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6 *Plaintiff in Pro Per*

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 RUSSELL ROPE,
12 PLAINTIFF,
13 VS.

14
15 FACEBOOK, INC., APPLE, INC.,
16 ALPHABET, INC., TWITTER, INC.,
17 JPMORGAN CHASE & CO. & JOHN
18 DOES 1 TO 10,
19 DEFENDANTS
20

Case No.: 2:17-cv-04921-MWF-(PLAx)

**OPPOSITION TO DEFENDANTS’
MOTION TO DISMISS 1ST
AMENDED COMPLAINT**

Hearing Date: 5/14/2018

Time: 10:00am Courtroom: 5A

Judge: Michael W. Fitzgerald

21 **SUMMARY OF OPPOSITION:**
22

23 Plaintiff hereby responds in Opposition to Defendants: Apple Inc. (“Apple”),
24 Facebook, Inc. (“Facebook”), Alphabet, Inc. (“Alphabet”), and Twitter, Inc.
25 (“Twitter”) (collectively, the “Tech. Company Defendants”) and their unfair,
26 baseless lie of a Motion to Dismiss 1st Amended Complaint. This Opposition
27 directly responds to every statement in the Tech. Company Defendants' Motion
28 and is logically and legally based on the following main reasons, several of which

OPPOSITION TO TECH COMPANY DEFENDANTS’ MOTION TO DISMISS 1ST AMENDED COMPLAINT

1 are grounds to DENY the Motions to Dismiss each on their own merits, supported
2 by a combination of law, references to specific paragraphs, possible amendments,
3 and good ethics:

4
5 1) “If any combination of the facts stated in the Plaintiff’s complaint might qualify
6 Plaintiff for any form of court action, then the judge is legally required to deny the
7 Defendant[s’] Motion[s] to Dismiss.” Legal Website(s) & 42 USC § 1981 granting
8 all citizens equal rights under the law & 42 USC § 1983 granting the right to sue
9 for deprivation of rights. *RICO is more appropriate in this case.

10 2) Defendant attorneys are lying.

11
12 3) Plaintiff successfully stated all claims in the FAC, upon which relief can be
13 granted, and along with short and plain statements of the claim(s) showing that the
14 pleader is entitled to relief. Defendant attorneys fail to recognize the first
15 amendments, the fact that “All Defendants” applies to “All Defendants” for all
16 causes of action through alleged conspiracy, and that each cause of action realleges
17 specific information connecting the Defendants to both said conspiracy and each
18 individual cause of action where all elements have been pled.

19
20 4) Plaintiff is In Pro Per and even if they were valid, no arguments based solely on
21 pleading technicalities should be grounds for dismissal, certainly not without leave
22 to amend where it is obvious that Plaintiff is still learning and can continue to
23 improve on the complaint. Also, at least John Doe allegedly named Tom Tate
24 needs to be amended as an official Defendant, served, and held to answer.

25
26 5) The principal of res judicata absolutely does not apply because: the first
27 amended complaint successfully states all claims under the new claim of RICO (if
28 the original did not), the parties and allegations are not identical, District Court is

1 the designated venue with subject matter jurisdiction over these laws, all
2 Defendants including Chase have continued to violate the Plaintiff's rights since
3 previous cases were dismissed, there is new evidence supporting those allegations,
4 and this is an extraordinary case qualified as an exception to the lie of a defense
5 being res judicata.

6
7 6) Defendants would have denied wrongdoing and should be required to both
8 address the actual allegations(s) and deny wrongdoing, which is the first thing
9 someone would do if they were innocent and had a real defense.

10
11 7) The law and this Court were established for justice, so trusted communications
12 and technology cannot get away with doing terrible things like interfere with
13 communications and sabotage businesses belonging to their clients/users, and not
14 so frauds can get off the hook where they have conspired and made obscene efforts
15 to obstruct justice, and of all reasons it would be ridiculous to dismiss based on
16 seemingly minor if any error in pro se pleading technicality that has nothing to do
17 with the actual dispute, which has been clearly presented in spite of its complexity.

18
19 8) The judge not only has the power to DENY the Defendants' Motion(s) to
20 Dismiss in the name of justice, but that is an honorable Judge's duty.

21
22 9) Plaintiff will never give up, can further amend with permission from The Court,
23 can always appeal to a higher court where crooked Judges would become criminal
24 Defendants, and Plaintiff can always appeal the lower court then return here, which
25 would be a huge waste of time because state courts do not have jurisdiction.

26
27 10) Plaintiff will send people to prison if this is not settled ASAP very possibly
28 including all the liars serving as Defendant attorneys who repeat their truly

1 conclusory and invalid arguments more than the Plaintiff repeats anything in the
2 complaint(s), which is completely comprised of necessary statements.

3
4 **POINTS & AUTHORITIES:**

5
6 In considering a Defendant's Motion to Dismiss, a judge must assume that every
7 fact stated in the Plaintiff's complaint is true. The judge must then ask: if all those
8 facts are true, is it plausible that Defendants violated the Plaintiff's rights? If any
9 combination of the facts stated in the Plaintiff's complaint might qualify Plaintiff
10 for any form of court action, then the judge is legally required to deny the
11 Defendant's Motion to Dismiss. In making this decision, Courts are supposed to
12 treat unrepresented parties more leniently than people who are represented by an
13 attorney. In considering a Motion to Dismiss, a pro se complaint should be held to
14 less strict standards than a complaint drafted by a licensed professional. Plaintiff is
15 not making this stuff up and this information is easy to find with a simple web
16 search. (Legal Website(s) & 42 USC § 1981 & 42 USC § 1983)

17 In the main body of the complaint, Plaintiff included brief and specific descriptions
18 of what not only each Defendant did in relation to the allegations/causes of action,
19 but also what most of the more than suspected John Does did and their connections
20 to Defendants is described under seal in the attached Exhibit 52. The body of the
21 complaint is realleged within statements pertaining to each cause of action where
22 the elements of each legal assertion are alleged with basic facts thereby forming
23 successful statements of each claim. Plaintiff was going to highlight the specific
24 paragraphs in the complaint relating to each Defendant and Cause of Action but
25 did not have enough time complete a more detailed indexing; however, enough
26 information has been presented for any educated adult, attorney, or judge to make
27 logical connections unnecessary of deductions.

1 Defendants' Motion(s) to Dismiss is/are once again full of fluff fishing for false
2 justification to sweep their dirt under the rug while attempting to produce
3 something that appears legitimate to others unable to decipher the legal trickery.
4 The Defendants' entire Motion to Dismiss the First Amended Complaint is a farce.
5 The Judge said to remove redundant and repetitive details, but every statement in
6 the complaint is relevant to both this case and foreseen future litigation. Defendant
7 attorneys are the truly redundant and unnecessarily repetitive liars making the same
8 false assertions.

9
10 **RESPONSE TO INTRODUCTION:**

11 Defendants Apple Inc. (“Apple”), Facebook, Inc. (“Facebook”), Alphabet, Inc.
12 (“Alphabet”), and Twitter, Inc. (“Twitter”) (collectively, the “Tech. Company
13 Defendants”) move to dismiss pro se Plaintiff Russell Rope’s (“Plaintiff”) First
14 Amended Complaint (“FAC,” Dkt. 136) with prejudice. Like the initial complaint,
15 the FAC goes on for well over 100 pages and includes well-pled factual allegations
16 regarding each Defendant and each cause of action that link all of them to RICO
17 through conspiracy and violation of criminal laws. Defendant attorneys are lying
18 in attempt to discredit and neglect the genius behind a complicated, well-
19 organized, and very articulate complaint; specifically, where claim(s) for a
20 ridiculous amount of counts of each cause of action are stated as clearly as possible
21 by describing the allegations in the main body of the complaint with each element
22 alleged with basic facts in accordance with the laws and reference to civil liability
23 for every causes of action, while realleging the information contained within the
24 body of the complaint, in the causes of action section. RICO, conspiracy, and
25 fraud have been properly pled against all Defendants and the predicate crimes are
26 pled for purpose of meeting the required prerequisite elements of RICO, to connect
27 all the criminal Defendants to RICO through conspiracy, and for possibility of
28 arrests. Moreover, Plaintiff successfully stated all claims in the FAC, upon which

1 relief can be granted, and along with short and plain statements of the claim(s)
2 showing that the pleader is entitled to relief.

3
4 Accordingly, all of Plaintiff's claims succeed and are not subject to dismissal under
5 Federal Rule of Civil Procedure ("Rule") 8(a)(2) for failure to provide notice of the
6 allegedly unlawful conduct, or under Rule 12(b)(6) for failure to state a claim.

7 Further amendment would be a waste of time because Plaintiff has successfully pled
8 more than enough clear and convincing facts supported by evidence for any
9 competent Judge to recognize a right to Court action, the complaint can much more
10 easily be further amended if necessary, should only possibly be required for
11 purpose of converting a Jon Doe to named Defendant, and dismissal with prejudice
12 would not only absolutely inappropriate, but also highly illegal.

13 **RESPONSE TO BACKGROUND:**

14
15 Plaintiff filed the initial complaint ("Complaint") on July 21, 2017, naming several
16 Defendants allegedly responsible for much more than simply "terrorizing" him.
17 The 166-page document contained 310, not 309 paragraphs, 20 claims, and 66
18 exhibits. Defendant JPMorgan Chase & Co. ("Chase") moved to dismiss that
19 complaint on August 29, 2017, and the Tech. Company Defendants jointly moved
20 to dismiss the Complaint on September 8, 2017. (Dkts. 67 and 76.) On December
21 20, 2017, the Court unfairly granted the Motions to Dismiss, but with an
22 opportunity for Plaintiff to amend the Complaint, which Plaintiff did, also which
23 bring also brings the case back to ground zero and basically voids granting of the
24 previous Motions to Dismiss. (Dkt. 114. & FAC) In a bogus, ten-page opinion, the
25 Court hardly considered Plaintiff's pleading against the named Defendants and
26 then was not impartial in granting Defendants' Motions on grounds that the
27 Complaint did not comply with Federal Rule of Civil Procedure 8. (Dkt. 114 at 7.)
28 If that were true, the problem has been addressed and corrected through

1 amendment. The Court also noted that it appeared that Plaintiff's claims were also
2 barred by res judicata, which is a lie, but was also taken into consideration and
3 corrected by Plaintiff in the FAC. The Court permitted Plaintiff "one opportunity
4 to amend to remove excessive redundancy, allegations irrelevant to the claims for
5 relief, and conclusory or excessively argumentative allegations," but every
6 statement in the Complaint is pled with a purpose, conclusory allegations were
7 corrected, at least to the point where any reader can understand that the assertions
8 are not being pled as fact even though it is more than the opinion of the Plaintiff
9 that statements supported by evidence are factual, and the only redundant and
10 excessively argumentative and conclusory statements are coming from lying
11 Defendant attorneys.

12 Plaintiff ultimately took two months to amend his original Complaint and file a
13 First Amended Complaint ("FAC") for several reasons mostly explained within the
14 FAC: Plaintiff spent the first two weeks trying to get legal help and alleges more
15 obstruction of justice in that department, basically had to retype the Complaint, has
16 limited resources including time/to plug in, is working several odd jobs/ventures,
17 etc. just to stay afloat, and literally used every minute to amend. (Dkt. 136.)
18 Plaintiff separately included 69 exhibits (assuming the most recent request to
19 attach lodged exhibits to FAC is granted) in support of his FAC. (Dkt. 137.)
20 Plaintiff clarified his claim(s) by adding new paragraphs clearing stating the RICO
21 claim at the very beginning of the complaint, with the (alleged to be missing by
22 Defendants) simple statement of the RICO claim in bold writing. Plaintiff retitled
23 sections of the complaint to further differentiate between "Background" and recent
24 violations. Plaintiff added 55 paragraphs to the FAC, mostly to the "Causes of
25 Action" section, which now alleges each element and basic facts for all causes of
26 action including assertions of two entirely new causes of action (for a total of 22
27 separate claims for relief under RICO/Fraud; all connected through Conspiracy)
28 with facts sufficient to state all claims against all Defendants. Many of the claims

1 in the FAC are nearly identical to those in his Complaint because Defendants keep
2 repeating the same violations; some with slightly evolved variations. This
3 Opposition mentions more and recent violations and describes new evidence
4 towards the bottom.

