
Chicago, IL 60611-4723

Andy Martin  
P.O. Box 1851  
New York, NY 10150-1851

  
Scott Alan Shirley