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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RUSSELL ROPE,
PLAINTIFF,
VS.

FACEBOOK, INC., APPLE, INC., ALPHABET, INC., TWITTER, INC., JPMORGAN CHASE & CO. & JOHN DOES 1 TO 10,
DEFENDANTS

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

REQUEST TO RESPOND & RESPONSE TO TECH. D.S' REPLY RE: OPPOSITION OF MTD FAC
Hearing Date: 5/14/2018
Time: 10:00am **Courtroom:** 5A
Judge: Michael W. Fitzgerald

I. INTRODUCTION

Local Rule 7-10 affords the opposing party (Plaintiff) the right to respond to the Reply with permission from The Court, which should be granted to a pro se litigant upon this request not only to point out the errors in the Tech. Defendants' unfair Reply, but also to provide more explanation in response to Defendant statements requesting the some of the following information.

Plaintiff filed a 55-page Opposition ("Opposition," Dkt. 239) that directly responds to every statement in the Tech. Defendants' 50-page Motion to Dismiss (MTD). The MTD has no valid arguments and hardly does more than recite claim elements in effort to make their document falsely appear more official, to waste Plaintiff's time, with hope of there not being a response in time, and/or that Plaintiff would be forced to go over the page limit, etc. Defendants are basically trying to cheat their way out the problem they created by attempting to take advantage of a pro se litigant while they have been obstructing justice with both law enforcement and by blocking the ability to acquire legal counsel. The only arguments recycled by the Plaintiff are valid arguments in response to what is truly recycled by Defendants. Alleged conclusory statements are allegedly non-existent or at least intended to be interpreted as allegations. Lengthy diatribe of coherent allegations mostly in response to Defendants excessive arguments can be further elaborated upon either in writing or orally, but right now Defendants are saying that Plaintiff provided both too much and not enough information through their contradictory arguments thereby justifying a response from the Judge who should tell the pro se Plaintiff what if anything requires further amendment. Plaintiff has not only done more than should be necessary to survive truly baseless Motions to Dismiss, but he surely alleges facts supported by evidence sufficient "to raise a right to relief above the speculative level," and "state[s] claim[s] to relief that is plausible on [their] face[s]." Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007). The First Amended Complaint ("FAC") successfully stated all claims against all the Tech. Company Defendants and the doctrine of res judicata does not apply for all stated reasons and not limited to because the Tech. Defendants are still violating Plaintiff's rights daily where RES JUDICATA IS NOT A LICENSE TO KEEP COMMITTING THE SAME CRIME(S).

Plaintiff admits that the litany of criminal claims successfully alleged in the FAC are "predicate crimes" pled as elements for the RICO claim, but Plaintiff also

intends for those claims to be used to possibly hold additional Defendants accountable and some of them do have civil remedies. None of the criminal claims fail on their own and Defendants attorneys are misrepresenting the intent of Plaintiff's straightforward statements. Plaintiff provides many facts to support the RICO claim in both the body of the complaint and not limited to the most detailed pleading for claims in the RICO/Conspiracy part of Causes of Action section (FAC ¶¶ 163-180). Defendants are trying to twist Plaintiff words/statements around in their selective use of what they wrongfully think supports their defense while intentionally neglecting the truth; Defendants do not want to take responsibility for CRIMINAL violations. The Tech. Defendants' use of fragmented quotes from the FAC and Opposition do not support the nonexistent defense, nor do they come close to accurately representing Plaintiff's statements.

The Court gave Plaintiff an "opportunity to amend his Complaint," which he did and where he successfully stated all the claims if they were not properly stated before. Whatever the Judge ruled before the FAC was filed should not matter because everything should basically go back to ground zero. Plaintiff has not only succeeded in his amendments and proved that further amendment can still cure any specifically alleged defects, but Plaintiff has and is also requesting (unlimited) opportunity to amend as necessary, possibly and doubtfully to correct alleged pleading technicalities, but mostly because John Does probably need to be converted to Defendants. The Court must DENY all Defendants' Motions to Dismiss and there needs to be leave to amend as necessary.