5
6 **RESPONSE TO ARGUMENTS ABOUT ALLEGATIONS SET FORTH:**

7
8 Defendants attorneys are not only lying, but their language and style of quoting
9 things in the Motion to Dismiss is wrongfully and obviously designed to misdirect
10 the Court through a ridiculous devaluation of the laws while attempting to frame
11 the character of the Plaintiff to fit their fabrication of a defense. Plaintiff is not
12 simply repeating conclusory accusations, but he specifically amended the
13 assertions with less conclusory language for purpose of complying with the
14 Court, so claims are interpreted as “allegations.” The truth is that facts supporting
15 the claim(s) is/are necessary and repeating statements from the initial Complaint to
16 the FAC is a given because everything matters. Defendant’s probably do not want
17 to face the possibility of criminal charges which straightforwardly must be used as
18 a bargaining chip in ADR against Defendants who can monetarily afford the
19 requested relief. The apparent gist of Plaintiff’s complaint remains the same
20 because Defendants and their daily attacks have not ceased.

21 **THE LIE OF A RES JUDICATA DEFENSE IS NOT A LICENSE TO KEEP**
22 **COMMITTING THE SAME CRIMES OVER AND OVER AGAIN, NOR IS IT**
23 **A LIFE SENTENCE FOR THE PLAINTIFF.**

24
25 Defendant Attorneys are intentionally neglecting amendments, specifically
26 regarding proper statement of the main RICO claim where the “gist” of the
27 Complaint is not only simply stated in the beginning of the FAC where “Plaintiff
28 alleges that through an obvious pattern of racketeering activity, conspiring

1 Defendants have been defrauding the Plaintiff of civil rights, life/time, money,
2 relationships, and interstate to intergalactic business,” (FAC ¶ “iv”), but that
3 statement is directly followed by allegations of each element. Defendants
4 attorneys are trying to misdirect the reader by intentionally overlooking the entire
5 new statement of the claim section in the beginning of the FAC (¶¶ i-xiv) by
6 quoting another early statement about multi-district jurisdiction: “Defendants
7 engaged in a multi-district conspiracy to defraud Plaintiff of money and property.”
8 (FAC ¶ 11.) The wide-ranging conspiracy seriously does extend to nearly every
9 area Plaintiff’s life and involves most everyone Plaintiff encounters or is connected
10 to through the social media platforms owned by Defendants who are alleged to be
11 illegally abusing power over. The FAC includes allegations not limited to family
12 members conspiring with Defendants and the domain name in dispute. id. ¶ 67
13 (“[t]he mentioned attorneys include a family member who so far confessed to no
14 more than bidding on the domain name behind Plaintiff’s back”) thereby violating
15 attorney client confidentiality privilege; Plaintiff’s acquisition of a small pistol for
16 self-defense because of death threats and intentionally neglectful obstruction of
17 justice by the authorities, and subsequent loss of the right to carry it due to a false
18 imprisonment, id. ¶ 79; Plaintiff and perfect tenant issues with roommates and
19 landlords who are alleged to have been conspiring with Defendants, id. ¶¶ 80–83;
20 an apparent dispute with Chase regarding illegal termination of bank account(s),
21 theft of money, etc., id. ¶¶ 84–85; Plaintiff’s health issues alleged to being caused
22 and exacerbated by conspiring Defendants, id. ¶ 109 (“Defendants are alleged to be
23 using dermatology and other health care related [malpractice, etc.] fraud to control
24 the Plaintiff; to literally trap the Plaintiff in his own skin.”); Plaintiff being forced
25 to sit in a waiting room before meeting with a doctor in alleged attempt by
26 physicians (conspiring with Defendants) to create a dispute, id. ¶ 110; people
27 stalking Plaintiff, id. ¶ 115 (“Cars with [custom, threatening, and harassing] license
28 plates have been stalking Plaintiff all around tinsel town.”); Plaintiff’s car being
used by allegedly conspiring Defendants to attack Plaintiff, id. ¶ 123 (“attacks

1 range from broken windows/regulators... and at least two attacks on the battery.”);
2 and allegations that a doorman at a nightclub accused of conspiring with
3 Defendants and much worse than “trying to lure Plaintiff into a death trap,” id. ¶
4 127. With specific reference to Defendants, the FAC contains the following
5 allegations:

6
7 **A) Facebook:**

8
9 Plaintiff repeats his allegations against Facebook from the Complaint in the FAC
10 because Defendants are alleged to still be engaging in the same repetitive pattern of
11 daily criminal racketeering activity in violation of Plaintiff’s rights, and
12 Defendants’ main arguments were based on alleged pleading technicalities
13 regarding statement of the claim(s) and the lie of res judicata must be quashed by
14 properly stating the RICO claim. Plaintiff changed the language of conclusory
15 statements to be interpreted as allegations that Facebook conspired with
16 Defendants and made intentional decisions to single him out with customized
17 attacks not limited to disabling accounts and illegally deleting an exponentially
18 growing business page before Plaintiff messaged executives and visited Facebook
19 headquarters in a mature and peaceful attempt to resolve the one-sided conflict
20 without legal action (only to be ignored, neglected, and attacked by more
21 incompetent people who are acting very childish). Plaintiff continues to allege
22 more than Facebook deleting/hacking likes and other statistics, which Plaintiff’s
23 business has a reliance upon, censoring posts from Twitter to Facebook, and
24 filtering/not delivering messages, emails, and tampering with other content such as
25 hacking the resolution of images and videos. (FAC ¶¶ 93–95.)

26 Plaintiff similarly offers few substantively new allegations against Instagram in the
27 FAC because they are still engaging in the same repetitive pattern of criminal
28 racketeering activity on daily basis. Specifically, Plaintiff alleges that Instagram –

1 which was acquired by Facebook – is disabling hashtags, interfering with likes and
2 followers, and has been engaging in various additional hacks while conspiring to
3 enable fraudulent and unfair competition. Plaintiff maintains allegations that
4 Instagram is targeting and disabling various videos, reducing the quality of
5 photographs and videos within their apps/sites, and filtering or censoring
6 messages, emails, or other content. Plaintiff has new evidence supporting new
7 instances of these allegations not limited to as recently as since filing the FAC.
8 Plaintiff also alleges criminal RICO conspiring competitors stealing video
9 production/creation business are “cheating through use of expensive third-party
10 plugins” where Plaintiff has demonstrated more qualifying knowledge and ability
11 to deliver similar results on his own merits.

12 **B) Apple:**

13
14 Plaintiff alleges nearly identical allegations against Apple in the FAC as in the
15 initial Complaint because Defendants are alleged to still be engaging in the same
16 repetitive pattern of daily criminal racketeering activity in violation of Plaintiff’s
17 rights, and Defendants’ main arguments were based on alleged pleading
18 technicalities regarding statement of the claim(s) and the lie of res judicata must be
19 quashed by Plaintiff having successfully stated the RICO claim.

20
21 The crux of Plaintiff’s allegations against Apple, similarly to all Defendants, is
22 their violations of RICO above all, and conspiracy with other Defendants directly
23 causing problems through predicate crimes not limited to fraud, espionage and
24 theft of trade secrets through screen watching without authorized access and over
25 wire communications, GPS stalking, and Apple is equally responsible for each
26 social web application/hack [hosted and distributed] on iTunes where Apple is
27 obligated to make sure the code contained within third party software does not
28 violate the rights of Apple consumers. Plaintiff alleges that Apple is responsible

1 for “(1) Interfering with smart phone service and connectivity, (2) Blocking use of
2 apps and shutting apps down during use, (3) Apps: notification and message hacks,
3 (4) Blue tooth mouse and keyboard hacks (5) Remote access screen watching or
4 enabling screen watchers on all devices, (6) Somehow responsible for smart phone
5 GPS being used to stalk plaintiff in person, (7) Fraudulently misrepresenting facts
6 in lying and trying to cover it up.” Plaintiff further alleges that Apple is
7 responsible for “abusing power over Plaintiff’s phone to prevent capturing of
8 photographs and video,” remotely “deleting video and at least one very important
9 phone number from Plaintiff’s phone,” including videos of “females who gave
10 permission to film,” and “disconnecting cell service, killing the smart phone
11 battery, and increasing rates, all for purpose of causing transportation problems,”
12 among other things. Plaintiff also alleges that “Apple is undoubtedly involved and
13 responsible based on scientific observation and testing” with alleged facts and
14 evidence to support this statement. Plaintiff is unsure as to why Defendants are
15 redundantly quoting (and framing) obvious allegations, contradictorily playing
16 dumb like they do not know what Plaintiff is accusing them of, and especially
17 since they are not denying wrongdoing, which means they have no legitimate
18 defense. Plaintiff properly pled the complex web of claims, should not be
19 required, but deserves as many opportunities to amend as necessary while
20 demonstrating the ability to further improve on the Complaint.

21 Plaintiff further references Exhibits of Apple’s wrongdoing. Exhibit 8 is a
22 compilation of screenshots of fake errors etc. that demonstrate some of Apple’s
23 malicious and repetitive harassment(annoying communications), obviously in
24 conspiracy based on recognizable pattern of racketeering activity, and Apple is
25 additionally doing more than accused espionage/sabotage including, but not
26 limited to ridiculous “connection lost” and “failure” errors plus more number and
27 email hacks appearing to be operating system affiliated or coming directly from
28 Apple. It should be very clear what wrongdoings the screenshots depict. Plaintiff

1 also alleges that “evidence of Apple computer fraud” is attached as Exhibit 62, the
2 FAC references Exhibit 62, but only learned last minute that Exhibits are allegedly
3 supposed to be refiled with an amended complaint. Exhibits were lodged with the
4 Court multiple times where it is supposed to be Defendants’ responsibility to
5 acquire the lodged exhibits from the Court. Plaintiff filed a Request to Attach All
6 Exhibits Lodged On CDs to FAC and is currently waiting for that order. This is
7 certainly the type of pro se leniency that must be afforded to a Plaintiff in pro per
8 who the Court knows not to be formally educated in law and lacking resources
9 including time and not limited to money for printing, CDs, and transportation.

10 **C) Alphabet:**

11
12 Plaintiff pled new allegations specifically against Alphabet in the initial Complaint,
13 which both Defendant attorneys and the Court failed to recognize. As in the initial
14 Complaint, in the FAC Plaintiff accuses Alphabet of “(1) Termination of YouTube
15 Business Account, (2) Sabotaging Personal YouTube Account and AdSense, (3)
16 YouTube Interfering with Tags, Search, and View Counts, (4) Suspected Google
17 Search Interference, and (5) Google Plus Sabotage (Name and Number Hacks),
18 etc.” (FAC ¶ 54.), but that does not account for the facts that Defendants are
19 quoting things from the amended and renamed to “Background” section of the
20 FAC while neglecting the section that alleges new instances of violations since
21 filing cases they were wrongfully dismissed with prejudice. Furthermore, the end
22 of this Opposition contains statements of new allegations including but not limited
23 to intentionally annoying, harassing, and almost daily early morning wake-up calls
24 from Alphabet regarding keeping business listing information up-to-date and trying
25 to solicit money for things that would not even work because Alphabet is allegedly
26 still interfering with Plaintiff’s accounts.

1 Plaintiff alleges that “evidence of Alphabet maliciously hacking and harassing” is
2 attached to the Complaint as Exhibit 6. (FAC ¶ 54.) As in the original Complaint,
3 Plaintiff intended to reference Exhibit 7, which allegedly provides “screen shots
4 demonstrating sabotage committed by Defendant [Alphabet/]Google...” (Dkt. 137
5 at 7.) Exhibit 7 consists of several self-explanatory screen shots of web pages and
6 videos that do not require further explanation—several of which are included
7 because they include the number hack “187,” which is “a very specific and
8 common knowledge reference that should be translated as more than a threat, but
9 actual intent of ‘Murder Death Kill.’” (intent based on actions/everything) (FAC ¶
10 277; see also id. (“The computer crime related death threats started out as
11 exorbitant, intentional, and misrepresentative display of the number ‘187,’ which
12 literally means ‘Murder, Death, Kill’ in places where a number can be injected on
13 Plaintiff’s social media.”)) (reference to Facebook/All Defendants) Plaintiff also
14 alleges that Alphabet “unfairly terminated” an multiple accounts, which should be
15 easily identifiable by Alphabet without further explanation, and whose account
16 names should not matter to The Court at this point because at this point all
17 statements must be accepted as true, FAC ¶ 91; “hacked the Plaintiff by disabling
18 the code he was using to embed videos on his website,” id. ¶ 92; and is “illegally
19 placing advertisements on Plaintiff’s videos,” id. In support, the FAC refers to
20 Exhibit 33, which, like Exhibit 7, includes images of self-explanatory screenshots,
21 which are combined with the complaint and should implicate Alphabet. (See Dkt.
22 137 at 33.) Plaintiff explained enough in the complaints to support alleged
23 wrongdoing by Alphabet without further explanation regarding how Exhibit 7,
24 Exhibit 33, or any other exhibit are basically self-explanatory. Any deductive
25 reasoning required to understand the Complaint(s) should be no more difficult to
26 infer than Defendants noticing a minor error such as refencing one wrong exhibit
27 number in a lengthy complaint with many exhibits. Plaintiff asserts that Defendant
28 attorneys are not only able to easily connect any dots without further explanations,
but they are trained and being paid to lie about it and make extremely deceptive

1 statements and are quoting things out of context in attempt to falsely devalue the
2 Plaintiff's clear and convincing facts and evidence.

