

Defendant Pro Se's Answer to "Motion to Dismiss" - Case 8:15-cv-00011-EAK-TBM -  
Document 20

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

In response to Plaintiffs' Motion (Document 20) of Case number: 8:15-cv-00011-EAK-  
TBM

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

Plaintiffs,

Vs.

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

Defendants.

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Presiding Judge: Elizabeth A. Kovachevich

Referring Judge: Thomas B. McCoun

Court: Florida Middle District Court

Office: Tampa Office

County: Hillsborough

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ANSWER TO PLAINTIFFS' MOTION TO DISMISS COUNTERCLAIM I, MOTION  
TO DISMISS DEFENDANTS' ANSWER (PAGES 1-32), AND MOTION TO STRIKE  
EXHIBITS AND HYPERLINKS (PAGES 39-47)

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

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I

ADMISSIONS AND DENIALS TO EACH MOTION LINE ITEM

Line Item 1 – Agree - Defendant may have inappropriately combined Continuous Harassment and Defamation in Defendants' Counterclaim I, however Defendant believes the two are intertwined. Defendant will Amend the original Answer to Plaintiff's Complaint if that will satisfy Plaintiff and the Court. Defendant has no background in law and is doing his best to understand and reply as required by the Local Rules Of The District Court Of The United States For The Middle District Of Florida and the Federal Rules Of Civil Procedure.

Line Item 2 – See Line Item 1 herein.

Line Item 3 – See Line Item 1 herein.

Line Item 4 – See Line Item 1 herein.

Line Item 5 – Agree/Deny – Defendant has not found within the Local Rules Of The District Court Of The United States For The Middle District Of Florida or the Federal Rules Of Civil Procedure any stated prohibition of including hyperlinks in an Answer to a Complaint and as such did so. Defendant did so in an attempt to clarify and make sense of the 99 often redundant and contradictory statements in Plaintiffs' original Complaint. Also see Line Item 1 herein.

Line Item 6 – Agree - Defendant believes the entire Complaint should be dismissed on both Lack of Venue and Non-Specificity of the Complaint as a whole. Defendant will Amend the original Answer to Plaintiff's Complaint if that will satisfy Plaintiff and the Court. Defendant has no background in law and is doing his best to understand and reply as required by the Local Rules Of The District Court Of The United States For The Middle District Of Florida and the Federal Rules Of Civil Procedure.

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Line Item 7 – Agree – Defendant will Amend his original Answer to the original Complaint and will strike the Harassment Counterclaim if that will satisfy Plaintiff and the Court.

Line Item 8 – Deny – This is not a “work environment” so Plaintiffs’ bringing “work environment” in is extraneous. Also see Line Item 1 herein.

Line Item 9 – Agree – Defendant does not claim a working relationship or employment relationship between the Plaintiff or the Defendant, nor does the Defendant claim discrimination.

Line Item 10 – Agree In Part/Deny In Part – Defendants’ Answer to the original Complaint was clear and material to the original Complaint. Also see Line Item 5 herein. If Defendant erred, it was to include what Plaintiff calls “irrelevant exhibits” within the Answer as opposed to appending them as independent exhibits. As within Line Item 5 herein, Defendant has not found a prohibition against including “exhibits” in an Answer in the Local Rules Of The District Court Of The United States For The Middle District Of Florida or the Federal Rules Of Civil Procedure.

Line Item 11 - Agree In Part/Deny In Part - Rule 8 of the Federal Rules Of Civil Procedure also states:

(d) PLEADING TO BE CONCISE AND DIRECT; ALTERNATIVE STATEMENTS; INCONSISTENCY.

(1) *In General.* Each allegation must be simple, concise, and direct. No technical form is required.

(2) *Alternative Statements of a Claim or Defense.* A party may set out 2 or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.

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(3) *Inconsistent Claims or Defenses.* A party may state as many separate claims or defenses as it has, regardless of consistency.

Also see Line Item 1 herein.