*Plaintiff's Opposition Must Not be Disregarded Due to Local Rule 11-6

Local Rule 11-6 provides "unless permitted by order of the judge." Plaintiff In Pro Per was unaware of a page length rule for Oppositions, hardly had any time to edit the Oppositions let alone double and triple check rules, and Defendants' attorneys

intentionally loaded their Motions to Dismiss with EXCESSIVELY POINTLESS ARGUMENTS & RECITATION OF CLAIM ELEMENTS (all alleged by Plaintiff in FAC) in effort to trick the unexperienced pro se Plaintiff into violating the rule, which leaves room for an honorable Judge to permit the minor, forgivable and irrelevant pro se error. Accordingly, Plaintiff's Opposition must not be stricken or otherwise disregarded; certainly not without an opportunity to correct the Opposition.

II. ARGUMENT

A. Plaintiff Successfully Stated All Claims Against All Defendants

1. Facebook

Regarding Facebook, Plaintiff absolutely does not concede that his First Amended Complaint did nothing to remedy the defects that led this Court to dismiss the original Complaint. Defendant attorneys are lying, cheating, and trying to trick both the Plaintiff and The People. Plaintiff is not simply repeating "allegations against Facebook from the Complaint in the FAC. Defendants are alleged to still be engaging in the similar repetitive patterns of daily criminal racketeering activity in violation of Plaintiff's rights." They have also been doing different and new stuff not limited to conspiring Defendants having recently gone so far as to have a drugged-up bum stalk and try and kill Plaintiff; daily for a about a week until that bum slashed two of Plaintiff's tires. Plaintiff filed another police report as recently as a few days ago. Defendants are still engaging in the alleged racketeering conduct, The Court has not already determined that the allegations concerning their conduct are insufficient to state a claim because Plaintiff amended the complaint to satisfactorily state all claims, which Defendant attorneys intentionally neglected in their MTD and Reply. Plaintiff cured the alleged conclusory statement defects by

rewording the alleged "conclusory statements" in his Complaint to "allegations" in the FAC. Changing the language must make a difference because how else is one supposed to allege facts? The statements are very straightforward, clear and convincing, and with attached evidence should be more than sufficient to state a claim, especially when considering the amended allegations of all elements of all claims in the FAC and Opposition which more clearly reference details meeting the heightened pleading requirements for each claim.

Plaintiff asserted that the existence of "new evidence supporting new instances of these allegations not limited to as recently as since filing the FAC." The Opposition provides a list with basic descriptions of that evidence, which can be elaborated upon or filed/lodged, but should not be necessary to move forward at this point. Plaintiff is certainly offering said evidence to the Court but is only one person with limited resources and can only accomplish so much at the same time. It took months to years of time to produce the original Complaint and exhibits. Plaintiff stated that there is new evidence, what that evidence is, and The Court must accept those statements to be true. The allegations are not identical and more than sufficient to support the claims. Once again, Defendant attorneys are lying, efforts to cure the alleged pleading defects should make a huge difference, more can be amended, and Plaintiff succeeds in stating several claims against all Defendants including Facebook.

2. Apple

Regarding Apple, Plaintiff "alleges [similar and new] allegations in the FAC as in the initial Complaint," but the doctrine Defendants are trying to use requires things to be "identical." Red is similar to Orange, but they are different colors. Neon Green is similar or almost identical to Forest Green, but they are obviously different and distinguishable colors and that is self-explanatory based on the

explanation. Defendants argue that the Court should dismiss "nearly identical" allegations and "based on alleged [bogus] pleading technicalities," but the doctrine or res judicata requires "identical" not similar statements and Plaintiff is In Pro Per where there must be room for irrelevant technical oversight. The Defense is false; the Court has not set forth a well-reasoned basis for the unfair and illegal conclusion that alleged conclusory allegations do not survive scrutiny under Rule 8(a). Defendants are just stating that allegations are conclusory without giving specific examples, and instead they quote the Plaintiff out of context. The Court needs to recognize that Defendant attorneys are full of it, being paid to do or state whatever they can to try and get alleged criminal Defendants off the hook, and not once did Plaintiff concede that allegations are "identical." Plaintiff successfully stated all claims against all Defendants including Apple.