3
4 Plaintiff also alleges without trying to be conclusory, that "Google AdSense &
5 Amazon have not been paying for affiliate advertising," and that "Google AdSense
6 has not been giving credit for clicks for an unknown amount of time and has been
7 placing intentionally competitive and harassing advertisements on Plaintiffs
8 websites." (FAC ¶ 89.) Plaintiff is stating facts. It is difficult not to be
9 "conclusory" and how many times are you supposed to use the word "allege" or its
10 variations and synonyms without being repetitive and to make the point that the
11 entire claim is an "allegation," which happens to be supported by clear and
12 convincing facts and evidence. The entire FAC meets more than what is required
13 for descriptions, explaining what each Defendant did, and linked to allegations of
14 each element for all causes of action against all Defendants. (See Causes of
15 Actions Further Indexed Below). Moreover, Plaintiff is trying to be brief as not to
16 confuse people where it does not make sense at the point of filing a complaint to
17 elaborate about how for example Amazon did various things to hack Plaintiff's
18 affiliate store(s) and widgets, which earned money, and then intentionally did not
19 payout what they owed. There is a paper trail, but some things are insignificant
20 compared to the bigger picture, which is why that measly Amazon loss of a
21 something like \$50-100 and future earnings was not worth a person with sabotaged
22 finances spending money adding and serving Defendants who will surely leave
23 Plaintiff alone after the problem is terminated by justice. Similarly, Plaintiff
24 alleges that Google AdSense, a subsidiary of Alphabet, did more mischief than
25 improperly withholding payments to Plaintiff and intentionally placing conflict of
26 interest, annoying, and harassing advertisements, etc. on Plaintiff's web properties.
27 Finally, Plaintiff alleges that Google "sabotaged accounts worse than preventing
28 views within the YouTube community" and "is also more than suspect of singling
the Plaintiff out and even going as far as to rewrite code to reduce reach/page rank

1 and programming their web browser ‘Chrome’ to cause discrete JavaScript errors.’”
2 (FAC ¶ 155.) No further detail is provided because there is enough information
3 and evidence supported by laws and allegations to move forward with this case.
4

5 **D) Twitter:**

6
7 The FAC provides allegations regarding Twitter in the “ONGOING &
8 MISCELLANIOUS HACKS” section of this scientifically indexed work of art:
9 “Continued [means new instances/counts/violations of] name hacks, number hacks,
10 twitter feed hacks, email/spam hacks, phishing attempts, employment
11 discrimination fraud, more housing fraud have become a more than daily thing. A
12 “Number Hack Key Code” is attached hereto as Exhibit “37” and by this reference
13 made a part hereof. Evidence of more recent social media name and number hacks
14 attached hereto as Exhibit “31” and Exhibit “32” and by this reference made a part
15 hereof.” (FAC ¶ 94) The Court must assume that that Plaintiff’s statements are
16 true. “Continued” and “Ongoing” and “Daily” means that Defendants are
17 allegedly committing new counts of each crime every day and res judicata is not a
18 warrant to continue to attack the Plaintiff all day every day.

19
20 Plaintiff alleges that Twitter “and all other Defendants are accused of name and
21 number hacks including cryptic message harassment such as modifying URLs or
22 hyperlinks in tweets to form harassing messages...” (FAC ¶ 55.) Twitter is also
23 “accused of interfering with Plaintiff’s ability to connect with other users.” As
24 evidence, Plaintiff refers to Exhibit 7, but intended to reference Exhibit 6 (an error
25 also present in the Complaint that can be more easily amended at this point), which
26 features several legible screen shots, which Defendants could have but did not
27 request higher resolution copies of, that show “how Twitter is using name, number,
28 and service hacks,” Dkt. 137 at 6. The screen shots should also show how
thousands of followers were deleted. Further explanation should not be necessary

1 at this point, but Plaintiff will gladly and can competently answer any question
2 where there may truly be any confusion. Defendants attorneys are apparently
3 pretending half of the statements and all the amendments do not exist like Plaintiff
4 will not file and they will win by default like the Plaintiff would just give up on
5 breathing. Most of the screen shots are self-explanatory and presented as only a
6 realist/artist could with purpose of such transparent clarity as to also make the
7 viewer feel what the evil Defendants are doing, and The Court should be interested
8 in how much Defendant attorneys are getting paid to allegedly lie in comparison to
9 what they have previously billed other clients.

10 Plaintiff also alleges that “Twitter is mostly annoying because of Plaintiff’s
11 constantly hacked Twitter feed, but censorship and fake news is a big deal,” and
12 that Twitter has been “stunting growth by cutting reach.” (FAC ¶ 157.) In
13 combination with other statements made by the Plaintiff and regurgitated by the
14 Defendant attorneys in their bogus Motion to Dismiss, it should be obvious that a
15 constantly hacked Twitter feed is loaded with cryptic messages in the shortened
16 URLs, that Twitter/Facebook demonstrated intent of censorship by selectively not
17 automatically reposting to Facebook, the swamp needs to be drained, and it is not
18 ok to delete or interfere with followers of someone with a business model based on
19 the principals of advertising.

20
21 **RESPONSE TO STATEMENTS ABOUT PRIOR LITIGATION:**

22
23 First and foremost, calling anything filed by the Plaintiff “frivolous” is most
24 conclusory and frivolous on its own merit. No judge specifically called any of the
25 following cases “frivolous” and cases were closed allegedly due to one of three
26 given reasons without specifying which reason because there was no valid excuse
27 for their corrupt and dishonorable actions. All cases filed by Plaintiff against
28 Defendants have been undesired, yet progressive learning experiences for Plaintiff

1 in the face of obstructed justice on every level not imaginable by someone focused
2 on his own media business since childhood and who is simply trying to be better
3 than the good human he was the day prior.

4
5 **A) Case No. 2:14-cv-04900, Central District of California:**

6
7 On June 24, 2014, Plaintiff attempted to file Case No. 2:14-cv-04900 in this
8 District, which alleged similar claims against similar defendants (except JP
9 Morgan Chase and significant John Does) (“4900 Action”). (See Dkt. 137, Ex.
10 41.) For example, the 4900 Complaint – which is similarly complicated but at
11 least a quarter less complex – included the following serious claims: Fraud based
12 on computer and wire fraud and Intentional/Negligent Misrepresentation,
13 Threatening or Annoying Communications, Stalking, Assault, Espionage, Theft of
14 Trade Secrets, Defamation, Unfair Competition, Intentional Infliction of Emotional
15 Distress, Obstruction of Justice, Theft, Robbery, and Burglary, 42 USC § 1983, 18
16 U.S.C. § 1343. Id. As Plaintiff admitted, the 4900 Action is “most similar [but
17 significantly different] to this RICO complaint.” (FAC ¶ 45.) Plaintiff requested
18 to proceed in forma pauperis in the 4900 Action. Pursuant to 28 U.S.C. §
19 1915(e)(2), Alleged to be corrupt and bribed into retirement Magistrate Judge
20 Victor B. Kenton denied the request to file in forma pauperis and dismissed the
21 complaint for one of three false reasons without specification and where a
22 combination of facts should have legally required VBK to permit the case to move
23 forward. (See Request for Judicial Notice (Dkt. 89), Ex. A at 5 (“Plaintiff’s
24 Complaint contains conclusory allegations [and definitely contained] specific facts
25 to support a claim of conspiracy.”).)

1 **B) Case No. BC607769, Los Angeles Superior Court:**

2
3 On January 22, 2016, Plaintiff filed another lawsuit alleging similar claims against
4 Apple and its CEO Tim Cook, Facebook and its CEO Mark Zuckerberg, Alphabet,
5 and Twitter, this time in Los Angeles Superior Court, case number BC607769
6 (“7769 Action”). (See Dkt. 137, Ex. 45.) Plaintiff did not know what he was
7 doing, or that RICO was a crime, included new information, and asserted claims
8 for “Intentional Tort” and “Fraud” where he would have checked the box next to
9 “RICO” if this were the same claim. The court sustained Twitter’s demurrer in the
10 7769 Action without leave to amend, and “extended [the] ruling to apply to all
11 defendants.” (See Request for Judicial Notice (Dkt. 89, Ex. B at 1) only because
12 Plaintiff missed court due to alleged false imprisonment caused by conspiring
13 Defendants. Plaintiff included so many facts and evidence with the filing that the
14 Judge absolutely should not have dismissed “with prejudice” and probably should
15 have attempted to call the Plaintiff to make sure he was not being held hostage by
16 Defendants. That would have been the honorable thing to do, but the judge in that
17 case was probably corrupt and bribed.

18 **RESPONSE TO ARGUMENT:**

19
20 **A) The Court Must Not Dismiss the Complaint Because It Successfully**
21 **Satisfies Rule 8’s Basic Notice Requirement:**

22
23 The Court should not have and most probably illegally recognized in its Order
24 dismissing Plaintiff’s initial Complaint, Rule 8 of the Federal Rules of Civil
25 Procedure requiring plaintiffs to provide a “short and plain statement of the claim
26 showing that the pleader is entitled to relief.” Rule 8(a)(2). “The court may
27 dismiss a complaint for failure to satisfy Rule 8 if it is so confusing that it’s true
28 substance, if any, is well disguised.” Bailey v. BAC Home Loan Servicing, LP,

1 No. 11-00648, 2012 WL 589414, at *2 (D. Haw. Feb. 21, 2012) (quoting Hearn v.
2 San Bernardino Police Dep't, 530 F.3d 1124, 1131 (9th Cir. 2008) (internal
3 quotation marks omitted). Not only was the complicated complaint very well
4 organized and articulated, but Defendants had no problem reiterating the gist of the
5 complaint back to the Court in its motions. Defendant attorneys clearly understand
6 what the complaint is about, and The Court should not have failed to recognize a
7 combination of clear and convincing facts, supported by evidence, that might
8 entitle Plaintiff to court action.

9
10 Just as with Plaintiff's original Complaint, Plaintiff's FAC not only succeeds in
11 satisfying Rule 8's basic notice requirement, but the FAC included entirely new
12 paragraphs in the very beginning of the FAC where a short and plain statement of
13 the claim showing that the pleader is entitled to relief is located specifically for
14 purpose of satisfying this lie. Defendants are completely ignoring the existence of
15 not only this, but of all amendments to the Complaint. Over the course of 126 well
16 organized and highly articulate pages of pleading, Plaintiff alleges a litany of
17 disputes, slights, and setbacks, all of which have everything to do with each other
18 and all Defendants who have allegedly been conspiring and conducting the same
19 pattern of racketeering activity, which could have only been accomplished with
20 insider/conspirator information. Indeed, Defendants attorneys are lying and
21 hypocritically contradicting themselves when they claim to be unable to decipher
22 the nature of Plaintiff's grievance. Moreover, the FAC is based entirely on
23 reasonable inferences, based on clear and convincing facts, evidence, scientific
24 observations and hardly any if any deductions of fact, and any said conclusory
25 legal claims cast in the form of factual allegations are only meant and were
26 amended to only be perceived as "allegations." Dismissing claims with prejudice
27 where Plaintiff has stated multiple competent claims against all the defendants is
28 not only wrong, but also illegal, immoral, unjustifiable, and unacceptable.

