

Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Case number: 8:15-cv-11-T-17TBM

OXEBRIDGE QUALITY RESOURCES
INTERNATIONAL, LLC, and
CHRISTOPHER PARIS, individually.

Plaintiffs,

Vs.

MARC TIMOTHY SMITH, individually,
and d/b/a/ CAYMAN BUSINESS SYSTEMS

Defendants.

Presiding Judge: Elizabeth A. Kovachevich
Referring Judge: Thomas B. McCoun
Court: Florida Middle District Court
Office: Tampa Office
County: Hillsborough
Filed: January 5, 2015 (according to JUSTIA Dockets & Filings)

ANSWER and COUNTER CLAIM to NOTICE OF DESIGNATION UNDER LOCAL
RULE 3.05

FILED
FEB 18 2015
CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

I

PLAINTIFF'S RESPONSE

Plaintiff makes the following offer:

Contract to rescind Case number: 8:15-cv-00011-EAK-TBM

Subject to Chris Paris' offer to "...If Smith were instead to simply remove the offending materials and cease all such activity, the problem could be resolved quickly,..." on Paris' web site at <http://www.oxebridge.com/emma/official-statement-on-oxebridge-extortion-suit-against-elsmar-com-and-marc-smith/> Defendant agrees to remove references to Chris Paris and Oxebridge from Elsmar.

You, Chris Paris, have publicly made the offer. As noted in my reply ("Answer") to the original filing, as evidenced in emails, Defendant has in the past removed the requested content at Plaintiff's request and Defendant did so only with the expectation of a "Thank You" or other appreciative acknowledgement. They were only restored when Plaintiff replied with increasing demands in an unprofessional manner.

While Defendant believes he would win this lawsuit in court, it will be a financial hardship to do so because Defendant lives in Ohio and would have to travel to and Florida, probably multiple times, in order to do so. In addition, Defendant believes this would be a total waste to the Court's time to deal with what Defendant believes is a frivolous, defamatory lawsuit filed with malicious intent. Thus, Defendant accepts Plaintiff's public offer to withdraw the lawsuit 8:15-cv-00011-EAK-TBM

Acceptance by Plaintiff is conditional that Plaintiff:

Withdraws 8:15-cv-00011-EAK-TBM

Agrees to never again to file any lawsuit related to this one.

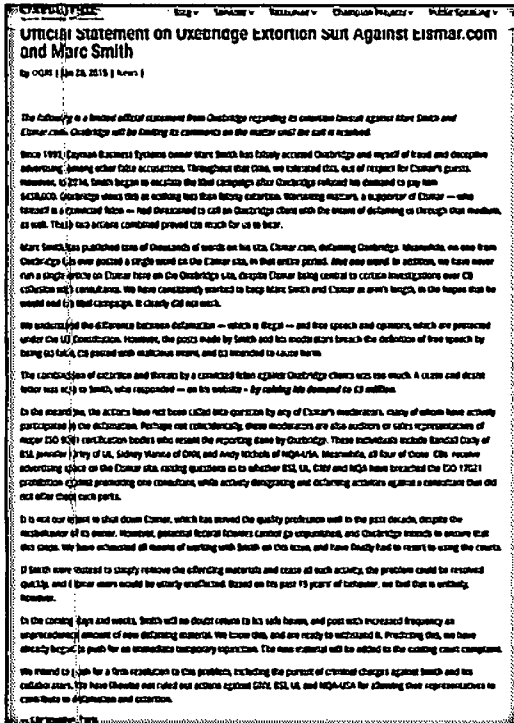
Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

Defendant agrees to remove the discussion threads in which Oxebriidge is mentioned as soon as Defendant receives an acceptance of this contract.

If Defendant receives an acceptance of this contract from the Plaintiff, but Plaintiff does not Withdraw 8:15-cv-00011-EAK-TBM, Defendant will restore content and proceed as below.