3. Alphabet

In the both the Opposition and FAC, Plaintiff successfully identifies a multitude of specific alleged acts by Alphabet in support of all claims and he provides more direct references to multiple instances of the allegations supported by clear and convincing facts and evidence on top of stating the claims, alleging the elements, and referencing where there is an entitlement to civil remedy. Plaintiff references new allegations since the State Court Action in both the original Complaint and the FAC, and further alleges more recent violations not limited to "almost daily early morning wake-up calls from Alphabet," (Opp. at 13), but provides no further details in the Opposition because that allegation is very specific, is stated as something that could be further amended to the FAC, and Plaintiff already pled corresponding claims. Plaintiff made as much effort as was possible with the allotted time to clarify all allegations and can continue to amend the FAC with more information as necessary. Plaintiff still is not telling you everything in attempt not to overload himself or The Court and because some things can not be

stated for security and reputation reasons. Plaintiff's statements that Google AdSense has "not been paying for affiliate advertising," "has not been giving credit for clicks," and has been "placing intentionally competitive and harassing advertisements on Plaintiffs websites" must be considered true at this point and Plaintiff has pled that he is a professional expert witness who conducted scientific testing and observations before solidifying and filing any alleged to be conclusory statements. Those are facts supporting statements and claims of unfulfilled obligations by Alphabet to Plaintiff. Plaintiff only used a John Doe party Amazon as an example and Defendants are really trying and failing to twist Plaintiff's pleading into their favor. Plaintiff should not be required to make effort to clarify the exhibits, which are very clear. If something needs to be clarified, then Defendants or The Court should be specific as to what they want to know where Plaintiff is more than glad to explain. There are 69 Exhibits attached to the FAC and while Plaintiff is clairvoyant, he is not a telepathic mind reader. Defendants are specifically requesting more explanation of Exhibits 7 and 33, which support claims against not only Alphabet, but against all Defendants.

Exhibit 7 is evidence in the form of screen shots supporting allegations that accounts were indeed (unfairly) "disabled" and "terminated" and hacked with the number threatening and meaningful number "187" all of which are connected to a short description in the Exhibit and statements where the Exhibit is attached in the complaint thereby meeting heightened pleading requirements where the Exhibit and statements are also connected to stated claims and elements of several violations in the Causes of Action section more properly indexed and referenced in the Opposition as possible amendments to the FAC, which already less specifically references the body of the Complaint. Plaintiff realleges that enough information/explanation has been provided for these Exhibits to be self-explanatory based on the Plaintiff's explanation being the entire Complaint and he

can and is willing to further elaborate how each of these screen shots relates to each claim and their elements if excessive details are required by The Court.

Exhibit 33 is evidence in the form of screen shots of Alphabet/Google/"YouTube Hacks" supporting allegations that accounts were unfairly "terminated" and "disabled," that Alphabet placed illegal advertisements on Plaintiff's videos without profit sharing, and that view counts were and are power abuse hacked not limited to the (screen shot of) Plaintiff produced nightclub video with a world famous artist's performance with comment supporting the fact that the rare at the time video was not getting nearly as many views as it should; also recognized by comparison to how many views Plaintiffs videos were getting before Defendants started to do things like freeze the view counts at the number "187." Plaintiff is not only possibly the first pioneer producing Hollywood nightclub videos, but also to create medical/cannabis dispensary, trade show, and event videos in addition to other motive causing innovations. This evidence is all connected to a short description in the Exhibit, statements where the Exhibit is attached in the complaint thereby meeting heightened pleading requirements where the Exhibit and statements are also connected to claims and elements of several violations in the Causes of Action section, which is more properly indexed and referenced in the Opposition as possible amendments and considerably but not as specifically in FAC. Plaintiff realleges that enough information/explanation has been provided for these Exhibits to be self-explanatory based on the Plaintiffs explanation being the entire complaint and he can further elaborate how each of these screen shots relates to each claim and their elements if excessive details are required.