1 As the Court noted in its unfair ruling on Defendant’s Motion to Dismiss Plaintiff’s
2 original Complaint, Plaintiff alleges that Defendants have conspired to defraud
3 Plaintiff and that “[t]he conspiracy reached all aspects of Plaintiff’s life.” (Dkt.
4 114.) In short, the FAC is a defense against years of inhumane treatment of
5 Plaintiff by Defendants, and which successfully gives Defendants much more than
6 fair notice of the claims against them. The only thing preventing them from
7 mounting a defense is the fact that they are (allegedly and in Plaintiff’s more than
8 humble opinion) GUILTY as charged. The FAC must not be dismissed, certainly
9 not with prejudice, for any reason. To the extent Plaintiff’s allegations are based in
10 part on the same facts and evidence alleged, the FAC and initial Complaint
11 succeed in pleading a more than sufficient number of new allegations, facts, and
12 are supported by new evidence. Plaintiff’s narrative is so comprehensible that it is
13 easily possible any educated adult to identify the factual or legal basis for claims
14 and the nature of requested relief. Plaintiff’s complaint is replete with various
15 accusations, and it is not difficult, but rather easy to discern exactly what brings
16 Plaintiff into federal court. The FAC makes it very clear that this is a RICO claim
17 based on conspiracy to commit all alleged predicate crimes. The Complaint is very
18 well written, makes complete sense, is filled with legal jargon because it is a legal
19 complaint, and with specific and distinctive references to state and federal laws, all
20 of which this court has subject matter jurisdiction over, and where all elements
21 have been alleged and linked to descriptions in the body of the complaint.
22 Defendant attorneys are being paid to lie and dismissal on any grounds would be
23 both inappropriate and illegal. Claims are based on real and very serious
24 allegations, which specify each Defendant’s role in the alleged conspiracy and as
25 further supported by Exhibit 52, which identifies John Does and further
26 demonstrates how everything is connected.
27
28

1 **B) The Court Must Not Dismiss the Complaint Because It Successfully States**
2 **a Claim Under Rule 12(b)(6):**

3
4 Plaintiff's claim(s) survive a bogus Motions to Dismiss under Rule 12(b)(6),
5 because the Complaint not only alleges facts sufficient "to raise a right to relief
6 above the speculative level," and that are more "plausible on [their] face." Bell
7 Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007). Both the Complaint and
8 FAC not only contain much more information than "recitals of the elements of a
9 cause of action, supported by mere conclusory statements," Ashcroft v. Iqbal, 556
10 U.S. 662, 678 (2009), but each cause of action is supported by descriptions of the
11 violations and are supported by evidence. A complaint containing clear and
12 convincing facts, supported by evidence and allegations of the elements must not
13 be dismissed because it offers much more than mere "labels and conclusions"
14 where Defendant attorneys are failing to recognize all of the information presented
15 through intentional neglect for what invalidates their baseless arguments,
16 specifically where more than "formulaic recitation of the elements of a cause of
17 action," are combined with precise "assertion[s]" supported by the "further factual
18 enhancement" in the form of authentic evidence (Twombly, 550 U.S. at 555, 557).
19 Pro se pleadings are to be construed liberally and this is a new case, with different
20 parties, different claims, new allegations, new evidence, and subject matter
21 jurisdiction that not relevant to Superior Court, where cases were dismissed in their
22 entirety for the sole reason that justice was obstructed through false imprisonment
23 caused by conspiring Defendants. The lie based on the doctrine of res judicata
24 does not apply for all the reasons previously stated and mostly because RES
25 JUDICATA IS NOT A LICENSE TO CONTINUE TO VIOLATE THE
26 PLAINTIFF'S RIGHTS WITH THE SAME ILLEGAL ACTIONS. Federal courts
27 are legally required to deny bogus defense where any combination might possibly
28 qualify a Plaintiff for court action. Plaintiff's claim(s) go above and beyond all
pleading requirements because they pled the elements, descriptions, private rights

1 of action for civil remedies, and to top it all off are supplemented by a
2 preponderance of facts and EVIDENCE, which are superior irrelevant case law
3 being subordinate to our constitutional rights.

4
5 **DEFENDANT ATTORNEYS ARE LYING REGARDING NOT STATING**
6 **CLAIMS. THEY ARE RESTATING THE ELEMENTS OF EACH CAUSE**
7 **OF ACTION TO TRY AND MAKE THEIR MOTIONS LONGER AND**
8 **MORE OFFICIAL LOOKING WHERE IT SHOULD BE OBVIOUS THAT**
9 **PLAINTIFF AMENDED AND ALLEGED ALL ELEMENTS IN THE FAC**
10 **WITH SUPPORTING FACTS AND MORE DECSRIPTIONS AND**
11 **EVIDENCE IN THE CORRESPONDING BODY OF THE COMPLAINT**

12 **C) Claim 1: Plaintiff Successfully States Claims**
13 **Pursuant to 18 U.S.C. § 1962 (a) and (c)**

14
15 To state a RICO violation under 18 USC §1962(a) and (c), Plaintiff pled that ALL
16 DEFENDANTS participated in (1) the conduct of (2) an enterprise that affects
17 interstate commerce (3) through a pattern (4) of racketeering activity and collection
18 of unlawful debt. In addition, the conduct is (5) the proximate cause of harm to the
19 victim. Plaintiff did not simply list “elements a plaintiff must plead to state a
20 RICO violation,” but Plaintiff included relevant facts and realleged the body of the
21 complaint and thereby linked the ALLEGED not “listed” elements to not only the
22 required facts and descriptions, but also to not required evidence supporting each
23 cause of action. Plaintiff is certainly seeking civil damages for violation of section
24 1962(a) and did indeed “allege facts tending to show that he or she was injured by
25 the use or investment of racketeering income.” Furthermore, Plaintiff can easily
26 elaborate if necessary, which should not be an issue at this point in the case, and
27 Plaintiff can easily amend such information as required, so requesting no leave to
28 amend is straight up wrong and would be like cheating against a pro se litigant who

1 cannot even get help from the justice obstructing Pro Se Clinic or their parent
2 organization Public Counsel whose board contains attorneys for a noteworthy
3 amount of corporations who Plaintiff alleges have conspired with Defendants to
4 violate EEO rights; corporations who Plaintiff could not list as Defendants simply
5 because Plaintiff does not have enough resources to print and serve numerous
6 copies of the Complaint.

7
8 To show the existence of an enterprise under the second element of the RICO
9 statute, Plaintiff pled that the enterprise has (a) a common purpose, (b) a structure
10 or organization (detailed in both Exhibits 1, 2, and under seal in Exhibit 52), and
11 (c) longevity necessary to accomplish the purpose. *Boyle v. United States*, 556
12 U.S. 938, 946 (2009). Plaintiff not only pled these facts, but he made them very
13 clear by amending them to the beginning of the FAC where Defendant attorneys
14 are acting like the new paragraphs numbers “i” through “xiv” do not exist.

15 Plaintiff further pled that Defendants are members of the “Bad Karma Enterprise”
16 who are allegedly conspiring together to do much worse than “sabotage and
17 control both [Plaintiff’s] business and personal life through incessant and illegal
18 actions not limited to fraud, espionage, defamation, theft, harassment, stalking,
19 threats, physical assault, entrapment, false imprisonment, and obstruction of
20 justice.” (FAC ¶¶ 30, 35, 167.) Plaintiff also alleges that Defendants’ “common
21 purpose” is not limited to “defraud Plaintiff of money, property, and/or
22 constitutional rights...” (FAC ¶ 170.) Yet, Defendant attorneys who recited most
23 of this information back to the Court contradict themselves in statements that lie
24 about not alleges facts to support the claim(s) etc. Plaintiff should not be required
25 to explain every detail about how Defendants worked with one another to form an
26 enterprise because they are colluding in private and Plaintiff needs information
27 form Discovery, but Plaintiff did explain that Defendants are engaging in similar
28 behavior following a recognizable pattern of racketeering activity, which can only
be accomplished through insider conspiracy and abuse of power. Plaintiff did not

1 simply label a group of corporations the “Bad Karma Enterprise,” (FAC ¶ 30), or
2 state conclusory allegations insufficient to support the existence of enterprise, but
3 Plaintiff identified individual members, their connections, background story, and a
4 tremendous amount of clear and convincing facts supported by more than sixty
5 exhibits.

6
7 Racketeering activity, the fourth element, requires predicate acts. Eclectic
8 Properties, 751 F.3d at 997. The “predicate acts” Plaintiff alleges include almost
9 every non-RICO/Conspiracy claim in the Causes of Action section where
10 “predicate acts” are labeled as “predicate crimes” because they are mostly criminal
11 causes of action, which are required by RICO to be pled by Plaintiff where
12 Defendant attorneys are lying about not having a private right of action. As
13 discussed below, Plaintiff has successfully pled not only facts sufficient to
14 constitute fraud, but also much more than the two required predicate crimes/acts,
15 and all pleading goes above and beyond in being supported by evidence.
16 Furthermore, Plaintiff’s Complaint alleges that ALL DEFENDANTS engaged in
17 all the predicate crimes/acts through Conspiracy and an obvious pattern of
18 racketeering activity.

19 Claim 1: Violations of RICO - 18 USC § 1962(a)(c) (Against All Defendants) -
20 Successfully Stated @ FAC ¶¶ 163-172 (claim stated with all elements alleged,
21 reference to laws, civil remedies, contains some specifics and realleges/references
22 body of complaint containing more facts and evidence; predicate crimes fulfilling
23 requisite elements stated separately in the COA section)

24
25 **D) Claim 2: Plaintiff Successfully States Claims**
26 **Pursuant to 18 U.S.C. § 1962(d) & 1349:**

1 Under 18 U.S.C. §1962(d), it is unlawful to conspire to commit a violation of the
2 RICO statute. Plaintiff more than sufficiently alleged multiple substantive RICO
3 violations; which entail a multitude of counts/instances of nearly twenty predicate
4 crimes all pled in the Causes of Action section where the claim for conspiracy
5 under 18 U.S.C. §1962(d) also succeeds. See Yagman v. Gabbert, 684 F. App'x
6 625, 627 (9th Cir. 2017). As discussed above, Plaintiff has alleged more than the
7 perquisite predicate crime elements of RICO violation(s) and thus successfully
8 alleges a RICO conspiracy under 18 U.S.C. § 1962(d).

9
10 In the FAC, Plaintiff adds reference to 18 U.S.C. § 1349. This is a criminal statute
11 that confers no private cause of action, but Defendant attorneys are missing the
12 point: Plaintiff is pleading criminal counts as requirements for pleading RICO, for
13 purpose of linking all Defendants through conspiracy, and for possibility of
14 holding Defendants criminally accountable. The FAC makes it clear which causes
15 of action have civil remedies and RICO was designed for purpose of a giving a
16 private civil litigant power over a justice obstructing criminal enterprise such as the
17 Klu Klux Klan who might have influence over corrupt should be prosecuting
18 authorities. Accordingly, this claim succeeds as well.

19 Claim 2: RICO/Conspiracy - 18 USC §§ 1962(d) & 1349 (Against All Defendants)
20 - Successfully Stated @ FAC ¶¶ 173-180 (claim stated with all elements alleged,
21 reference to laws, establishment of liability to all Defendants for all claims,
22 realleges/references body of complaint containing specific facts and evidence)

23
24 References to Specific Paragraphs & Possible Amendment:

25 COUNT TWO: RICO/Civil Conspiracy - 18 USC §§ 1962(d) & 1349 – FAC ¶
26 173. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific
27 reference not limited to facts contained in paragraphs 57, 69, 76, 80, 81, 83, 84, 85,
28 86-88, 93, 104, 112, 113, 116-118, 122, 127, 129-131, 134, 137-139, 141, 143,

1 147-150, 159, and 161 because the conspiracy part of the main claim is also more
2 complicated than others because it directly involves all Defendants and the entire
3 complaint is filled with references to the pattern of racketeering activity, which
4 makes the conspiracy very obvious.

5
6 **E) Claims 3–6: Plaintiff Successfully States Claims for Fraud:**

7
8 Plaintiff sufficiently alleges more than Fraud for several reasons. First, Plaintiff
9 successfully meets the heightened pleading requirements not only for Fraud, but
10 for all Causes of Action. Rule 9(b) requires that a Plaintiff alleging Fraud “must
11 state with particularity the circumstances constituting Fraud.” Rule 9(b); see also
12 *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1124 (9th Cir. 2009). To satisfy Rule
13 9(b)’s heightened standard, the allegations must be “specific enough to give
14 Defendants notice of the particular misconduct which is alleged to constitute the
15 fraud charged so that they can defend against the charge and not just deny that they
16 have done anything wrong.” *Semegen v. Weidner*, 780 F.2d 727, 731 (9th Cir.
17 1985). Thus, claims sounding in Fraud must allege “an account of the time, place,
18 and specific content of the false representations as well as the identities of the
19 parties to the misrepresentations.” *Swartz v. KPMG LLP*, 476 F.3d 756, 764 (9th
20 Cir. 2007) (per curiam) (internal quotation marks omitted). “The plaintiff must set
21 forth what is false or misleading about a statement, and why it is false.” *In re*
22 *Glenfed, Inc. Sec. Litig.*, 42 F.3d 1541, 1548 (9th Cir. 1994) (en banc), superseded
23 by statute on other grounds as stated in *Ronconi v. Larkin*, 253 F.3d 423, 429 n.6
24 (9th Cir. 2001). Plaintiff’s broad factual allegations stated throughout the body of
25 the complaint and corresponding to the Causes of Action are accompanied by a
26 Timeline (Exhibit “39”) and plenty of details as to the “time, place, specific
27 content of the false misrepresentations” “the identities of the parties to the
28 misrepresentations” and “what is false and misleading about the statements.”
Swartz 476 F.3d at 764. Furthermore, Plaintiff has given many notices, reports,

1 complaints, and reasonable requests for support containing all this information to
2 all Defendants through the proper channels, emails to: support, legal, executives,
3 and even went so far as to tag some in comments on social media. Defendants
4 have had every opportunity, for too many years, to end their attacks, mind their
5 own businesses, and resolve the conflict, are completely aware of the illegality of
6 what they are alleged to be doing. There is evidence in support of all claims where
7 screen shots, photos, and videos are all timestamped and Plaintiff has offered to
8 share more information on a request basis, so there really are no excuses regarding
9 Defendants not knowing what they are up against and therefore Plaintiff
10 successfully satisfies and trumps the heightened pleading standard for Fraud.

