

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

MEANITH HUON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 11-cv-03054
	)	
BREAKING MEDIA, INC., GAWKER MEDIA LLC,	)	District Judge John J. Tharp, Jr.
<i>et al.</i> ,	)	
	)	Magistrate Judge Jeffrey T. Gilbert
Defendants.	)	

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**DEFENDANTS’ JOINT MOTION TO STRIKE PLAINTIFF’S RESPONSE BRIEFS IN  
OPPOSITION TO DEFENDANTS’ MOTIONS TO DISMISS**

The ATL Defendants<sup>1</sup> and Gawker Defendants<sup>2</sup> (collectively, “Defendants”) respectfully request that the Court strike Plaintiff Meanith Huon’s responses to their respective Federal Rule of Civil Procedure 12(b)(6) motions to dismiss. (Dkt. Nos. 194, 195.) In support of their motion to strike, Defendants state as follows:

1. On November 15, 2012, Plaintiff filed his nine-count Fourth Amended Complaint against Defendants. (Dkt. No. 162.) The Fourth Amended Complaint spans sixty-eight pages, contains 273 numbered allegations, including at least fifty-five alleged actionable statements, and twenty-one exhibits. It is the latest in a series of five complaints filed against Defendants over a nearly two-year period, collectively totaling over 400 pages and seeking in excess of one hundred million dollars in damages. (*See* Dkt. Nos. 1, 5, 12-19, 22-25, 156.) This suit is part of Plaintiff’s larger campaign against a number of state agencies and private institutions in relation

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<sup>1</sup> The ATL Defendants are Defendants Breaking Media, Inc. f/k/a Breaking Media, LLC, David Lat, Elie Mystal, John Lerner, and David Minkin.

<sup>2</sup> The Gawker Defendants are Defendants Gawker Media a/k/a Gawker.com, Nick Denton, Irin Carmon, and Gaby Darbyshire.

to the prosecution of sexual assault charges against him. *See Huon v. Mudge*, Case no. 3:12-cv-166 (S.D. Ill.).

2. On January 7, 2013, Defendants separately filed motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. Nos. 174, 178.) Due to the length of the Fourth Amended Complaint, Defendants each moved for leave to file briefs that were three pages in excess of the 15-page limit. (Dkt. Nos. 176, 179.) The ATL Defendants also attached an 11-page chart to their response that summarized all of the statements that Plaintiff claims are actionable and the basis for the dismissal of each. (Dkt. No. 190.)

3. On January 10, 2013, the Court granted Defendants permission to file their oversized briefs. (Dkt. No. 187.) At that time, Plaintiff, who has a history of lengthy and rambling pleadings, specifically requested additional pages for his response because he would need a great deal of space to respond to Defendants' briefs. (Court Tr., Jan. 10, 2013, at pp. 8-10 (attached as Ex. A).)

4. After due consideration the Court gave him Plaintiff a choice. Plaintiff could file either one consolidated response not to exceed fifty pages or two separate responses not to exceed thirty pages each. (Dkt. No. 187.) Defendants could also file reply briefs not to exceed twenty pages each. (*Id.*)

5. On March 12, 2013, Plaintiff filed separate responses opposing Defendants' motions to dismiss. (Dkt. Nos. 194, 195.) Even though the Court allotted Plaintiff *twice* the page length provided in the Local Rules, Plaintiff filed a thirty-seven response to the ATL Defendants' motion and a thirty-six page response to the Gawker Defendants' motion—without leave of court and in abrogation of the Court's order. These briefs—which collectively contain seventy-three pages—are wildly in excess of the pages allotted to Plaintiff.

5. Had he followed the provisions of the Local Rule 7.1 and actually moved for permission to add thirteen additional pages to the thirty supplemental pages he had already been granted, Plaintiff would have been unable to demonstrate a legitimate reason for more space. Even though he had over two months to craft succinct, comprehensible responses, the briefs he filed contain mostly rambling, questionably coherent language.

6. Moreover, this case is nearly two years old and the parties are not yet at issue. Plaintiff is now on his fifth attempt to plead viable claims. His violation of the Court's January 10, 2013 order exemplifies his general disregard of the Court's orders and rules during the course of this case. For example, after this Court dismissed Plaintiff's Second Amended Complaint for failure to plead complete diversity of citizenship—and providing clear guidance on how to fix the deficient pleadings (Dkt. No. 151)—Plaintiff's Third Amended Complaint was dismissed once again for failing to plead complete diversity of citizenship. (Dkt. No. 157.)

7. Defendants are seeking a speedy conclusion to this matter and do not move to strike Plaintiff's responses lightly. Plaintiff has continuously demonstrated, however, that he ignores the rules at his convenience while demanding formalism elsewhere and files excessively long pleadings and court documents. Consequently, Defendants believe it is both necessary and appropriate to move to strike Plaintiff's responses to Defendants' motions to dismiss.

WHEREFORE, Defendants respectfully request that the Court strike Plaintiff Meanith Huon's Responses to the Above the Law Defendants' FRCP 12(b)(6) Motion to Dismiss and the Gawker Defendants' FRCP 12(b)(6) Motion to Dismiss, and grant such further relief as is just.

Dated: March 18, 2013

BREAKING MEDIA, INC. f/k/a  
BREAKING MEDIA, LLC, DAVID  
LAT, ELIE MYSTAL, JOHN LERNER,  
and DAVID MINKIN

By: /s/ Steven P. Mandell

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing document has been served on March 18, 2013 via the Court's CM/ECF system on all counsel of record who have consented to electronic service.

Any other counsel of record will be served by electronic mail and regular mail.

/s/ Steven P. Mandell