Given a chance to explain further, preferably in open verbal dialogue, Plaintiff is not only able to do so very competently, has done so in writing, and is willing to do more, but Defendants insist on bullshitting The Court more than acting like they do not understand something thereby misdirecting the Plaintiff's focus from the

relevant to the irrelevant (ex: unnecessarily reciting elements pled in the complaint taking up the majority of the MTD thereby making a request for explanation almost invisible). The exhibits, FAC, Opposition, and all of Plaintiff's allegations are not only crystal clear and "self-explanatory" to almost everyone who has reviewed the information, but they succeed in providing notice to Alphabet or all other Defendants regarding the nature of Plaintiff's grievances, which Defendants have been able to recite back to The Court, and in addition to Plaintiff's formal complaints submitted through more than all Defendants websites and many emails. The complaint takes at least ten years of incessant violations and presents them in a most organized, concise, and articulated fashion that is nothing close to "rambling, nonsensical" or "difficult to discern exactly what brings plaintiff into federal court." The combination of everything in the FAC brings the Plaintiff to court and any combination of facts that might be grounds for court action requires the Judge to DENY Defendants' MTDs. Defendant attorneys are lying, and Defendants have been intentionally trying to overload Plaintiff with so many problems that it would be difficult-to-impossible to take legal action in pro per because they have been obstructing justice in acquiring counsel. The word "impossible" itself says "I [a]M possible" and so are the clear and convincing facts, evidence, and claims presented in the case by the Plaintiff and against all Defendants including Alphabet.

4. Twitter

Plaintiff has provided plenty of context for allegations against Twitter. Plaintiff argues that Twitter is responsible for violations not limited to a litany of "ONGOING & MISCELLANIOUS HACKS" including "name hacks, number hacks, twitter feed hacks" in addition to doing things to cut his reach/followers (advertising-based business model) and these statements are supported by evidence. If actions speak louder than words, screen shots/photographs do as well. The "Court must assume that the Plaintiff's statements are true." (Opp. at 16-17.)

The Court's obligation to accept allegations as true is limited to well-pled factual allegations, which Plaintiff has pled where Defendants keep calling said facts conclusory statements without giving details. These are unfair contradictions that do not really indicate specific inadequacies. Defendant attorneys are the ones making "naked assertion[s]" without "further factual enhancement" where they appear to be fishing for any excuse to escape liability for their alleged crimes. Plaintiff has provided enough information in the body of the complaint, which explains the screenshots presented as exhibits, "self-explanatory" explanations and exhibits have been explained enough to be "self-explanatory" or easily understood without further explanation, which Plaintiff is more the obliged to provide in response to specific requests as he did above in regards to Exhibits 7 and 33. As is clear from the Opposition, the FAC contains a preponderance of factual allegations and evidence regarding not just Twitter, but all Defendants, and all of Plaintiffs claims against Twitter and the other Defendants are not subject to dismissal with prejudice. The Court must DENY all Defendants' Motions to Dismiss with leave to amend as necessary.

B. Plaintiff's Claims Are Not Barred By Res Judicata

Plaintiff claims are not subject to dismissal for a multitude of legitimate reasons each of which void res judicata and The Court is encouraged to use the amendments in the FAC and exhibits, plus statements in the Oppositions and Responses as an excuse to correct The Courts alleged mistake of playing into the lie of res judicata without admitting to The Court's error. Plaintiff has not made a frivolous statement in his thirty-five years of life.