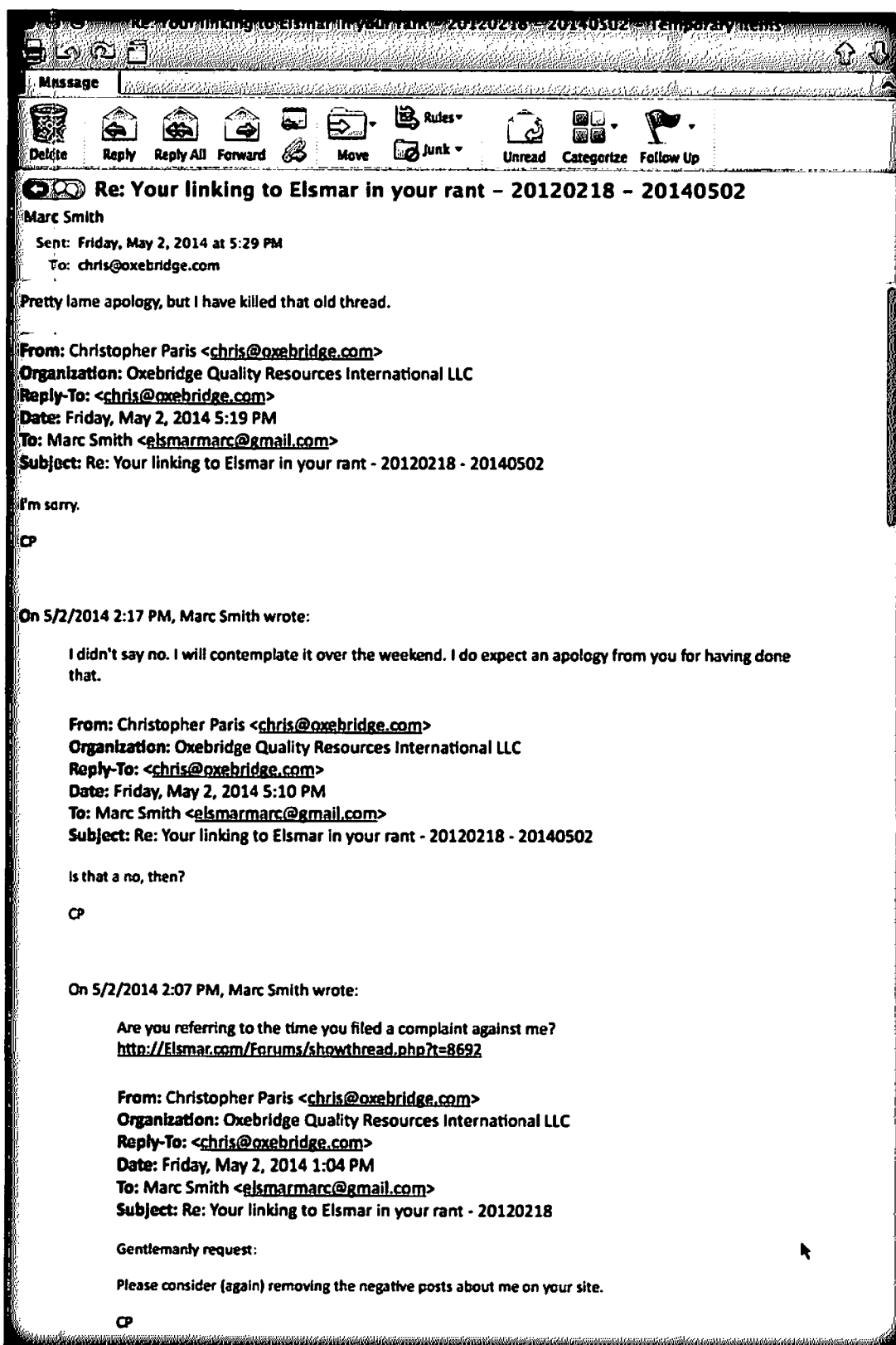
In the event the Plaintiff does not agree to rescind Case number: 8:15-cv-00011-EAK-TBM, Defendant requests Plaintiff's lawyer to set a date, time and place to meet to proceed with producing a Case Management Report as required in a Track 2 case – Case No: 8:15-cv-11-T-17TBM - "1. Meeting of the parties in person".