Line Item 12 – Deny – However, see Line Item 1 herein. Defendant has a matrix which will allow Defendant to translate each hyperlink and “embedded exhibit”, as complained about by the Plaintiff, as individual exhibits to the answer. Defendant believes his doing so will cause a larger burden on the court by causing the court to cross reference multiple documents, and will be more likely to confuse the court than a straight forward, consistent and “in line timeline” of events and “exhibits” and references.

Line Item	Reference Link or Original	Key Description	Relevance and Comments
Line Item 6	<a href="http://elmar.com/med/devices.html">http://elmar.com/med/devices.html</a>	Evidence of no business in Florida since 2000	No Affection
Line Item 8	<a href="http://elmar.com/med/devices.html">http://elmar.com/med/devices.html</a>	Evidence of no business in Florida since 2000	No Affection
Line Item 10	<a href="http://elmar.com/med/devices.html">http://elmar.com/med/devices.html</a>	Evidence of no business in Florida since 2000	No Affection
Line Item 14	Excel "Members" and "Providers" Directory Access	Evidence of no business in Florida since 2000	An insignificant income source of less than US\$1,000/yr.
Line Item 15	<a href="http://elmar.com/forums/showthread.php?mode=thread&amp;acronym=elmar&amp;pageno=1&amp;ort=comments">http://elmar.com/forums/showthread.php?mode=thread&amp;acronym=elmar&amp;pageno=1&amp;ort=comments</a>	Evidence of no business in Florida since 2000	No Affection
Line Item 19	<a href="http://elmar.com/forums">http://elmar.com/forums</a>	Evidence that Elmar does not have any materials that are not available in hundreds (thousands?) of places on the internet. Defendant posts, free of charge, and no copyright restrictions, Defendant's "Implementation Methodology" for anyone to use. Defendant agrees Elmar.com is his web site.	
Line Item 21	<a href="http://elmar.com/forums/tags.php">http://elmar.com/forums/tags.php</a>	Shows Medical Devices are the more "popular" topics. ISO 9001 is popular because years ago the discussions were about ISO 9001. These days, medical devices are the "main" discussion topics. ISO 9001 is "old hat" stuff. Very old static HTML page. See line item 4 herein. No business from the old page. Plaintiff trying to defame Defendant through a complaint to the Ohio Atty. General. Defendant starts a discussion - "The start of it all" - July 2001 to Sept 2003.	Plaintiff restarts harassment - 2004. Thirty three posts total over 13 months. Section 230 of the Communications Decency Act of 1996. Discussion, not defamation.
Line Item 22	<a href="http://elmar.com/services_index.html">http://elmar.com/services_index.html</a>		
Line Item 24	<a href="http://elmar.com/forums/showthread.php?r=1292">http://elmar.com/forums/showthread.php?r=1292</a>		
Line Item 24	<a href="http://elmar.com/forums/showthread.php?r=1815">http://elmar.com/forums/showthread.php?r=1815</a>		
Line Item 24	Various website links by the Plaintiff	Line Item 24 must be read to bring this into context. Plaintiff harasses Defendant with a bogus complaint to the Ohio Atty. General. Elmar's "Terms of Service". This is a long, basic discussion about ISO 9001 in general. Beginning on 15 April 2004, ending on 5 April 2007, with a total of 212 posts. Para/Osbridge is mentioned (opened upon) in only 2 posts. Must be read in context. Defendant started an opinion. Post 28 on page 4. Must be read in context of the entire discussion thread. It is no secret that Plaintiff was harassing Defendant in 2004.	Section 230 of the Communications Decency Act of 1996. Plaintiff can not be pleased. Section 230 of the Communications Decency Act of 1996. Section 230 of the Communications Decency Act of 1996. Also see Counter Claim 1. Complaints are PUDIC. Plaintiff can not claim any "privacy" issues. Plaintiff effort to obfuscate the facts.
Line Item 25	<a href="http://elmar.com/forums/showthread.php?r=1692">http://elmar.com/forums/showthread.php?r=1692</a>		
Line Item 26	<a href="http://elmar.com/forums/showthread.php?r=1831">http://elmar.com/forums/showthread.php?r=1831</a>		