Plaintiff proves res judicata does not apply for many more reasons than Defendant attorneys are willing to admit, not limited to their defense being an outrageous lie, the judges in the prior cases were dishonorable, and Plaintiff having corrected the

alleged res judicata problem in the FAC…. none of the arguments that Defendants chose to regurgitate address the elements with valid arguments regarding the "true inquiry" required for res judicata. Defendants are misinterpreting their quote about "claims arose from the same transactional nucleus of facts" and the entire purpose of res judicata. Res judicata is indeed designed to prevent frivolous legal action against Defendants who have been fairly dismissed, which is not the case in this case of Defendants who must fail to use this lie as legal authority to attack Plaintiff repeatedly until he dies or in their effort to imprison, enslave, control, abuse, and basically torture the victim. Plaintiff is not religious but has researched the most prominent religions where he views himself more like an arch angel who has done nothing to deserve this treatment other than work very hard his entire life opposed to envious devils hiding behind greedy corporations who must be stopped. THIS IS WORSE THAN MURDER; IT IS HELL ON EARTH, RES JUDICATA IS NOT A LICENSE TO CRIME, & DEFENDANTS MUST BE PUNISHED. God therefore would be society, holding people to, law, and order to DENY Defendants' MTD FAC.

Several of Plaintiff's statements assert that claims are based on new conduct that happened AFTER the prior litigation. Those claims were successfully pled in both the original Complaint and the FAC. New conduct is easily distinguishable by organization of separating the allegations made in old complaints in comparison to new assertations in the Complaint and the FAC. Defendants are falsely stating otherwise while intentionally ignoring whatever content does not serve their evil cause. A professional attorney cannot possibly overlook the obvious bold print and capitalized headlines nor the Table of Contents; Defendants are lying to The Court.

In short, to the extent that there is any identifiable "nucleus of facts" in the FAC, it is not the same, but an evolving and incessant combination of new nucleus of facts on top of obsolete nucleuses of facts necessary for explanation of the new

nucleuses of facts that arise with each separate instance of each violation, count, or cause of action that motivated the complaint(s). If you cut the first half of the complaint off, the new nucleuses of claims are similar but not identical to the old claims where everything is applicable, and the first half of the complaint is still relevant for background information. The Defendants are misinterpreting the intention of res judicata in attempt to make it fit for getting their case illegally dismissed. Accordingly, the FAC is not subject to dismissal.

C. New Nucleus Of Connected Claims As Recent As This Week If Not Daily!

Plaintiff alleges that Defendants including John Does conspired to threaten and then attempted to murder Plaintiff as documented by two new police reports, at least one of which was illegally obstructed allegedly by the DA or interviewing Detectives (suspect of not handing off necessary information/Affidavit(s) for the second time regarding a total of four unresolved reports at Hollywood LAPD). The recent Affidavit documents the allegations and corresponding laws so specifically as to allege the elements, dates, times, names, addresses and details similarly to the FAC and much more than any ordinary civilian would have needed to press charges; more than was required when a false report was given by a lying entrapper to falsely imprison the Plaintiff in the past. This is not the first time the authorities have been suspect of collusion as detailed elsewhere. LAPD is still going through the process regarding new police report for "vandalism" and "conspiracy" in attempt to murder. Plaintiff still hopes LAPD will do their job right and is currently in communication with higher ranking authority.

Plaintiff can lodge the detailed Affidavit for threats etc. under seal if necessary, but the current report for trying to carry out those threats in more ways than mentioned is not yet as detailed as this paragraph. Plaintiff alleges that Defendants hired a bum to stalk Plaintiff (impossible without John Doe assistance), in effort to create