11 Second, Plaintiff successfully set forth individual allegations of Fraud for each
12 Defendant, all of whom are to be held equally liable through Conspiracy. Rule
13 9(b) may not allow a complaint to merely lump multiple Defendants together, but
14 RICO/Conspiracy requires different pleading and Plaintiff has identified a
15 RACKETEERING INFLUENCED CORRUPT ORGANIZATION, which is being
16 referred to as the Bad Karma Enterprise, and “ALL DEFENDENTS” or other
17 references to Defendants in the plural sense applies to ALL DEFENDANTS in this
18 case because Plaintiff is holding all alleged conspirators equally liable by law, but
19 is willing to negotiate levels of responsibility in relation to the pie chart (Exhibit
20 “14”) in Alternative Dispute Resolution. To differentiate their allegations, Plaintiff
21 included references to all the smaller attacks by Defendant in the body of the
22 Complaint/FAC, with attached exhibits, timeline, explanation of how everything is
23 connected, etc.; and the pie chart breaks down the damage regarding the Tech.
24 Defendants. Each Defendant has been informed separately of the allegations
25 surrounding alleged participation in the fraud, both through this complaint and in
26 prior communications. Thus, a complaint must not be dismissed because it
27 succeeds “to set forth each individual’s alleged participation in the fraudulent
28 scheme.” United States v. Corinthian Colleges, 655 F.3d 984, 998 (9th Cir. 2011).

1 Plaintiff has successfully set forth each Defendant’s alleged participation in the
2 fraudulent scheme and went into further detail under seal in Exhibit “52,” which
3 identifies John Does, suspects, and their roles in the criminal enterprise. Plaintiff
4 repeatedly refers to Defendants together because this case is mostly about taking
5 down a criminal enterprise where all Defendants and John Does are being held
6 equally liable for all causes of action through RICO/Conspiracy. Plaintiff gives
7 many specific details and evidence, all of which more than meet the requirements,
8 for allegations of Defendants engaged in wrongdoing. Plaintiff further alleges
9 several species of Fraud and explains the logic behind all his rational connections
10 to Defendants throughout the complaint. There are still segments of the Complaint
11 that require further Discovery to pinpoint which Defendants are responsible for
12 smaller attacks, but the existing trail of evidence and statements clearly connect
13 ALL DEFENDANTS to all causes of actions through an obvious CONSPIRACY
14 in an obscene, malicious, and oppressive amount of violations of THE RICO ACT.

15 Third, Plaintiff successfully alleged facts sufficient to support all elements of the
16 specific Fraud statutes upon which his claims are based. For example, Computer
17 Fraud under 18 U.S.C. § 1030 requires that a Defendant “intentionally accesse[d] a
18 computer without authorization or exceed[ed] authorized access” and thereby
19 “obtain[ed] ... information from any protected computer.” 18 U.S.C. § 1030(a);
20 *Musacchio v. United States*, 136 S. Ct. 709, 711 (2016). These allegations appear
21 in the Causes of Action section of the Complaint and allegations of facts against
22 specific Defendants in support; such as screen watching, GPS stalking, etc. are
23 further described in the realleged body of the Complaint/FAC. Similarly, to allege
24 Wire Fraud, Plaintiff alleged: (1) the formation or scheme or artifice to defraud and
25 (2) the use of interstate communications wires in furtherance of the scheme. 18
26 U.S.C. § 1343; *United States v. Bohonus*, 628 F.2d 1167, 1171 (9th Cir. 1980).
27 Mail fraud under 18 U.S.C. § 1341 contains the same elements as Wire Fraud but
28 additionally requires a specific intent to defraud, all of which were pled by

1 Plaintiff. (Eclectic Properties, 751 F.3d at 997) Plaintiff alleges the elements of
2 Mail and Wire Fraud, which are supported by clear and convincing facts in the
3 body of the complaint, which also attached conforming evidence.

4
5 Fourth, while section 3294 provides a basis for an award of punitive damages in
6 certain civil actions such as this, it is not a basis for an independent claim, nor is it
7 in this case where it's intended use is in combination with civil remedies for
8 RICO/Conspiracy. See Hilliard v. A.H. Robins Co., 148 Cal. App. 3d 374, 391
9 (1983) The causes of action for punitive damages are inclusive to all claims against
10 all Defendants in the complaint under RICO/Conspiracy. Punitive or exemplary
11 damages are remedies available because Plaintiff pled and can prove the facts and
12 circumstances set forth in Civil Code section 3294. Accordingly, to the extent that
13 Plaintiff asserts that section 3294 serves as collective basis of liability, his third
14 cause of action for Fraud must not be dismissed. For these reasons, the Court
15 should not dismiss any of Plaintiff's RICO and Fraud or other claims, and ability to
16 further amend should be permitted if necessary, but it would make more sense to
17 move on to Discovery for purpose of including more discoverable facts and
18 possible adding Tom Tate as a Defendant to the next amended Complaint, and
19 better yet on to ADR with hope to resolving the conflict.

20 Claim 3: FRAUD - PEN § 470, 18 USC § 1001, CIV § 1710, CIV § 3294 (Against
21 All Defendants) - Successfully Stated @ FAC ¶¶ 181-190 (claim stated with all
22 elements alleged, reference to laws, civil remedies, contains specifics and
23 realleges/references body of complaint containing more facts and evidence; also
24 pleads fraud, malice, and oppression for punitive damages)

25
26 Claim 4: Computer Fraud - 18 USC § 1030 (Against All Defendants) -
27 Successfully Stated @ FAC ¶¶ 191-198 (claim stated with all elements alleged,

1 reference to laws, civil remedies, contains specifics and realleges/references body
2 of complaint containing more facts and evidence)

3
4 Claim 5: Wire Fraud - 18 USC § 1343 (Against All Defendants) - Successfully
5 Stated @ FAC ¶¶ 191-204 (claim stated with all elements alleged, reference to
6 laws, contains specifics and realleges/references body of complaint containing
7 more facts and evidence)

8
9 Claim 6: Mail Fraud – 18 USC § 1341 (Against All Defendants) - Successfully
10 Stated @ FAC ¶¶ 205-209 (claim stated with all elements alleged, reference to
11 laws, realleges/references body of complaint containing specific facts and
12 evidence)

13 Specific references to paragraphs alleging facts relevant to the corresponding
14 claims and how both the Complaint and FAC were meant to be written, also which
15 stand as an example of how Plaintiff can further amend and improve on the FAC to
16 specify such references, are included as follows:

17
18 References to Specific Paragraphs & Possible Amendment:

19 COUNT THREE: FRAUD - PEN § 470, 18 USC § 1001, CIV § 1710, CIV § 3294
20 – FAC ¶ 181. Plaintiff re-alleges and restates paragraphs "i" through 365; with
21 specific reference to paragraphs 51-54, 56, 57, 61, 66, 69, 70, 72, 75, 76, 79, 82,
22 89, 92, 93, 95, 96-98, 102, 105, 109, 110, 147-148, and 159.

23
24 References to Specific Paragraphs & Possible Amendment:

25 COUNT FOUR: Computer Fraud - 18 USC § 1030 – FAC ¶ 191. Plaintiff re-
26 alleges and restates paragraphs "i" through 365; with specific reference to
27 paragraphs 56-58, 60, 61, 66, 76, 87, 97, 98, 100-102, 107, 116, and 123.

28
OPPOSITION TO TECH COMPANY DEFENDANTS' MOTION TO DISMISS 1ST AMENDED COMPLAINT

1 References to Specific Paragraphs & Possible Amendment:

2 COUNT FIVE: Wire Fraud - 18 USC § 1343 – FAC ¶ 199. Plaintiff re-alleges and
3 restates paragraphs "i" through 365; with specific reference to paragraphs x, 57, 58,
4 61, 76, 86, 90, 96, 100, 101, 116, and 128.

5
6 References to Specific Paragraphs & Possible Amendment:

7 COUNT SIX: Mail Fraud – 18 USC § 1341 – FAC ¶ 205. Plaintiff re-alleges and
8 restates paragraphs "i" through 365; with specific reference to paragraphs 72, 61,
9 69, 76, and 159.

10 **F) Claims 3, 5–17: Plaintiff’s California Penal Code & Federal Criminal**
11 **Statute Allegations Were Pled With Purpose Under RICO:**

13 Plaintiff alleges various claims under the California Penal Code and federal
14 criminal statutes. While federal courts are “quite reluctant to infer a private right
15 of action from a criminal prohibition alone.” (meaning they can infer the right if
16 they want to) Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.,
17 511 U.S. 164, 190 (1994). Because, in general, criminal statutes do not create a
18 private right of action or serve as a basis for civil liability, courts in the Ninth
19 Circuit routinely dismiss claims based on violations of the California Penal Code
20 and federal criminal provisions. See Ellis v. City of San Diego, 176 F.3d 1183,
21 1189 (9th Cir. 1999). This case is exceptionally different because Plaintiff is
22 required to plead predicate crimes as requisite elements of RICO and all penal
23 code and criminal statutes alleged are necessary for purposes of both linking all
24 Defendants to the Bad Karman Enterprise through conspiracy and an obvious
25 (based on evidence) pattern of racketeering activity, and for possibility of arrests in
26 case Defendants continue to intentionally neglect the law as alleged. These facts
27 affirm a necessity for the Court to sustain all sixteen causes of action in violations
28 of the California Penal Code under RICO/Conspiracy which creates enforceable

1 rights. 18 U.S.C. §§ 241 and 242 are criminal provisions that also have basis for
2 civil liability through RICO/Conspiracy. A statute that provides for a criminal
3 proceeding can create a civil liability as a predicate RICO violation; which has
4 provision for remedies by civil action to persons injured by breaches of the pled
5 statutes. Accordingly, and as explained both above and below, there is a private
6 right of action for alleged violations of criminal statutes, none of these claims
7 should be dismissed, there is no excuse for Defendant attorneys not to know this to
8 be true, and they should be sanctioned for lying.

9
10 **Third Claim: Fraud:** There is a private right of action for fraud in violation of
11 California Penal Code § 470 because it is pled as predicative crime and
12 prerequisite element of RICO. Furthermore, 18 U.S.C. § 1001 “applies to such
13 conduct... done ‘within the jurisdiction of the executive, legislative, or judicial
14 branch of the Government of the United States.’” Valencia v. Reyna, No. CV 07-
15 1294-PHX-DGC (MEA), 2007 WL 2320077, at *3 (D. Ariz. Aug. 10, 2007). The
16 complaint, which includes all exhibits, is full of allegations of fraudulent conduct
17 done in matters within the jurisdiction of the executive and judicial branches of the
18 United States government and there are civil remedies for predicative crimes pled
19 as prerequisite elements of RICO.

20 **Fifth Claim: Wire Fraud/ Sixth Claim: Mail Fraud:** There is a private right of
21 action for wire fraud or mail fraud in violation of 18 U.S.C. §§ 1341 and 1343
22 because they are pled as predicative crimes and prerequisite elements of RICO.

23
24 **Seventh Claim: Criminal Threats:** There is a private right of action for criminal
25 threats in violation of California Penal Code § 422 because it is pled as predicative
26 crime and prerequisite element of RICO.

27
28 Claim 7: Criminal Threats - PEN § 422 (Against All Defendants) - Successfully

1 Stated @ FAC ¶¶ 210-215 (claim stated with all elements alleged, reference to
2 laws, contains specifics and realleges/references body of complaint containing
3 more facts and evidence)

4
5 References to Specific Paragraphs & Possible Amendment:

6 COUNT SEVEN: Criminal Threats - PEN § 422 – FAC ¶ 210. Plaintiff re-alleges
7 and restates paragraphs "i" through 365; with specific reference to paragraphs 51,
8 53, 55, 61, 80, 108, 115, 129, and 130.

9
10 **Eighth Claim: Annoying Communications:** There is a basis for civil liability for
11 an unlawful communication in violation of California Penal Code § 653m because
12 the threatening aspects because are pled as predicative crimes and prerequisite
13 elements of RICO.