Line Item 28	<a href="http://elmar.com/forums/showthread.php?r=1347">http://elmar.com/forums/showthread.php?r=1347</a>		
Line Item 29	<a href="http://elmar.com/forums/showthread.php?r=4563&amp;page=1">http://elmar.com/forums/showthread.php?r=4563&amp;page=1</a>		
Line Item 30	<a href="http://elmar.com/forums/showthread.php?r=4563&amp;page=1">http://elmar.com/forums/showthread.php?r=4563&amp;page=1</a>		
Line Item 31	<a href="http://elmar.com/forums/showthread.php?r=4563&amp;page=1">http://elmar.com/forums/showthread.php?r=4563&amp;page=1</a>		
Line Item 31	<a href="http://elmar.com/forums/showthread.php?r=1463&amp;page=2">http://elmar.com/forums/showthread.php?r=1463&amp;page=2</a>	Post 11 - Plaintiff cites Exhibit "D" in the original complaint which is "cherry picked" - taken out of context. Opinion posted by a forum visitor. See Line Item 24 in this matrix. Posts in discussion thread taken "Out of Context". Evidence of Plaintiff's continuous harassment and threats to Defendant. The entire discussion thread must be read for context.	Section 230 of the Communications Decency Act of 1996. Plaintiff effort to obfuscate the facts. 20 October 2014 through January 2015. Chris Paris of Osbridge - At it again - October - December 2014 and January 2015. Moderation Practices on Elmar in the discussion forum.
Line Item 32	<a href="http://elmar.com/forums/showthread.php?r=1815">http://elmar.com/forums/showthread.php?r=1815</a>		
Line Item 34	<a href="http://elmar.com/forums/showthread.php?r=45021">http://elmar.com/forums/showthread.php?r=45021</a>		
Line Item 35 (4)	<a href="http://elmar.com/forums/showthread.php?r=45161">http://elmar.com/forums/showthread.php?r=45161</a>		
Line Item 36	<a href="http://elmar.com/forums/showthread.php?r=1831">http://elmar.com/forums/showthread.php?r=1831</a>		
Line Item 39	<a href="http://elmar.com/Osbridge-Paris-Evidence/">http://elmar.com/Osbridge-Paris-Evidence/</a>	Defendant has removed this information as he evaluates what is Public Information at this point in the process. Evidence here is as stated in Line item 39 of Defendant's "Answer" to Plaintiff's Complaint.	
Line Item 45	<a href="http://elmar.com/forums/showthread.php?r=45031">http://elmar.com/forums/showthread.php?r=45031</a>	Evidence that Elmar makes so little money that Defendant has been considering closing Elmar since July 2014. Plaintiff's complaint about this discussion can only be understood in the context of the entire discussion thread. Defendant has not done any business in Florida since 2000. Also see Line Items 4, 6 and 10.	
Line Item 46	<a href="http://elmar.com/forums/showthread.php?r=45031">http://elmar.com/forums/showthread.php?r=45031</a>	Plaintiff is exacerbating the problem by harassing Defendant and posting in public on internet venues such as "Twitter" and "LinkedIn".	Plaintiff is "damaging" his own reputation.
Line Item 48	<a href="http://en.wikipedia.org/wiki/Sovseand_effort">http://en.wikipedia.org/wiki/Sovseand_effort</a>		
Line Item 55	Offer to sell off of Elmar to Plaintiff	Email screen shot.	1 May 2014
Line Item 56	See Line Item 39.		
Line Item 58	Bulky Email of 5 October 2012	Email text.	5 October 2012 Email
With Defense	Defendant did as Plaintiff requested in an email.	Email printout of 2 Emails.	Emails of 2 May 2014
Counter Claim 1	Screen capture of Plaintiff's Web Page on which Plaintiff publicly offers to write	No business presence or completion in Florida since 2000.	Complaint/Answer Jurisdiction Issue Rule 408(a) Federal Rules of Evidence
Counter Claim 1	Series of Osbridge "Tweets" defaming Defendant going back to October 2014	Plaintiff publicly posted this on his web site on or about 26 January 2015.	
Counter Claim 1	Text of email to Shawn (See "Court Evidence List as a printed out email")	Plaintiff is a "chronic complainer".	
Counter Claim 1	Screen printouts of a discussion with Shawn about Plaintiff and Plaintiff's marital status.	Plaintiff is harassing many people. Also goes to the Plaintiff's marital status.	

