

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
FOR THE DISTRICT OF MARYLAND
(Northern Division)

FILED _____ ENTERED _____
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OCT 19 2011

JAMES REDDING *

Plaintiff, *

*

CIVIL ACTION NO. 1:11-cv-00674-CCB

v. *

*

JUSTIA, INC., et al *

Defendants. *

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY
BY BCF

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Plaintiff, James Redding ("Mr. Redding" or "Plaintiff") pro se, respectfully submit this Motion in Opposition to Defendant's Motion to Dismiss. In support thereof, Plaintiff states as follows:

INTRODUCTION

On or about December 27th, 2010, Defendants McCoy and Shelton intentionally interjected their opinions and biases into the processing of Plaintiff's Appellant's Brief, while instructing Plaintiff to correct errors or risk having Plaintiff's appeal dismissed. After several letters from Defendants' McCoy and Shelton regarding errors made by Plaintiff during the construction of Plaintiff's Appellant's Brief, Plaintiff responded by sending a letter to the Virginia Court of Appeals, requesting the dismissal of his appeal.

ARGUMENT

A. Plaintiff's Complaint asserts a short and plain statement of claim showing his entitlement to relief.

Plaintiff asserts that Defendants intentionally ignored his request for dismissal of the appeal, and rushed their edited version of Plaintiff's Appellant's Brief to Defendants McClanahan, Haley, and Willis, for an expedited ruling, so that Defendant Justia, Inc. could have the opportunity to immediately post the Court's decision to Justia.com's [pay to play] website, in order to take advantage of funds to be received from Internet users interested in purchasing the Court's decision from Justia.com. See Exhibit A

To ensure maximum advertising exposure on the first page of all Internet search engines, Defendant Justia, Inc. utilized its business relationship with Google, in order to keep Plaintiff's name only, associated with the Virginia Court of Appeals biased ruling of Defendants McCoy's and Shelton's edited version of Plaintiff's Appellant's Brief.

(1) Plaintiff's Count One: Fraud

After the Virginia Court of Appeals posted their biased opinions regarding what Plaintiff thought was a dismissed appeal, Plaintiff made a written request to the Virginia Court of Appeals, Justia, Inc., Google, and the District of Columbia government to have negative data pertaining to Plaintiff, removed from their websites. With the exception of the District of Columbia government, Plaintiff's request was ignored so that Justia.com and similar websites could continue to financially thrive from the Virginia Court of Appeals revised and factually flawed version of Plaintiff's medical history. Justia, Inc. continues to advertise on its website, data specific to Plaintiff and the Virginia Court of Appeals. Clearly, Fraud Count One

describes the common-law elements of fraud: (1) False representation, (2) knowledge that the representation was false, (3) intent to deceive, (4) justifiable reliance on the representation, and (5) proximate cause of damages.

(2) Plaintiff's Count Two: Slander

In order to prevail on a claim for slander, a plaintiff must establish the communication of a false and defamatory statement and that the publication was negligent. A plaintiff can satisfy the fault element by showing actual malice or by showing mere negligence---failure to act as a reasonable person under the circumstances.

The biased and tainted information provided to Justia, Inc., by the Virginia Court of Appeals, shouldn't exclude Justia, Inc. from its responsibility to fact check, prior to publishing data to its website. Plaintiff did make a written request to the Virginia Court of Appeals to dismiss his appeal, before they conspired with Justia, Inc., to publish their ruling, in order to humiliate and terrorize Plaintiff, and to allow Justia, Inc. to profit from the power of Internet search engines' first page status of Plaintiff's medical and other data [factual or fabricated].

When potential employers, family members, friends, etc. use the Internet to research Plaintiff (James F. Redding), the Virginia Court of Appeals and Justia, Inc.'s websites appear to showcase Plaintiff's electronic lynching, for profit.

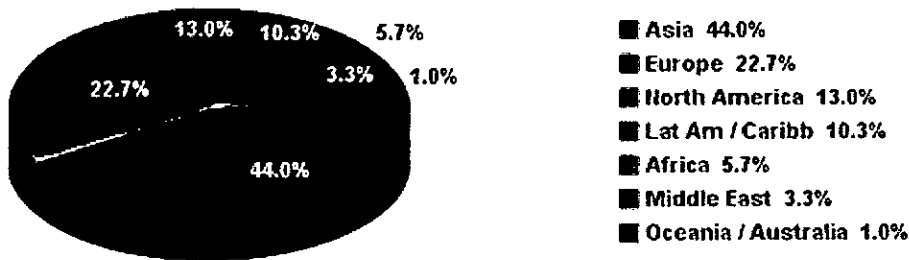
(3) Plaintiff's Count Three: Intentional Infliction of Emotional Distress

To prove a prima facie case of Intentional Infliction of Emotional Distress, a plaintiff must demonstrate that: "(1) the conduct is intentional or reckless; (2) the conduct is outrageous or intolerable; (3) there was a causal connection between the wrongdoer's conduct and the emotional distress; and (4) the resulting emotional distress was severe." A plaintiff is able to recover whenever the wrongdoer intentionally acted with the desire to inflict emotional distress. To satisfy the "outrageous" element, the conduct must "go beyond all possible bounds of decency, and ...be regarded as atrocious, and utterly intolerable in a civilized community. Emotional distress is adequately severe enough when "no reasonable man could be expected to endure it."