14
15 Claim 8: Obscene, Threatening, & Annoying Communications - PEN § 653m
16 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 215-221 (claim stated
17 with all elements alleged, reference to laws, contains specifics and
18 realleges/references body of complaint containing more facts and evidence)

19 References to Specific Paragraphs & Possible Amendment:

20 COUNT EIGHT: Obscene, Threatening, & Annoying Communications - PEN §
21 653m – FAC ¶ 216. Plaintiff re-alleges and restates paragraphs "i" through 365;
22 with specific reference to paragraphs 51-57, 60, 61, 68, 84, 89, 91, 92, 95, 96-99,
23 104, 106, 108, 114-116, 122, 129-131, and 139.

24
25 **Ninth Claim: Stalking:** There is a private right of action for stalking in violation
26 of Code § 646.9 because threatening aspects are pled as predicative crimes and
27 prerequisite elements of RICO.

1 Claim 9: Stalking - PEN § 649(.9) (Against All Defendants) - Successfully Stated
2 @ FAC ¶¶ 222-227 (claim stated with all elements alleged, reference to laws,
3 contains specifics and realleges/references body of complaint containing more
4 facts and evidence)

5
6 References to Specific Paragraphs & Possible Amendment:

7 COUNT NINE: Stalking - PEN § 649(.9) – FAC ¶ 222. Plaintiff re-alleges and
8 restates paragraphs "i" through 365; with specific reference to paragraphs 56, 58,
9 61, 76, 81, 106, 111, and 113-118.

10 **Tenth Claim: Assault and Battery:** There is no private right of action for assault
11 and battery in violation of Code §§ 240 or 242. See Muhammad v. Garrett, No.
12 1:12-cv-01199-AWI-JLT, 2012 WL 3205479, at *6 (E.D. Cal. August 2, 2012).

13
14 Claim 10: Assault & Battery - PEN §§ 240 & 242 (Against All Defendants) -
15 Successfully Stated @ FAC ¶¶ 228-235 (claim stated with all elements alleged,
16 reference to laws, contains specifics and realleges/references body of complaint
17 containing more facts and evidence)

18
19 References to Specific Paragraphs & Possible Amendment:

20 COUNT TEN: Assault & Battery - PEN §§ 240 & 242 – FAC ¶ 228. Plaintiff re-
21 alleges and restates paragraphs "i" through 365; with specific reference to
22 paragraphs 61, 74, 109-111, 123, and 127.

23
24 **Eleventh Claim: Espionage:** There is a private right of action for a violation of
25 the Economic Espionage Act, 18 U.S.C. §§ 1831–39 because it is pled as
26 predicative crime and prerequisite element of RICO.

1 Claim 11: Espionage - Economic & Personal - 18 USC § 1831 (Against All
2 Defendants) - Successfully Stated @ FAC ¶¶ 236-240 (claim stated with all
3 elements alleged, reference to laws, contains specifics and realleges/references
4 body of complaint containing more facts and evidence)

5
6 References to Specific Paragraphs & Possible Amendment:

7 COUNT ELEVEN: Espionage - Economic & Personal - 18 USC § 1831 – FAC ¶
8 236. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific
9 reference to paragraphs 56, 58, 60, 61, 67, 69, 80, 81, 84, 87, 90, 98, 100, 101, 106,
10 113, 116, 118, and 128.

11 **Twelfth Claim: Theft of Trade Secrets:** As stated supra, there is a private right of
12 action for a violation of the Economic Espionage Act, 18 U.S.C. §§ 1831–39
13 because it is pled as predicative crime and prerequisite element of RICO.
14

15 Claim 12: Theft of Trade Secrets - 18 USC §§ 1832 & 1836 (Against All
16 Defendants) - Successfully Stated @ FAC ¶¶ 241-246 (claim stated with all
17 elements alleged, reference to laws, civil remedies, contains specifics and
18 realleges/references body of complaint containing more facts and evidence)

19
20 References to Specific Paragraphs & Possible Amendment:

21 COUNT TWELVE: Theft of Trade Secrets - 18 USC §§ 1832 & 1836 – FAC ¶
22 241. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific
23 reference to paragraphs 56, 67, 68, 80, and 90.

24
25 **Thirteenth Claim: Obstruction of Justice:** Plaintiff has demonstrated that there
26 is a statutory basis for inferring a private right of action and has addressed civil
27 liability in the context of 18 USC §§ 1510 and 1513 through predicative crime
28

1 pleading as prerequisite elements of RICO/Conspiracy, which create civil remedy
2 for all the Plaintiff's claims.

3
4 Claim 13: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 (Against All
5 Defendants) - Successfully Stated @ FAC ¶¶ 247-252 (claim stated with all
6 elements alleged, reference to laws, contains specifics and realleges/references
7 body of complaint containing more facts and evidence)

8
9 References to Specific Paragraphs & Possible Amendment:

10 COUNT THIRTEEN: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 –
11 FAC ¶ *241.21*. Plaintiff re-alleges and restates paragraphs "i" through 365; with
12 specific reference to paragraphs 56, 58, 59, 67, 74, 75, 78, 79, 82, 83, 84, 85, 98,
13 99, 126, 132, 137, 143, 145, and 146.

14 **Fourteenth Claim: False Imprisonment:** There is a private right of action for
15 false imprisonment in violation of California Penal Code § 236 because it is pled
16 as predicative crime and prerequisite element of RICO. Plaintiff alleges that false
17 imprisonment was attempted murder. Although no case addresses civil liability in
18 the context of California Penal Code § 210.5, Plaintiff has demonstrated a statutory
19 basis for inferring a private right of action on its face or through RICO.

20
21 Claim 14: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC § 1983
22 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 253-259 (claim stated
23 with all elements alleged, reference to laws, civil remedies, contains specifics and
24 realleges/references body of complaint containing more facts and evidence)

25
26 References to Specific Paragraphs & Possible Amendment:

27 COUNT FOURTEEN: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC
28

1 § 1983 – FAC ¶ 253. Plaintiff re-alleges and restates paragraphs "i" through 365;
2 with specific reference to paragraphs 61, 79, 81-83, 87, 99, 109, and 130.

3
4 **Fifteenth Claim: Perjury:** There is a private right of action for perjury in
5 violation of Penal Code § 118 or 18 USC § 1621 because it is pled as predicative
6 crime that created false justification for false imprisonment, obstruction of justice,
7 attempted murder, which meet the prerequisite elements of RICO.

8
9 Claim 15: Perjury –18 USC § 1621; CPC § 118(a) (Against All Defendants) -
10 Successfully Stated @ FAC ¶¶ 253-264 (claim stated with all elements alleged,
11 reference to laws, contains specifics and realleges/references body of complaint
12 containing more facts and evidence)

13 References to Specific Paragraphs & Possible Amendment:

14 COUNT FIFTEEN: Perjury –18 USC § 1621; CPC § 118(a) – FAC ¶ 260.

15 Plaintiff re-alleges and restates paragraphs "i" through 365; with specific reference
16 to paragraphs 82, LADOT Officer Lying on the Stand, Lying Court Doctors, and
17 Lying Defendant Attorneys.

18
19 **Sixteenth Claim: Robbery & Theft/Burglary:** There is a private right of action
20 for robbery in violation of Penal Code §§ 211, 484, and 458 because they are pled
21 as predicative crimes and prerequisite elements of RICO. Dismissing any claims
22 under criminal statutes would be illegal because Plaintiff has provided authority
23 and argument supporting implicit contention that he maintains a private right of
24 action under all these criminal statutes. Additionally, there a private right of action
25 for robbery under 18 U.S.C. § 2113 because it is pled as predicative crime and
26 prerequisite element of RICO.

27 Claim 16: Robbery & Theft/Burglary - 18 USC § 2113; PEN §§ 211, 484, & 458
28

1 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 265-272 (claim stated
2 with all elements alleged, reference to laws, contains specifics and
3 realleges/references body of complaint containing more facts and evidence)

4
5 References to Specific Paragraphs & Possible Amendment:

6 COUNT SIXTEEN: Robbery & Theft/Burglary - 18 USC § 2113; PEN §§ 211,
7 484, & 458 – FAC ¶ 265. Plaintiff re-alleges and restates paragraphs "i" through
8 365; with specific reference to paragraphs 79, 84, 86, 90, 92, 100, 101, 105, 106,
9 126, and 133.

10
11 **Seventeenth Claim: Attempted Murder:** Although no case addresses civil
12 liability in the context of 18 USC §§ 1113 or 113, Plaintiff has demonstrated that
13 there is statutory basis for inferring a private right of action for both claims through
14 reference to civil remedies where they are pled as predicative crimes and
15 prerequisite elements of RICO.

16 Furthermore, Plaintiff has legal justification to pursue a private right of action
17 associated with all the above alleged criminal violations, the FAC is full of clear
18 and convincing facts with attached evidence that support all claims against the all
19 Defendants. As such, the claims are not subject to dismissal and there must be
20 leave to amend because at least one John Doe needs to be held accountable.

21
22 Claim 17: Attempted Murder (Assault & Battery) - 18 USC §§ 1113 & 113;
23 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 273-280 (claim stated
24 with all elements alleged, reference to laws, contains specifics and
25 realleges/references body of complaint containing more facts and evidence)

26
27 References to Specific Paragraphs & Possible Amendment:

28 COUNT SEVENTEEN: Attempted Murder (Assault & Battery) - 18 USC §§ 1113

1 & 113 – FAC ¶ 273. Plaintiff re-alleges and restates paragraphs 1 through 365;
2 with specific reference to paragraphs 58, 61, 74, 81, 82, 109-112, 123, 127, 130,
3 143, and 149.

4
5 **G) Claims 13 & 14: Plaintiff’s 42 U.S.C. § 1983 & 42 U.S.C. § 1985**

6 **Claims Succeed as a Matter of Law:**

7
8 Plaintiff alleges that Defendants are interfering with civil rights in violation of 42
9 U.S.C. §§ 1983 and 1985(2). (FAC ¶¶ 249, 253, 258, etc.) To state a claim under
10 § 1983, Plaintiff “show[s] the violation[s] of a federal right by [people] acting
11 under color of state law.” King v. Cty. of Los Angeles, No. 14-55320, 2018 WL
12 1247002, at *5 (9th Cir. Mar. 12, 2018). Conspiring Defendants including John
13 Does and not limited to justice obstructing authorities acting “under color of state
14 law,” are alleged to “have exercised power possessed by virtue of state law and
15 made possible only because the wrongdoer is clothed with the authority of state
16 law.” West v. Atkins, 487 U.S. 42, 49 (U.S. 1988). Defendants in this action
17 include John Does, are not limited private entities and public corporation, but they
18 have with deep connections to state and federal actors, some of which are alleged
19 to have been bribed or otherwise corrupted; thus, Plaintiff can state a § 1983 claim
20 on its face and through RICO/Conspiracy.

21 In stating a claim under § 1985(2) for conspiracy to deny equal protection of the
22 laws, Plaintiff alleges “facts sufficient to show that Defendants conspired against
23 [him] based on [his] membership in a protected class.” Yan Sui v. 2176 Pac.
24 Homeowners Ass’n, --- Fed. Appx. ---, 2017 WL 2198151, at *1 (9th Cir. May 18,
25 2017) (citing Bretz v. Kelman, 773 F.2d 1026, 1028–30 (9th Cir. 1985) (en banc)).
26 Plaintiff, a CITIZEN OF THE UNITED STATES OF AMERICA alleges and can
27 further plead that he was violated based on membership regarding a protected
28

1 class; more can be easily deducted from Exhibit “52.” Therefore, this claim
2 succeeds.

3
4 Claim 13: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 (Against All
5 Defendants) - Successfully Stated @ FAC ¶¶ 247-252 (claim stated with all
6 elements alleged, reference to laws, contains specifics and realleges/references
7 body of complaint containing more facts and evidence)

8
9 References to Specific Paragraphs & Possible Amendment:

10 COUNT THIRTEEN: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 –
11 FAC ¶ *241.21*. Plaintiff re-alleges and restates paragraphs "i" through 365; with
12 specific reference to paragraphs 56, 58, 59, 67, 74, 75, 78, 79, 82, 83, 84, 85, 98,
13 99, 126, 132, 137, 143, 145, and 146.

14 Claim 14: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC § 1983
15 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 253-259 (claim stated
16 with all elements alleged, reference to laws, civil remedies, contains specifics and
17 realleges/references body of complaint containing more facts and evidence)

18
19 References to Specific Paragraphs & Possible Amendment:

20 COUNT FOURTEEN: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC
21 § 1983 – FAC ¶ 253. Plaintiff re-alleges and restates paragraphs "i" through 365;
22 with specific reference to paragraphs 61, 79, 81-83, 87, 99, 109, and 130.