Evidence of public offer at <http://www.oxebriidge.com/emma/official-statement-on-oxebriidge-extortion-suit-against-elsmar-com-and-marc-smith/> :



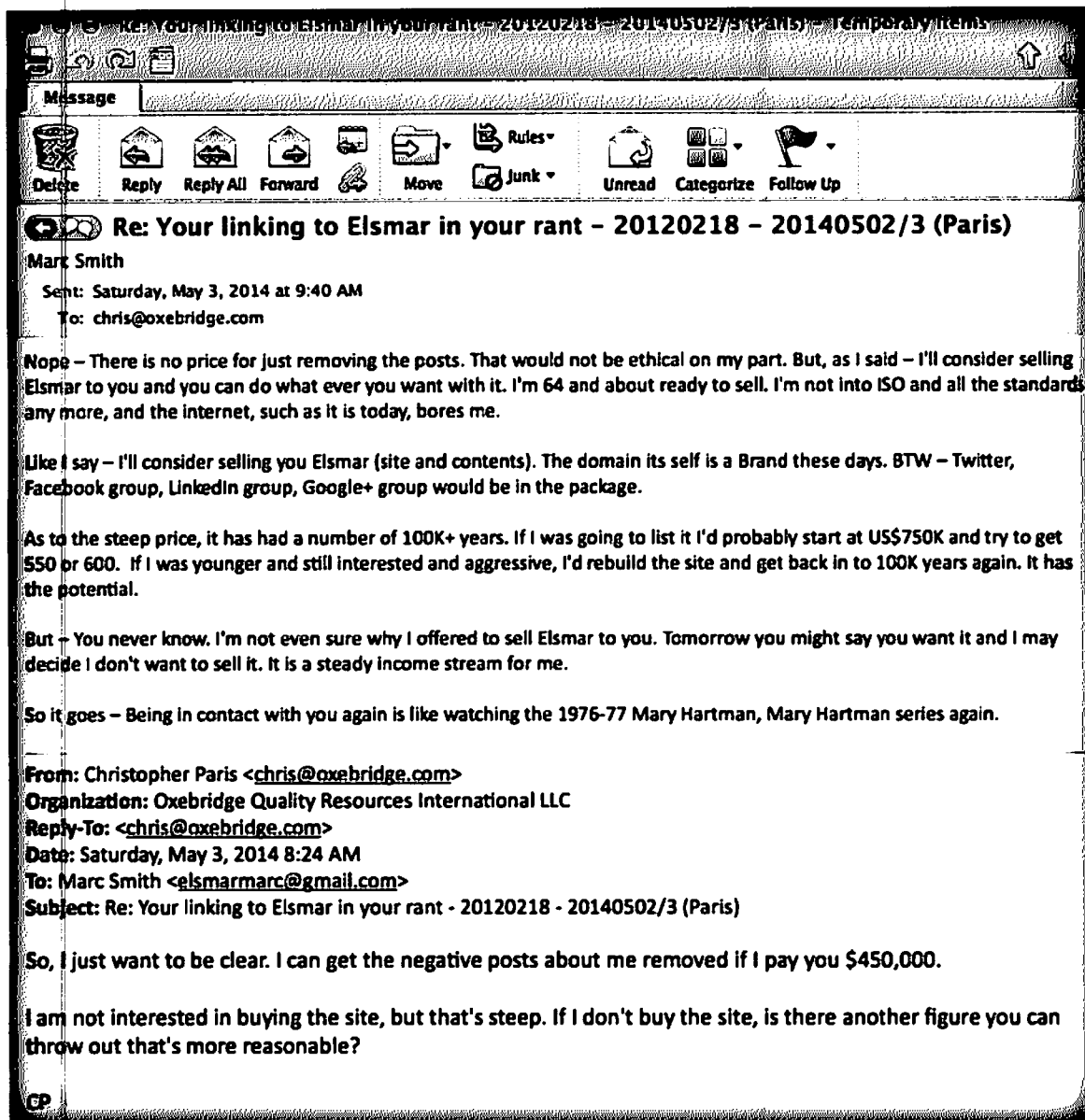
Evidence of Defendant's removing content as a courtesy in the past:

Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM



Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

Plaintiff increases his demands after Defendant accedes to Plaintiff's initial demand/request:



Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

I was open to your request but your trite apology was so insincere that I have decided to just leave things as they are. Why should I take the time to search through all my forum threads for traces of negative opinions about you? What have you ever done for me? Especially your complaint to the Ohio State AG - What a crock. You're lucky I didn't sue you over that little gem. It is the biggest reason I feel no obligation to "help" you in any way. That was mean and spiteful.

