

Order

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UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT
WESTERN DISTRICT
OF LOUISIANA
FILED

MAR 07 2006

Shreveport Division

2006 MAR -7 A 1:26

ROBERT H. SHEM WELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

ROBERT H. SHEM WELL
CLERK

SHELLY LANDRY-BELL,

Plaintiff,

Versus

Civil Action No.

CV05-1526-S

VARIOUS INC., ET AL,

JURY DEMANDED

JUDGE STAGG

Defendants.

MAGISTRATE-JUDGE HORNSBY

MOTION TO STRIKE ANSWER AND DEFENSES FILED BY VARIOUS, INC.

NOW INTO COURT, through undersigned counsel, comes Plaintiff, SHELLY LANDRY-BELL, respectfully seeks to have this Honorable Court strike the Answer and defenses filed by Various, Inc., defendant, as follows:

1.

Although the facts of this case are likely to be well remembered by this Honorable Court, plaintiff submits that her identity was stolen and defendants created, posted and redistributed in mass false internet-based sexual solicitation ads bearing plaintiff's identity and some of her clothed photos interspersed with other false content and cropped nude photos of other persons.

2.

This Honorable Court denied Various, Inc.'s Motion to Dismiss. Landry-Bell v. Various, Inc., et al, 2006 WestLaw 273599 (W.D. La. 2006).

3.

Various, Inc., filed an Answer asserting 24 defenses most of which lack any merit and are baseless and must be stricken. Further, Various, Inc., has alleged, without any basis whatsoever,

a claim for its attorneys' fees and costs. A large number of the defenses raised in its Answer, as well as its counter-claims [for fees and costs] are not grounded in law, and are insufficient, immaterial, impertinent and even scandalous, as a matter of law.

4.

Plaintiff seeks an Order striking Various, Inc.'s Answer and defenses and an Order requiring it to re-plead.

5.

Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, Plaintiff respectfully moves this Honorable Court to strike the First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second, Twenty-Third and Twenty-Fourth defenses raised by Various, Inc., for the reasons shown herein and in the attached Memorandum and Support of Motion to Strike submitted by plaintiff. Plaintiff further seeks to strike the baseless claim for attorneys' fees and costs asserted by defendant, Various, Inc.

WHEREFORE PLAINTIFF PRAYS that this motion be granted and the relief requested be ordered, including the striking of the Answer and defenses asserted by Various, Inc., and an Order to Various, Inc., to re-plead its Answer accordingly.

Respectfully submitted:

BODENHEIMER, JONES & SZWAK

By: 

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COUNSEL FOR PLAINTIFF

CERTIFICATE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed, by first class mail, properly addressed, with prepaid postage affixed, to opposing counsel of record, on this the 3 day of MARCH, 2006.



DAVID A. SZWAK