Also see Line Item 1 herein.

Line Item 13 – Deny – Defendant believes Plaintiffs’ Motion to Strike Answer is inappropriate, however, as stated in Line Item 1 herein, Defendant agrees to Amend

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Defendants' Answer to address valid complaints Plaintiff asserts even though Defendant believes Plaintiffs' intent is to further burden the court with more paperwork.

Line Item 14 – Deny – Defendant believes his Answer to the Plaintiffs' original Complaint, with 99 individual, and occasionally contradictory, allegations, is clear, line item by line item. If anything, Plaintiff should have filed separate complaints and the original Complaint should be dismissed/refused (Lack of Specificity and Venue).

From the original Complaint:

Jurisdiction and Venue - 1 through 42

I - Unfair Competition - 43 through 51

II - Extortion - 52 through 64

III - Defamation Per Se - 65 through 72

IV - Defamation - 73 through 80

V - Libel - 81 through 85

VI - Injurious Falsehood - 86 through 92

VII - Injunctive Relief - 93 through 99

Demand for Jury Trial - Rule 38

Plaintiffs' attorney is a lawyer and can easily frame a response to each answer.

Line Item 15 – Deny – See Line Items 1 and 5 herein.

Line Item 16 – Deny – The Defendant believes all “exhibits” and hyperlinks are appropriate and can be proven during trial.

Line Item 17 – Deny – Defendant believes all “exhibits” and hyperlinks are appropriate and within the scope of Defendants' counterclaims as well as being applicable to various Plaintiffs' claims within the original Complaint.

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Line Item 18 – Agree In Part/Deny In Part – Defendant believes his exhibits and hyperlinks go to Plaintiffs' motivations, personality and actions in general with others.

Line Item 19 – Deny – Defendant believes it is in the best interest of the court to more fully be able to assess the Complaint as a whole. A read through the Plaintiffs' website and "Twitter" accounts show that the Plaintiff is a serial complainer. In addition, Defendant believes all "exhibits" and hyperlinks show Plaintiff has a history of threatening people which Defendant believes it is in the best interest of the court to more fully be able to assess the Complaint as a whole. Defendant believes the original Complaint filed by the Plaintiff is intended to embarrass and humiliate the Defendant, just as Plaintiff has done in social media such as Twitter, before and after filing his original Complaint including Plaintiffs' 2004 Complaint to the Ohio Attorney General.

Line Item 20 – Deny – Plaintiffs' original Complaint, as well as Plaintiffs' Motion to Dismiss Defendants' Answer its self, contain redundant, immaterial and impertinent statements. Defendant strenuously denies any "scandalous" content.

Line Item 21 – Defendant believes he has complied with Fed. R. Civ. P. 12, taken as a whole. For Plaintiffs' complaint herein to apply, Defendant believes Plaintiffs' original Motion is more outrageous in that it contains many redundant, immaterial and impertinent statements, as well as knowingly including patently untrue accusations many of which the Defendant believes are intended by the Plaintiff to confuse the Court and obfuscate the truth.

Line Item 22 – Deny – Also see Line Items 1 and 5 herein.

**REQUEST FOR RELIEF**

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Wherefore, Defendant prays for as follows:

1. For dismissal of the Plaintiff's Motion with prejudice;
2. For an order that the Plaintiff shall take no relief from the Motion;
3. For Plaintiff to pay all costs of the Complaint/Lawsuit incurred by Defendant having to respond to a frivolous, non-specific 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 16 March 2015.

Marc Timothy Smith (Defendant pro se)

By: 

8466 Lesourdsville-West Chester Road

West Chester, Ohio 45069-1929

Tel: 513 720-0600

Email: marcsmith102@cinci.rr.com

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

William R. Wohlsifer

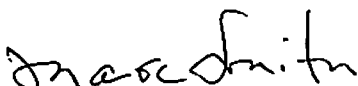
1100 E. Park Ave Ste B

Tallahassee, Florida 32301

(Attorney for Plaintiff)

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

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