That said you can take comfort in knowing that in the last year alone I have killed 3 "negative" threads and a few posts about you that people started. For quite a few years my policy has been that I do not allow any mention of you or your company in the Elsmar forum. I have no desire to rekindle a long ago war. From what I hear you're still doing enough damage to your own reputation in places such as LinkedIn. Other than the occasional thread which pops up about you, which I delete, for me the matter was closed years ago.

I gave you my offer to sell Elsmar to you. Should you decide to buy it you can then do what you want. Other than that, I consider the matter closed.

From: Christopher Paris <chris@oxebridge.com>
Organization: Oxebridge Quality Resources International LLC
Reply-To: <chris@oxebridge.com>
Date: Friday, May 2, 2014 5:33 PM
To: Marc Smith <elsmarmarc@gmail.com>
Subject: Re: Your linking to Elsmar in your rant - 20120218 - 20140502

Thanks. Now you can take a whack at these, for starters:

- <http://elsmar.com/Forums/showthread.php?t=8853>
- <http://elsmar.com/Forums/showthread.php?t=1815>

Page 1 of 8

- <http://elsmar.com/Forums/showthread.php?t=44792>
- <http://elsmar.com/Forums/showthread.php?t=8476>
- <http://elsmar.com/Forums/showthread.php?t=7465>
- <http://elsmar.com/Forums/showthread.php?t=8641>
- <http://elsmar.com/Forums/showthread.php?t=9029>
- <http://elsmar.com/Forums/showthread.php?t=16389>
- <http://elsmar.com/Forums/showthread.php?t=8674>
- <http://elsmar.com/Forums/showthread.php?t=14749>
- <http://elsmar.com/Forums/showthread.php?t=10285>
- <http://elsmar.com/Forums/showthread.php?t=34361>

List is not comprehensive. I imagine you can just do a search-and-purge and get them all.

CP

On 5/2/2014 2:29 PM, Marc Smith wrote:

Pretty lame apology, but I have killed that old thread.

From: Christopher Paris <chris@oxebridge.com>
Organization: Oxebridge Quality Resources International LLC
Reply-To: <chris@oxebridge.com>
Date: Friday, May 2, 2014 5:19 PM
To: Marc Smith <elsmarmarc@gmail.com>
Subject: Re: Your linking to Elsmar in your rant - 20120218 - 20140502

I'm sorry.

CP

On 5/2/2014 2:17 PM, Marc Smith wrote:

Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

II

COUNTERCLAIMS

Counterclaim I

Defendant believes that Plaintiff's demands are inappropriate and are an attempt to limit Defendant's Free Speech in expressing his opinion, just as Plaintiff has done. Defendant accuses Plaintiff of malicious slander, IIED - Intentional Emotional Distress, Extreme and Outrageous Conduct.

REPEAT REQUEST FOR RELIEF


Wherefore, Defendant prays for as follows:

1. For dismissal of the Plaintiff's action with prejudice;
2. For an order that the Plaintiff shall take no relief from the Complaint;
3. For Plaintiff to pay all costs of the Complaint/lawsuit;
4. For further relief the Court deems fair.

I declare under penalty of perjury that the forgoing is true and correct.

Dated and respectfully submitted using the US Postal Service this 11th day of February 2015.

Marc Timothy Smith (Defendant pro se)

By: 

8466 Lesourdsville-West Chester Road
West Chester, Ohio 45069-1929

Defendant Pro Se: Marc Timothy Smith, 8466 Lesourdsville-West Chester Road
West Chester, Ohio 45069 Tel: 513 720-0600

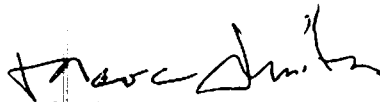
Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

Tel: 513 720-0600

Email: marcsmith102@cinci.rr.com

I certify that a copy of this ANSWER, DEFENCES, REQUEST FOR RELIEF, and COUNTER CLAIMS is being furnished by mail on the same date to the court and to William R. Wohlsifer, Attorney for Plaintiff at:

William R. Wohlsifer
1100 E. Park Ave Ste B
Tallahassee, Florida 32301
(Attorney for Plaintiff)


Defendant