

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

MEANITH HUON,
Plaintiff,
-against-
ABOVETHELAW.COM, DAVID LAT, ELIE
MYSTAL, BREAKINGMEDIA.COM, JOHN
LERNER, DAVID MINKIN, BREAKING MEDIA,)
JOHN DOES 1 TO 100, GAWKER MEDIA A/K/A)
GAWKER.COM, JEZEBEL.COM, NICK)
DENTON, IRIN CARMON, GABY)
DARBYSHIRE, JOHN DOES 101 TO 200,)
LAWYERGOSSIP.COM, JOHN DOE NO. 201,)
NEWNATION.ORG A/K/A NEWNATION.TV)
A/K/A NEW NATION NEWS, JOHN DOE NO.)
401, JOHN DOE NO. 402, JOHN DOE NO. 403,)
Defendants

CIVIL ACTION NO.:
1:11-CV-3054 (MEA JTG)

GAWKER DEFENDANTS' RESPONSE TO PLAINTIFF'S
PROPOSED ORDER EXCUSING PLAINTIFF FROM RESPONDING TO
GAWKER DEFENDANTS' MOTION TO DISMISS

Defendants Gawker Media a/k/a Gawker.com, Jezebel.com, Nick Denton, Irin
Carmon, and Gaby Darbyshire (collectively, "Gawker," or "Defendants"), by their
attorneys, David Feige and Oren Giskan of Giskan Solotaroff Anderson & Stewart LLP,
move this court to require Plaintiff to respond to Defendants' Motion to Dismiss.

1. On August 1, 2011 Defendants received notice via US post that Plaintiff
had filed suit against them seeking 100 million dollars (Pl.'s Compl. ¶ 113). As Plaintiff
sought a waiver of service of summons, the Gawker Defendants had 60 days in which to
respond to Plaintiff's complaint. Thus on September 30, 2011, sixty (60) days after

receipt of service the Gawker defendants filed a motion to dismiss. Defendants did not seek an extension of time to respond and filed in a timely fashion.

2. After Defendants spent significant time and expense to file a response to Plaintiff's complaint in a timely fashion, Plaintiff now seeks to be relieved from the burden of responding to a motion to dismiss the very suit he himself filed.

3. Among the grounds cited by Defendants for dismissal is that Plaintiff's claims violate the Illinois Citizen Participation Act (ICPA) 735 ILCS 110/5, which protects speech in the face of Strategic Lawsuits Against Public Participation (SLAPP). The CPA sets up a procedure for the early resolution of a SLAPP. Its procedures apply whenever a defendant files a motion – including a “motion to dismiss, for summary judgment, or to strike” – “on the grounds that the claim is based on, relates to, or is in response to any act or acts of the moving party in furtherance of the moving party's rights of petition, speech, association, or to otherwise participate in government.” 735 ILCS 110/10, 15. The CPA requires that “hearing and decision . . . occur within 90 days after notice of the motion.” 735 ILCS 110/20(a) (emphasis added).

4. In his prayer for delay, Mr. Huon notes that the Gawker Defendants have had sixty days to move to file their motion to dismiss. While this is true, Defendants' time to move to dismiss was governed entirely by Plaintiff's decision to seek a waiver of service. Had Plaintiff opted to spend the money to effect personal service he would have received a faster response.

5. In his prayer for delay, Plaintiff relies on his busy schedule as an assistant general counsel and a full-time firm lawyer while simultaneously lamenting that he is pro-se. That he would privilege his paying clients to the detriment of those he sues pro-se isn't surprising, but it hardly places him among the plumbers, prisoners and other sorts

of pro-se plaintiffs whose struggle to master an arcane system legitimately affords them additional deference.

6. All parties to this suit including the court have an interest in the speedy and just resolution to this matter.

7. The Gawker Defendants ask this court to order the following briefing schedule which will have the additional advantage of bringing the Gawker Defendants onto a similar timetable as the other defendants in this matter:

**Proposed Briefing Schedule**

**Friday, October 21, 2011** – Plaintiff’s reply to Defendants’ Motion to Dismiss

**Monday, October 31, 2011** – Defendants’ reply to Plaintiff’s responsive brief

**Thursday, November 10, 2011** – Hearing on the motions

WHEREFORE, for the foregoing reasons, the Gawker Defendants respectfully request that the plaintiff’s request to delay his response to the Motion to Dismiss be denied, and that the Court enter the briefing schedule set forth in paragraph 7 above.

October 4, 2011

Respectfully Submitted,  
GAWKER MEDIA A/K/A gAWKER.COM,  
JEZEBEL.COM, NICK DENTON, IRIN ARMON  
& GABY DARBYSHIRE,

By:           /S/ Oren Giskan            
One of Defendants’ attorneys

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