an altercation on two consecutive days at the library, then another day on the street where Plaintiff was headed to the gym, then on two different nights at Plaintiff's parked car all located in separate areas and where suspect could not have known what the singled out without being provoked car looks like, that it belonged to Plaintiff, or where it was located. On the first night, suspect repetitively pounded on the car and threatened Plaintiff in effort to lure Plaintiff into an unprovoked altercation. Suspect intentionally slashed the unrepairable side walls of two of the Defendant's tires during the following night; more cues that this was the Defendants' bidding. Upon confrontation the next day, drugged-up (possibly PCP? or meth? visually saw other substances spread out on the blanket where suspect was camped out across the street from Plaintiff's car both nights only) suspect admitted to Plaintiff that he was coerced into doing it by John Does (without Plaintiff mentioning another party) and that suspect "would rather stab other things like tires than people." The only verbal exchange before said confrontation occurred on the way to the Gym when suspect tried to bum a dollar and Plaintiff who was kind and briefly "suggest[ed he] go stand near the bank where there are people with money" as a better alternative to the senseless corner suspect was stalking on. Suspect fled from LAPD on foot between Plaintiff interrogating as to the flat tires and while Plaintiff was making the report to shady officers. LAPD is alleged to have intentionally allowed the suspect to escape. There should be video of the suspect on the Library cameras where at least one officer was a witness; investigation pending.

Technology Defendants are still committing alleged ongoing violations including but not even close to limited to screen watching/spying and responsively communicating through hacked (shortened URLS in the) twitter feed visibly on the side of Plaintiff's screen; how Plaintiff keeps up-to-date with the modern world while working. Perhaps The Court should consider this case an update to case law in the works; in favor of the Plaintiff.

A conviction for attempted murder requires a demonstration of an intent to murder, which the suspect and Defendants have done repetitively as pled throughout the FAC and not limited to this recent new nucleus creating set of violations. The perpetrator either tried to murder and failed as should be recognized by the court regarding alleged substantial steps towards committing a murder being: conspiring, stalking, multiple attempts to create an opportunity for assault, vandalizing property with a weapon strong enough to easily puncture tires is a deadly weapon, and verbal admission of guilt from suspect to Plaintiff during interrogation.

Attempted Murder described here and attached to FAC ¶¶ 273-280 under 18 USC § 113(1) is the most recent new successfully stated claim and predicate RICO violation with civil remedies available through alleged RICO/Conspiracy holding all Defendants including John Does equally liable where there is both motive and confession giving affirmation to Plaintiff's statements.

D. The Court Must Not Deny Leave To Amend

The Court gave Plaintiff "IN PRO PER" while justice is being obstructed including at the recommended Pro Se Clinic "opportunity to amend his Complaint" and Plaintiff capitalized on every minute he had to file a corrected but still incomplete FAC without any frivolous allegations and amended to be successfully stated legal claims. Indeed, Plaintiff used the Defendants' language in saying that amendment would be "futile," but the clear in complete context intention of that statement meant that the FAC is good enough to move forward to see if we can resolve this conflict without wasting anymore time. Plaintiff can further amend the FAC if the Court truly finds it to be inadequate and granted simple explanation as to what has not been or improperly addressed. Plaintiff's desire to end the violations of his rights without wasting time does not mean he is not able to amend. Plaintiff has basically and is again requesting the ability to amend as necessary. Defendant

attorneys are once again and very obviously framing the Plaintiff's pleading with fragments taken out of context, which is lying. Thus, the Court should grant Plaintiff (unlimited) opportunity to amend as necessary; specifically, for purpose of Defendants possibly being converted from John Does status. The Court must DENY criminal Defendants' unfair Motions.

*By this reference, Plaintiff hereby attaches all statements made in Response to Defendant Chase's Reply to Plaintiff's Opposition of MTD FAC, both Oppositions, the FAC, and all Exhibits.

III. CONCLUSION

For the foregoing additional reasons, plus combination of all information contained within the Oppositions to MTDs, FAC, and all Exhibits, Plaintiff respectfully requests that this Court must also consider this Response and DENY all Defendants' not limited to Tech. Company Defendants' Motions to Dismiss, with leave to amend, and permit this case and justice to progress.

Russell Rope

Russell Rope 05/03/2018