23
24 **H) Claim 18: Plaintiff Successfully States a Claim for Defamation:**

25
26 Plaintiff properly alleged claim(s) for Defamation under California law by
27 pleading more than the elements and allegations that (1) a publication that is (2)
28 false, (3) defamatory, (4) unprivileged, and (5) has a natural tendency to injure or

1 causes special damage [was used to defame the Plaintiff]. Wong v. Tai Jing, 189
2 Cal. App. 4th 1354, 1369 (2010). Plaintiff's claim succeeds on its face because,
3 aside from a vague reference to a "doctor report" (FAC, ¶ 285) he does identify
4 alleged defamatory and misrepresentative social web statistics sabotaged by the
5 Tech. Company Defendants who are also alleged to have conspired with John Does
6 identified under seal, one of which happens to both share the name hack cast name
7 of Chase's attorney and who authored a seriously libelous and damaging email
8 mentioned under seal. See Exhibit "52" over Jacobson v. Schwarzenegger, 357 F.
9 Supp. 2d 1198, 1216 (C.D. Cal. 2004) In stating the claim(s) for defamation under
10 California law, "the allegedly defamatory statement must be specifically identified,
11 and the Plaintiff must plead the substance of the statement." (citing Okun v. Super.
12 Ct., 29 Cal. 3d 442, 458 (1981)). Plaintiff was so specific as to some of the
13 Defamation that evidence was attached, and Plaintiff mentioned that more
14 evidence exists. The FAC not only contains factual allegations that support this
15 claim against the Tech. Company Defendants, but more evidence still exists, can
16 also be discovered through reissuance of subpoenas, and can also be pled through
17 further amendment, which should not be necessary unless more John Does are
18 amended from Exhibit "52" to actual Defendants. As such, there should be leave
19 to amend and dismissing this claim would be wrong.

20 *Specifically, Plaintiff alleges that "none of this is possible without the conspiracy
21 of multiple individuals intending to oppress the Plaintiff through a denial of equal
22 protection and rights under the law." (Compl. ¶ 219) = Conspiracy & Proof of
23 both pleading "oppression" element for punitive damages under fraud and through
24 RICO, and the fact that Defendant attorneys contradict themselves in their lying.

25
26 Claim 18: Defamation - CIV §§ 44(a)(b); 45-46 (Against All Defendants) -
27 Successfully Stated @ FAC ¶¶ 281-286 (claim stated with all elements alleged,
28

1 reference to laws, contains specifics and realleges/references body of complaint
2 containing more facts and evidence)

3
4 References to Specific Paragraphs & Possible Amendment:

5 CAUSE OF ACTION EIGHTEEN: Defamation - CIV §§ 44(a)(b); 45-46 – FAC ¶
6 281. Plaintiff re-alleges and restates paragraphs 1 through 365; with specific
7 reference to paragraphs 59, 61, 82, 93, 99, 107, 118, and 122.

8
9 **I) Claim 19: Plaintiff Successfully States Unfair Competition Claims:**

10 To establish a violation of section 17200 of California’s Unfair Competition Law
11 (“UCL”), “a plaintiff must show either an (1) ‘unlawful, unfair, or fraudulent
12 business act or practice,’ or (2) ‘unfair, deceptive, untrue or misleading
13 advertising.” Lippitt v. Raymond James Fin. Servs., 340 F.3d 1033, 1043 (9th Cir.
14 2003) (quoting Cal. Bus. & Prof. Code § 17200). “A business practice is
15 fraudulent under the UCL if members of the public are likely to be deceived.”
16 Davis v. HSBC Bank Nevada, N.A., 691 F.3d 1152, 1169 (9th Cir. 2012).

17
18 Plaintiff alleges unfair competition based on a combination of pretty much
19 everything in the FAC and alleges the elements in a statement that Defendants
20 “committed multiple illegal and unfair competition business acts.” (FAC ¶ 290)
21 following a corresponding paragraph within the statement of this claim in the
22 Causes of Action section and with reference to the body of the complaint, which
23 contains a multitude of facts covering many instances of illegal and unfair business
24 acts allegedly conducted by all Defendants. The Complaint clearly identifies an
25 obscene amount of alleged fraudulent business practices on top of other criminal
26 business activity as basis from which to conclude that all Defendants are deceiving
27 both the people and the Plaintiff. To the extent Plaintiff incorporates other claims
28 as the basis for alleged fraudulent acts, the claim succeeds for the same reasons set

1 forth elsewhere in this Opposition. As such, this claim is not subject to dismissal
2 and amendment should not be necessary for this case to move forward.

3
4 Claim 19: Unfair Competition - CBPC § 17200-17210 Intentional Interference
5 with Economic Relations (Against All Defendants) - Successfully Stated @ FAC
6 ¶¶ 287-291 (claim stated with all elements alleged, reference to laws,
7 realleges/references both body of complaint containing specific facts and evidence;
8 also references all causes of action)

9
10 References to Specific Paragraphs & Possible Amendment:

11 CAUSE OF ACTION NINETEEN: Unfair Competition - CBPC § 17200-17210
12 Intentional Interference with Economic Relations – FAC ¶ 287. Plaintiff re-alleges
13 and restates paragraphs “i” through 365; with specific reference to paragraphs 51-
14 54, 56, 58-61, 67-69, 74, 76, 80-82, 84-85, 86, 87, 89, 91-93, 95, 96-98, 100-102,
15 105-107, 109-111, 113-119, 121-123, 126-131, 133, 143, and 159.

16 **J) Claim 20: Plaintiff’s Intentional Infliction of Emotional Distress Claim**
17 **Succeeds:**

18
19 Plaintiff prevails on the claim for intentional infliction of emotional distress
20 because he shows that Defendants intentionally and recklessly are causing the
21 suffering of “severe or extreme emotional distress” through their “extreme and
22 outrageous conduct.” *Sarver v. Chartier*, 813 F.3d 891, 907 (9th Cir. 2016) (citing
23 *Hughes v. Pair*, 46 Cal. 4th 1035 (2009)). “A defendant’s conduct is ‘outrageous’
24 when it is so extreme as to exceed all bounds of that usually tolerated in a civilized
25 community. And the Defendant’s conduct must be intended to inflict injury or
26 engaged in with the realization that injury will result. Liability for intentional
27 infliction of emotional distress does not extend to mere insults, indignities, threats,

1 annoyances, petty oppressions, or other trivialities.” Hughes v. Pair, 46 Cal. 4th at
2 1050–51.

3
4 The FAC is a major upgrade of the initial Complaint, which is a very complicated
5 compilation of clear and convincing facts and evidence standing as public record to
6 serious and caused by criminal activity “setback[s] he has encountered in the last
7 several years.” (MTD Order (Dkt. 114) at 7.) Plaintiff relies on well documented
8 and evidence supported allegations not limited to of “hack attacks” and “coerced
9 self-publishing” and has pointed to multiple allegations of criminal conduct “so
10 extreme as to exceed all bounds of that usually tolerated in a civilized community,”
11 and that Defendants engaged in conduct “with an intent to inflict injury or engaged
12 with the realization that injury will result.” (FAC ¶ 295.) As such, the Court must
13 DENY the Defendants’ motions.

14 Claim 20: Intentional Infliction of Emotional Distress - (Against All Defendants) -
15 Successfully Stated @ FAC ¶¶ 292-298 (claim stated with all elements alleged,
16 reference to laws, contains specifics and realleges/references body of complaint
17 containing more facts and evidence)

18
19 References to Specific Paragraphs & Possible Amendment:

20 CAUSE OF ACTION TWENTY: Intentional Infliction of Emotional Distress –
21 FAC ¶ 292. Plaintiff re-alleges and restates paragraphs “i” through 365; with
22 specific reference to paragraphs 51-61, 67, 74, 76, 80-83, 84, 85, 86, 87, 89-93, 95-
23 97, 99, 100-102, 104-107, 109-111, 113-118, 121-123, 126-133, 139, 143, and
24 159.

1 **K) Claim 21: Plaintiff’s Cybersquatting Claim Should Succeed:**

2
3 Plaintiff admits that this may be the weakest claim in the FAC, but civil remedies
4 entitling Plaintiff to transfer of the domain name in dispute, which is the purpose of
5 this claim, have been pled under a combination of RICO, Conspiracy, and Fraud.
6 Plaintiff alleges a claim against all Defendants for cybersquatting in violation of 15
7 U.S.C. § 1125(d). FAC ¶¶ 301–305. “The Anti–Cybersquatting Consumer
8 Protection Act establishes civil liability for ‘cyberpiracy’ where a plaintiff proves
9 that (1) the defendant registered, trafficked in, or used a domain name; (2) the
10 domain name is identical or confusingly similar to a protected mark owned by the
11 Plaintiff; and (3) the Defendant acted with bad faith intent to profit from that
12 mark.” DSPT Int’l, Inc. v. Nahum, 624 F.3d 1213, 1218–19 (9th Cir. 2010).
13 Plaintiff’s claim is for the domain name in dispute, (see FAC ¶ 301) but and he
14 alleges that John Doe Defendant(s) own(s) or control(s) this domain, that it is
15 being used with bad faith intent to profit, but it being a protected mark owned by
16 Plaintiff is tricky because Plaintiff would have and could have or debatably already
17 would have owned an at least confusingly similar mark had it not been for the
18 alleged and connected Conspiracy, Fraud, and RICO violations. Accordingly, this
19 claim should succeed, which does not really matter because Plaintiff successfully
20 pled other Causes of Action entitling him to the requested relief.

21 Claim 21: Cybersquatting - ACPA @ USC 15 § 1125(d) (Against All Defendants)
22 - Successfully Stated @ FAC ¶¶ 299-305 (claim stated with all elements alleged,
23 reference to laws, contains specifics and realleges/references body of complaint
24 containing more facts and evidence)

1 References to Specific Paragraphs & Possible Amendment:

2 CAUSE OF ACTION TWENTY-ONE: Cybersquatting - ACPA @ USC 15 §
3 1125(d) – FAC ¶ 299. Plaintiff re-alleges and restates paragraphs “i” through 365;
4 with specific reference to paragraphs 61, 66, 76, 144, and 159.

5
6 **L) Claim 22: Plaintiff’s Title VII Claim Succeeds:**

7
8 Plaintiff alleges claims for “EEO Violations” under Title VII of the Civil Rights
9 Act of 1964. (FAC ¶¶ 306–09.) Title VII, 42 U.S.C. § 2000e et seq., prohibits
10 employment discrimination on the basis of race, color, religion, sex, or national
11 origin. 42 U.S.C. § 2000e-2(a)(1); see also Ricci v. DeStefano, 557 U.S. 557, 577
12 (2009). In stating a prime facie case of employment discrimination under Title
13 VII, Plaintiff alleged that “(1) [he] belongs to a protected class; (2) [he] was
14 qualified for the position; (3) [he] suffered an adverse employment action; and (4)
15 similarly situated individuals outside [his] protected class were treated more
16 favorably.” O’Riley v. Walmart, Inc., No. 3:11-CV-00232-LHR-WGC, 2012 WL
17 3069152, at *4 (D. Nev. July 26, 2012).

18 Plaintiff’s Title VII allegations are largely the same as those contained in the
19 Complaint because Defendants have not stopped their daily violations, which have
20 been preventing Plaintiff from gaining employment from something like 100 to
21 1,000 new job applications every month and res judicata is not a license to keep
22 committing the same violations. (Compare Compl. ¶¶ 135–37, with FAC ¶¶ 135–
23 37.) Plaintiff alleges that he “has applied for thousands of relevantly selected jobs
24 over the years with no call backs or emails for interviews,” and that Defendants
25 “are definitely interfering not only with the ability to acquire money by any means,
26 but also with Plaintiff’s equal employment opportunity rights.” (FAC ¶ 135.) This
27 allegation gives no indication of any action by individual Defendants because
28 Plaintiff is literally making statements about all Defendants violating EEO rights

1 both individually and through conspiracy, all the elements, including this CITIZEN
2 OF THE UNITED STATES OF AMERICA being a member of a protected class,
3 and discriminated against based on age and sex are alleged (see Causes of Actions
4 section). The Court has jurisdiction over this claim because Plaintiff has exhausted
5 administrative remedies and possesses letters from the EEOC supporting his right
6 to sue. Accordingly, this claim must not be dismissed, and Plaintiff has private
7 right of action.

8
9 Claim 22: EEO Violations - 42 USC § 2000e-2(a) (Against All Defendants) -
10 Successfully Stated @ FAC ¶¶ 306-309 (claim stated with all elements alleged,
11 reference to laws, contains specifics and information can easily be deduced from
12 Exhibit 52, and realleges/references body of complaint containing more facts and
13 evidence)

14 References to Specific Paragraphs & Possible Amendment:

15 CAUSE OF ACTION TWENTY-TWO: EEO Violations - 42 USC § 2000e-2(a) –
16 FAC ¶ 306. Plaintiff re-alleges and restates paragraphs “i” through 365; with
17 specific reference to paragraphs 58, 84, 87, 104, 106, 135-137, 143, and 158.

