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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY: 

1 Jason Gilliam
3426 Bahia Blanca West, Unit B
2 Laguna Woods, CA 92637
Telephone: (949) 206-0081, ex. 2
3
4 Defendant and Counterclaimant,
in pro per

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8

UNITED STATES DISTRICT COURT

9

FOR THE CENTAL DISTRICT OF CALIFORNIA

10

11 MONEX DEPOSIT COMPANY and)
MONEX CREDIT COMPANY,)

12)
13 Plaintiffs,)

14 v.)
15)

16 JASON GILLIAM, STEVEN BOWMAN,)
17 RICHARD GILLIAM, and DOES)
1-50,)

18 Defendants.)

19)

20 AND RELATED COUNTERCLAIM.)

21

22 Defendant Jason Gilliam hereby answers the complaint of
23 plaintiffs Monex Deposit Company and Monex Credit Company by
24 averring as follows:

25 1. The allegations in Paragraphs 1-7, 14-18, 21-24, 29, 30,
26 ~~33-35, 37-39, 108-111, 113-123, 125-130, 132-136, 138-145, 147-~~
27 152, 154-159, 161-166, 168-187, 189-195, 197-217, and 219-230
28 are denied.

2. The allegations in Paragraphs 8-13 and 25 are admitted.

3. In answer to Paragraph 19, this answering defendant

1 admits that there is a documents entitled "Atlas Account Purchase
2 and Sale Agreement". The balance of the allegations are denied.

3 4. In answer to Paragraph 20, this answering defendant
4 admits that the risk of loss of people trading in precious metals
5 is high. The balance of the allegations are denied.

6 5. This answering defendant does not have sufficient
7 information to form a belief about the allegations in Paragraphs
8 27, 28, 31, 32, 36, 92-106, 112, 124, 131, 137, 146, 152, 160,
9 167, 188, 196, and 218, and on that basis denies them.

10 6. The allegations of Paragraphs 40 through 91, inclusive,
11 are denied to the extent that they editorialize on, misrepresent,
12 distort, or falsify the material actually contained on the
13 MonexFRAUD website. Other than that the website contains what it
14 contains.

15 7. In answer to Paragraph 107, this answer defendant admits
16 that he has refused to comply with demands from plaintiffs. He
17 denies the balance of the allegations.

18 In addition, this answering defendant avers the following as
19 affirmative defenses:

20 1. Plaintiffs have failed to state a claim upon which
21 relief can be granted.

22 2. Plaintiffs assumed the risk that they would suffer what
23 they claim to be suffering by doing what they did.

24 ~~3. Plaintiffs' own negligence was a contributory factor in~~
25 their problems, if any.

26 4. Plaintiffs are estopped from complaining about the name
27 of this answering defendant's website, because there are many
28 entities conducting business on the Internet using "monex" in

1 their names.

2 5. Plaintiffs waived their trademark rights, if any.

3 6. The so-called "defamations" are constitutionally
4 protected speech.

5 7. The so-called "attempted extortion" was communications
6 within the context of a settlement negotiation, and as such is
7 privileged.

8 8. Plaintiffs lack the capacity to sue, as the real party
9 in interest is "Monex Precious Metals", which is an entity that
10 exists only as an Internet presence. It is not legally
11 registered or approved to conduct business in California.

12 Wherefore, defendant Jason Gilliam prays as follows:

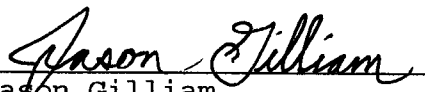
13 1. That plaintiffs take nothing by their complaint;

14 2. That he be awarded his costs of suit, including a
15 reasonable attorney fee, if allowed by law; and

16 3. That he be granted all other just relief.

17 Dated: March 16, 2009

18 Respectfully submitted,

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21 Jason Gilliam
22 Defendant, in pro per

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Certificate of Service

I certify under penalty of perjury that:

I am over the age of eighteen and not a party to this lawsuit. My address is 504 Pierside Circle, Huntington Beach, CA 92648. I served the following:

Answer,

by depositing a true copy in a mailbox regularly maintained by the United States Postal Service in Laguna Woods, CA, on March 16, 2009, sealed in an envelope, with postage prepaid, addressed as follows:

Neil A. Goteiner
Farrella, Braun & Martell
235 Montgomery St.
San Francisco, CA 94104.


Daniel Salerno