

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM V AGUIAR
PLAINTIFF

VS. CIVIL ACTION NO. 07 CA 11673-MLW

FLOYD WEBB
DEFENDANT

MOTION DENYING DEFAULT JUDGEMENT AND DISMISSAL, SANCTIONS

Plaintiff and Counter Claimant William V Aguiar III moves for dismissal of default Judgment Motion and Sanctions under Fed R Civ. P 61 harmless error and USSC Title 26A Rule 52 Motion to strike.

Rule 61. Harmless Error

Unless justice requires otherwise, no error in admitting or excluding evidence — or any other error by the court or a party — is ground for granting a new trial, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a

judgment or order. At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights.

Rule 52 Motion to strike

Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these Rules, upon motion made by a party within 30 days after the service of the pleading, or upon the Court's own initiative at any time, the Court may order stricken from any pleading any insufficient claim or defense or any redundant, immaterial, impertinent, frivolous, or scandalous matter. In like manner and procedure, the Court may order stricken any such objectionable matter from briefs, documents, or any other papers or responses filed with the Court.

Although the court has ordered Mr. Aguiar, verbally and in writing, to file on time an amended complaint and answer to Webb's counter claims. , He has made every deadline except two. I am not a lawyer with several people doing pleadings and do not have the un-limited resources that Mr. Webb has. Plaintiff Aguiar has filed a responsive counter claim against Defendant Webb. Judgment on the pleadings is not appropriate remedies. Plaintiff Aguiar has a meritorious defense to Webb's counterclaims. Defendants Webb's futile effort to stop the copyright infringement claims against him and his prolonged and futile efforts to end this rightful claim of copyright infringement. There is no delay there are no death threats no intimidation no one time by me.

Defendant Webb and his Attorney are trying to disrespect this honorable court with scandalous matter this is why the Motion to strike is appropriate. I will be entering Ex pertaining to harassment from Floyd Webb and his associates harassing Plaintiff Aguiar

I further state not one threat nor e-mail has come from me. Mr. Webb's harassment started way before John Creeden was involved. Plaintiff Aguiar has no connection business wise to John Creeden III, we are only casual friends. Mr. Creeden's issues with Defendant Webb are their business and they are not part of his action. His inclusion with these action only clouds the issues of Copyright Infringement, which Mr. Webb s attorneys continue to avoid to this day. So the Motion for Default judgment and dismissal and Judgment of Pleadings and Motion of Sanctions are Moot.

In Exhibit [A] Dated February 4, 08-10; 34 Floyd Webb stated on a message board 1BDFS that I William V Aguiar III was busted for Heroin and he completely continues to slander me and defame me.

In Exhibit {B} this is the Black Dragon International are a bunch of Floyd Webb supporters backing the Film. In one instance Mike Felkoff the President of the International BDFS copied and my fathers Grand master certificate signed by Count Dante. Floyd threw them are trying to defame me and my rightful succession and lineage.

In Exhibit {C} From Ashida Kim message board. These are defaming messages from a person claiming to be Joey Chicago who works with Floyd Webb at the Jazz Institute of Chicago.

Be seeing the Whois search you can see that the I, P,'s correlate that the threats came from the same place that he works. Follow 75.31.226.198.

It has been proven that Defendant Floyd Webb has continued to slander me in on-line forums for years, they're for his motion for default judgment and dismissal is moot.

WILLIAM V AGUAIR III
630 MAPLE STREET



FALL RIVER MASSACHUSETTS
PLAINTIFF

4 02/2008

CERTIFICATE OF SERVICE

WILLIAM V AGUIAR III
PLAINTIFF

VS.

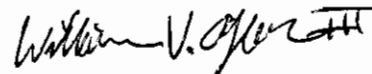
Civil Action No. 07-11673-MLW

FLOYD WEBB
DEFENDANT

I William V Aguiar III I hereby state that I mailed A true copy within document's to all counsel of record.

Date 4 / 22 / 2008

William V Aguiar III
Pro Se



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