18
19 **M) The Court Must Not Deny Leave To Amend:**

20
21 The Court mentioned in its prior Motion to Dismiss Order: Plaintiff had “one
22 opportunity to amend his Complaint to remove excessive redundancy, allegations
23 irrelevant to the claims for relief, and conclusory or excessively argumentative
24 allegations.” (Dkt. 114 at 8.) Nevertheless, and although the FAC is substantively
25 similar to the initial Complaint, the FAC is a major improvement, hardly redundant
26 where there is a purpose behind each statement, corrects most if not all of the
27 alleged issues; specifically, upgrading statements of claims and changing enough
28 language for conclusory statements to interpreted as “allegations,” demonstrates

1 ability to further and competently amend, and should contain enough facts to deny
2 the lie of Defendants' Motions to Dismiss, and to move forward to both Discovery
3 and Alternative Dispute Resolution.

4
5 The Court should permit but not at this point require Plaintiff to amend again, as
6 further amendment would not be futile, especially if Defendants must be converted
7 from John Does. See *Cook, Perkiss and Liehe, Inc. v. N. Cal. Collection Serv.*
8 *Inc.*, 911 F.2d 242, 247 (9th Cir. 1990) ("We have held that in dismissals for
9 failure to state a claim, a district court should grant leave to amend even if no
10 request to amend the pleading was made, unless it determines that the pleading
11 could not possibly be cured by the allegation of other facts.") Claims have been
12 successfully stated, or can be cured with allegation of other facts, Plaintiff
13 basically requested and is requesting to amend the pleading if necessary, and for
14 these reasons, it would be illegal for The Court to deny leave to amend.

15 Plaintiff has proven that he can amend the complaint to further or better allege
16 valid legal claims. In fact, Defendant attorneys are lying, The Court was wrong,
17 impartial and basically conclusory in the inappropriate prediction based on a bad
18 mistake as much in its prior Motion to Dismiss Order. (Dkt. 114 at 10 ("[T]he
19 Court doubts Plaintiff can state a non-frivolous claim that is not barred by res
20 judicata.")) The alleged flaws in Plaintiff's FAC have been cured and can be
21 further pled if the Court insists on wasting more time. Plaintiff alleges several
22 claims based on criminal statutes, all of which are predicate crimes pled as
23 requisite elements of RICO, which creates a private right of action and serves as
24 the main basis of liability. Plaintiff has provided indication in both this opposition
25 and the FAC that he can allege further facts that would meet the elements of the
26 remaining claims, all of which have already been alleged in the FAC with
27 reference to and realleging of the paragraphs comprising the main body of the
28 Complaint/FAC. Plaintiff has never brought a frivolous lawsuit against anyone,

1 nor has he previously filed a case against identical Defendants. Defendants in this
2 case must not dismissed, dismissal without leave to amend would be completely
3 inappropriate, and The Court must DENY the Defendants' Motions to Dismiss.

4
5 **RESPONSE TO DEFENDANTS ILLOGICAL CONCLUSION:**

6
7 For the foregoing reasons, Plaintiff respectfully demands not only both that this
8 Court DENY Defendants' Motions to Dismiss and grant leave to amend if
9 necessary, but also requests sanctions be imposed on all lying Defendant attorneys.

10
11 **NEW COA/COUNTS AGAINST ALL DEFENDANTS:**

12 Plaintiff alleges, can further plead and state claims for the following against ALL
13 DEFENDANTS: Human/Sex Trafficking, Forced/Coerced Branding,
14 Pimping/Prostitution, Peonage, Threats of HIV/AIDS, Medical Malpractice,
15 Invasion of Privacy, Corruption, Harassment, etc.

16
17 **NEW ALLEGATIONS AGAINST CHASE:**

18
19 Plaintiff more than suspected Chase of conspiracy before filing the case in
20 Superior Court. It was not until they intentionally cast an attorney by name hack
21 that it became extremely obvious that they were contributing to the RICO
22 enterprise, and then after filing this case and Chase's hiring another attorney by
23 name hack, where neither name could be known without conspiracy, that it became
24 absolute in the mind of Plaintiff that all suspicions and allegations were correct.
25 This connection is made in new evidence (see Exhibit "52") that was lodged under
26 seal, which Defendants are still neglecting, and should be obvious to the Judges.
27 The intentional name hack casting of attorneys, separately from previous claims,
28 are new violations of the Plaintiff's rights and under causes of action: RICO, Fraud,

1 Conspiracy, Harassment/Annoying Communications, Intentional Infliction of
2 Emotional Distress, etc.

3
4 **NEW ALLEGATIONS SINCE FILING @ SUPERIOR COURT:**

5
6 **JPMChase: 1) Harassment/Name Hack** Casting of Attorneys (See Exhibit
7 "52"), **2) RICO Conspiracy** (Only Way To Know The Names), **3) Intentional**
8 **Infliction of Emotional Distress** (Result of Harassment, Still Refusing To Return
9 Stolen Money), **4) Perjury** (Attorney Lies), **5) Fraud/other** (Attempt to Credit
10 The Names & Exploit Plaintiff), **6) Accountable For All Alleged Crimes**
11 **Through Ongoing Violations Based On RICO Conspiracy, 7) Violation(s) of**
12 **RICO**

13 **NEW VIOLATIONS SINCE FILING THIS CASE @ DISTRICT COURT:**

14
15 **Facebook:** Harassment, Fraud, etc.: FB Business/Fan Page App Number Hack
16 Notification, etc.; **Apple:** Espionage: Screen Watching On iPhone (HP is Screen
17 Watching New Laptop), GPS Hack (GPS Still Works Without Sim Card), etc.;;
18 **Alphabet:** Ongoing YouTube Hacks, Suspect Search Result Hacks, AdSense
19 Hacks, etc.; **Twitter:** RICO Conspiracy, Espionage, Harassment, Intentional
20 Infliction of Emotional Distress: Conspiring with Screen Watchers to Display
21 Harassing Number & Name Hack Messages in Shortened URLs & By Telling
22 People to Post Retweet, & Like Name Hack Profiles, etc.

23
24 **John Does: 1) Criminal Threats:** a) Gym Stalkers (Fashion Hacks/etc.), b)
25 License Plate/Number Hack Stalkers (187), c) Business Affiliate Verbal Threats
26 (Controlled by RICO Conspirators); **2) Obstruction of Justice:** a) @ Hollywood
27 LAPD (New Police Report for Criminal Threats etc./RICO), b) Acquiring
28 Representation (Private Counsel & Public Counsel/Pro Se Clinic); **3) EEO**

1 **Violations/Fraud:** Few Responses to Thousands of Applications, All Contained
2 Name & Number Hacks (Very Obvious Same Name as Second Attorney Older
3 Brother Name Hack & Number 2 References) = Discrimination Based on Age &
4 Religion = RICO Conspiracy & Computer/Wire Fraud; **4) Harassment >**
5 **Intentional Infliction of Emotional Distress:** a) Spam Email Hacks (Name
6 Hacks, Number Hacks, & Now Being Bombarded With Disturbing Spam Emails
7 Regarding Sexuality and Body Shaming), b) DPSS Name Hacks (Scheduling
8 Appoints By Name Hack & Calling Them Out Over The Volume Turned Up
9 Painfully Loud PA While Plaintiff Visited For Appointments, Casting Social
10 Worker By Name Hack (ex: first name "Silva" not gold, second place, number 2,
11 changing appointment and deadline dates, etc.); **5) Stalking:** a) Gym Stalkers,
12 License Plate Stalkers, Library Stalkers (Camera Stalking); **6) Wire Fraud:** a)
13 Intentionally Disconnecting Internet @ Library, b) Intentionally Disconnecting
14 Internet @ Gym, c) Intentionally Disconnecting Internet @ Other (mostly when
15 Plaintiff has to meet Court deadlines).

16 **DESCRIPTION OF NEW EVIDENCE:**

17
18 **1) Police Report:** New Criminal Threats, Attempted Murder, RICO/Conspiracy:
19 a) Affidavit, b) Photographs, c) Communication Records; **2) Screen Shots**
20 (Harassing Name & Number Hacks); **3) Emails** (Obscene & Annoy
21 Communications, Phishing Attempts); **4) Communication Records** from Fraud
22 Job Interview & Applications Responses; **5) DPSS Records** (Name Hack Social
23 Workers, Fake Appointment Date Changes); **6. Photographs** of Threatening Gym
24 Stalkers (Fashion Hacks); **7. Call Logs** of Obscene/Annoying Daily Wake Up
25 Calls from Google; **8. POB Entry Code Number Hack** (Stickers On
26 DL/Photographs); **9. Photographs** of License Plate Hack Stalkers (187, Florida,
27 etc.); **10. Audio Recordings** & Evidence From Subpoenas/Discovery, etc.

1 *By this reference, Plaintiff hereby attaches all statements made in Opposition to
2 Defendant Chase's Motion to Dismiss FAC to this Opposition.

3
4 **THE COURT MUST NOT DENY LEAVE TO AMEND:**

5
6 Further amendment of the FAC at this point would mostly be a waste of time
7 considering both the information presented in this Opposition and the
8 modifications to the initial Complaint, but Plaintiff is probably going to have to
9 amend at least the Defendants. It is absurd for the lying Defendant attorneys to
10 state that the FAC could not possibly cured by allegations of additional facts, some
11 of which have been alleged in this opposition, and because the FAC succeeds at
12 curing alleged flaws from the initial Complaint. The alleged deficiencies
13 contained within Plaintiff's FAC are an alleged lie; nevertheless, could easily be
14 cured by further amendment because the Plaintiff has been trying to keep things
15 simple and has no problem elaborating now that paying for printing etc. is not an
16 issue. First, Plaintiff's claims against all Defendants are not barred by the bogus
17 claim of res judicata, and Plaintiff has clearly pled around that lie. Second,
18 Plaintiff has alleged several claims based on criminal statutes, specifically
19 RICO/conspiracy and fraud, which create private rights of action, serve as basis of
20 liability, and are main claim(s) in this complaint. Third, Plaintiff has already been
21 provided one opportunity to amend, should be granted as many opportunities
22 necessary given proven ability to further improve, it is another lie to say Plaintiff
23 spent a full two months preparing his FAC when the first two weeks were spent
24 trying to get legal help only to be obstructed, Plaintiff did not have enough time to
25 focus on new claims with the exception that claims have been amended to
26 successfully state all claims, allege their elements, and link them to the heightened
27 pleading requirements with fulfilling information located in the main body of the
28 complaint, against all Defendants. It is still possible to further properly amend,
and Plaintiff would have already done so if he had more time or if he were not

1 ordered to not file a Proposed Amended Complaint with the Opposition. Fourth,
2 Plaintiff has never brought a frivolous lawsuit and the State Court Actions were
3 dismissed because of extraordinary circumstances causing the Pro Se Plaintiff to
4 miss court and need to file under different claims in a court with proper subject
5 matter jurisdiction. Dismissal without further leave to amend would therefore be
6 completely both inappropriate and highly illegal, and Defendants should not only
7 be required to continue to spend time and money on Plaintiff's action, but also to
8 compensate Plaintiff for damages including punitive in an amount significant
9 enough to deter Defendants from ever again engaging in this type of criminal
10 behavior. Moreover, there are still Defendants/John Does who need to be served
11 the complaint, which Plaintiff recently read requires simple amendment(s) unless
12 the Court can offer an alternative method. Not permitting this would be an
13 obstruction of justice.

14 **CONCLUSION:**

15
16 In conclusion, Plaintiff successfully stated all claims in the FAC, upon which relief
17 can be granted, and along with short and plain statements of the claim(s) showing
18 that the pleader is entitled to relief thereby satisfying the main rules Defendants
19 falsely claim as the basis for their baseless Motions to Dismiss FAC. In
20 considering a Defendant's Motion to Dismiss, a judge must assume that every fact
21 stated in the Plaintiff's complaint is true. The judge must then ask: if all those facts
22 are true, is it plausible that Defendants violated the Plaintiff's rights? If any
23 combination of the facts stated in the Plaintiff's complaint might qualify Plaintiff
24 for any form of court action, then the judge is legally required to DENY the
25 Defendant's Motion to Dismiss. Additionally, Res Judicata is not a license to keep
26 committing the same crimes.

27 For these reasons, Plaintiff demands the following justice: The Court must DENY
28 Defendants' Motions to Dismiss. Plaintiff must be granted ability to amend the

1 FAC if necessary. Lying Defendant attorneys should be sanctioned. On a final
2 note, Plaintiff is a good man and Defendants (and their attorneys) have allegedly
3 been very bad, with complete disregard for the law. Please DENY Defendants'
4 Motions and order this case to move forward.

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21 *Russell Rope*

22 _____
23 Russell Rope

4/23/2018