Due to ongoing errors made in his Appellant's Brief, Plaintiff filed a document with the Virginia Court of Appeals, asking the Virginia Court of Appeals for a dismissal. The Virginia Court of Appeals ignored Plaintiff's request in order to immediately post to the Internet, their biased response to specific details of an unauthorized version of Plaintiff's Appellant's Brief.

Plaintiff did request that Defendants create a website and post their medical information specific to late term abortions, H.I.V., Hepatitis, Human Papillomavirus (HPV), Syphilis, Gonorrhea, Anal Warts, and other viral infections, if any", in order to underscore the atrocious and utterly intolerable actions of Defendants, and the emotional distress involved, if their names are researched and their medical data was reviewed and translated by 2,095,006,005 worldwide Internet users. It is clear that Defendants' conduct goes beyond all possible bounds of decency, and can be emotionally distressing if Defendants names are researched and only their medical histories [factual or false], are presented to Internet Users.

Internet Users in the World Distribution by World Regions - 2011



Source: Internet World Stats - www.internetworldstats.com/stats.htm
Basis: 2,095,006,005 Internet users on March 31, 2011
Copyright © 2011, Miniwatts Marketing Group

(4) Plaintiff's Count Four: Racial Discrimination

To state a claim for relief in an action brought under section 1983, [plaintiff] must establish that they were deprived of a right secured by the Constitution or laws of the United States, and that the alleged deprivation was committed under color of state law. A two-part inquiry is required whenever the asserted constitutional deprivation is directed at a private actor such as Justia, Inc. The court must first ask "whether the claimed deprivation has resulted from the exercise of a right or privilege having its source in state authority. Secondly, the court will decide whether the party who allegedly caused the deprivation of a federal right can be appropriately characterized as a state actor.

Justia, Inc. did exercise a right in having its source in state authority. Electronic lynching by any other name, is still lynching [an act of terror]. Justia, Inc.'s business relationship with the state of Virginia, is based on Defendants' targeting of Plaintiff; biased and tainted data; humiliation; acts of terror; blackmail, and financial profit acquired from biased and tainted data, posted to the Internet.

By posting a biased and tainted public opinion onto its website, Justia, Inc. was aware of the implications involved in posting data that can be interpreted as data meant to humiliate and terrorize. Justia, Inc. did act together with, and did obtain significant aid from state officials, easily acquiring biased and tainted data, in order to attract new customers to its website, for profit.

B. Plaintiff's complaint adequately states why he is entitled to injunctive relief.

The United States Supreme Court characterized injunctive relief as an "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief. In order to obtain a preliminary injunction a movant must establish " (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. Plaintiff has satisfied the elements authorizing injunctive relief, and is likely to succeed on the merits of action because there is wrongdoing on the part of Justia, Inc. Plaintiff has indicated that he is likely to suffer irreparable harm absent an injunction. It is in the public's interest to protect itself from pornographic and other websites, created to poison the minds of the Internet users, in order to attract new customers, by the promotion of obscene, biased, and tainted data, used to destroy the reputations of targeted individuals.

CONCLUSION

It is untrue to believe that Justia, Inc. is a “free website”, and that data posted to the Internet can never be removed. Website owners with specific business relationships with Google have the authority and various [pay to play] fee schedules to remove any data posted to the Internet, proving that there is a conspiracy between the Defendants’ biased data that they posted to their Internet websites, for profit. Plaintiff has suffered harm from the publication of biased and tainted data that Justia Inc. received from the Virginia Court of Appeals.

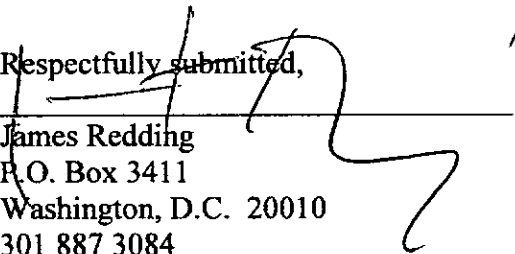
Plaintiff made a simple request to the Virginia Court of Appeals to dismiss his appeal. Based solely on Plaintiff’s race, and the financial profit to be made by Justia, Inc., Plaintiff’s request to have the appeal dismissed, was ignored. Afterwards, Plaintiff made a request to the Virginia Court of Appeals, Google, Justia, Inc., and District of Columbia government to remove from their websites, negative information pertaining to Plaintiff. Only the District of Columbia government honored Plaintiff’s request when it was clear that an employee of the District of Columbia government abused his authority by posting negative data pertaining to Plaintiff, onto a website owned by the District of Columbia government. This act was committed to reinforce the Virginia Court of Appeals’ acts of cyber bullying and terror against Plaintiff, and as a favor to friends.

Internet search engines shouldn’t be used to blackmail, humiliate, or to be used by government employees as a tool to complement their racist and mean-spirited ideologies that should’ve died in 1865, when the U.S. House of Representatives passed the 13th Amendment to the Constitution, abolishing slavery in America. Instead, based on race, Plaintiff’s plea for empathy was ignored, in favor of the financial profits that Defendant Justia, Inc. continues to

receive from the biased and tainted data eagerly manufactured and distributed by Defendants.

Accordingly, this Complaint against Defendant Justia, Inc. is a valid complaint, and shouldn't be dismissed.

Respectfully submitted,


James Redding
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2011, a copy of the foregoing Motion in Opposition to Defendants' Motion to Dismiss, was served by first-class mail, to the following:

John J. Yannone
Resnick & Schwartzman, L.L.C.
One East Franklin Street, Suite 200
Baltimore, Maryland 21202


James Redding