

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

John Doe,

Plaintiff,

v.

SexSearch.com, et al.,

Defendants.

) Case No. 3:07CV604

)
) Hon. Jack Zouhary

) **DEFENDANT EXPERIENCED**
) **INTERNET.COM, INC.'S MOTION**
) **TO DISSOLVE THE TRO AND**
) **VACATE THE HEARING ON**
) **PLAINTIFF'S PRELIMINARY**
) **INJUNCTION MOTION**

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) Defendant Experienced Internet.com,
) Inc.

Specially appearing defendant Experienced Internet.com, Inc. (“EIC”) seeks an order dissolving the temporary restraining order (“TRO”) currently in effect and vacating the hearing on Plaintiff’s preliminary injunction motion.

Plaintiff has failed to follow this Court’s March 21 order to “promptly verify his complaint,” and his counsel has failed to respond to EIC’s counsel’s requests that he do so. One may surmise that he has no intention of doing so.¹

Rule 65(b)(1) of the Federal Rules of Civil Procedure requires an affidavit or verified complaint to support issuance of a TRO without notice. Without Plaintiff’s verification, there is no basis for the temporary restraining order to remain in effect, or, for that matter, the necessity for a hearing on Plaintiff’s preliminary injunction motion. Accordingly, based on the Plaintiff’s failure to comply with the Court’s order to supply his client’s verification, EIC respectfully requests that the TRO be dissolved and the hearing on the preliminary injunction motion be vacated.

Respectfully submitted,

/s/ Richard M. Kerger
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Experienced Internet.com, Inc.

/s/ Dana Milmeister
Dana Milmeister (*pro hac vice*)
Counsel for Specially Appearing Defendant
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¹ We suspect that Plaintiff will have difficulty verifying anything in this civil action he chose to bring, for fear of Fifth Amendment consequences.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been electronically filed this 3rd day of April, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System.

/s/ Richard M. Kerger