

**IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**MEANITH HUON,**

**Plaintiff,**

**v.**

**ABOVETHELAW.COM, et. al.**

**Defendants**

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)  
) **CIVIL ACTION NO.: 1: 11-cv-3054**  
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**MOTION TO FILE A RESPONSE BRIEF IN EXCESS OF 15 PAGES  
TO ABOVE THE LAW’S MOTION TO DISMISS  
AND FOR AN EXTENSION OF TIME TO  
RESPOND TO JEZEBEL’S MOTION TO DISMISS**

Plaintiff, Meanith Huon, states as follows:

1. Defendants, Breaking Media, LLC, Breaking Media, Breakingmedia.com, David Lat, John Lerner, Abovethelaw.com, Elie Mystal, (“The Above the Law” Defendants”) filed a Motion to Dismiss and a 22-page Memorandum of Law with Exhibits in Excess of 170 pages. The entire document is in excess of **192 pages**. One exhibit is a 6 page chart with multiple columns and rows that attempts to chart the defamatory statements.
2. Defendants Irin Carmon, Gabby Darbyshire, Nick Denton, Gawker Media, Jezebel.com (the “Jezebel Defendants”) filed a Motion to Dismiss and a 27 page Memorandum of Law with 55 pages of exhibit. The entire document is **82 pages**. One exhibit is a chart with multiple columns and rows that attempts to chart the defamatory statements.

3. On October 12, 2011, the Court gave Mr. Huon until November 30, 2011 to respond to both The Above the Law Defendants' and the Jezebel Defendants' Motions to Dismiss. The Court also struck the Above the Law Defendants' truncated trial transcript from May 4, 2010 and gave the Defendants leave to file a redacted truncated trial transcript.
4. The Above the Law Defendants waited **until November 23, 2011**—a week before Mr. Huon's Response Brief is due-- to file what the Defendants view as a redacted truncated trial transcript.
5. In their exhibits, the Above the Law Defendants include a chart that attempts to chart the defamatory statements into categories, which creates an almost endless permutation and combination of potential legal arguments that Mr. Huon has to respond to. The chart is an improper attempt to circumvent the page limitation rules and to have the Court decide issues of fact at the pleading stage.
6. Defendants also misstate the law. Without even a discussion of the innocent construction rule, the Defendants include the chart which violates the Illinois Supreme Court's holdings on the innocent construction rule that courts should not strain to find unnatural but possibly innocent meanings of words where such construction is clearly unreasonable and a defamatory meaning is more probable.
7. The Above The Law Defendants also cite law that has been doubted or fail to cite correct U.S. Supreme Court and Illinois Supreme Court law rejecting the distinction between fact and opinions. Defendants cite a Seventh Circuit decision but fail to point out the holding that factual questions on privilege should not be decided at the pleading stage on a FRCP 12(b)(6) motion.

8. The Above The Law Defendants spend considerable amount of time arguing that the privilege applies to bloggers who did not report on an official proceeding but, as the Defendants contend, reported on a news article. Defendants argue over the mere obvious—that accusing someone of a crime is defamation *per se*.
9. All of these above issues have made it considerably difficult for Mr. Huon to meet the page limitation. Mr. Huon has endeavored but has been unable to meet the page limitation.
10. Mr. Huon has prepared and filed a 33 page Response Brief to the Above the Law Defendants along with a 2 page exhibit—nowhere near 192+ pages of the Above the Law Defendants.
11. Mr. Huon needs an additional 8 business days to respond to the 82 page document of the Jezebel Defendants, including exhibits—after analyzing the 192+ page document of the Above the Law Defendants, including the redacted truncated trial transcript that was just filed 7 days ago.

WHEREFORE, Plaintiff, Meanith Huon, requests that this Honorable Court:

1. Grant Plaintiff leave to file a Response brief in excess of 15 pages to the Above The Law Defendants' Motion to Dismiss.
2. Grant him a short extension of time to December 5, 2011 to file his Response Brief to the Jezebel Defendants' Motion to Dismiss.

Respectfully Submitted,

By: /s/ Meanith Huon /s/  
Meanith Huon

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**CERTIFICATE OF SERVICE**

Under penalties of law, I attest the following documents or items have been or are being electronically served on all counsel of record for all parties on November 30, 2011:

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Respectfully submitted,  
/s/ Meanith Huon  
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