

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

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PETER OPFENEER
CLERK US DIST COURT
WD OF WI

UNITED STATES DISTRICT COURT

for the
Western District of Wisconsin

Division

21 CV 320 WMC

Benjamin Hopson II

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Google, LLC, a Delaware LLC
Does 1-2

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|----------------------|
| Name | Benjamin Hopson II |
| Street Address | 2532 S Terrace St |
| City and County | Janeville, Rock |
| State and Zip Code | Wisconsin 53546 |
| Telephone Number | 6089319258 |
| E-mail Address | support@gelbooru.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name Google, LLC

Job or Title *(if known)* _____

Street Address 811 E Washington Ave

City and County Madison, Dane

State and Zip Code WI 53703

Telephone Number unknown

E-mail Address *(if known)* _____

Defendant No. 2

Name Doe 1

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 3

Name Doe 2

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

17 U.S. Code 512 G(1)

17 U.S. Code 512 G(2)(B)

17 U.S. Code 512 G(2)(C)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Benjamin Hopson II, is a citizen of the State of *(name)* Wisconsin.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)* and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

b. If the defendant is a corporation

The defendant, (name) Google, is incorporated under the laws of the State of (name) Delaware, and has its principal place of business in the State of (name) California.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Due to the delisting of our site content, and repeated, willful refusal to take action with our multiple counter DMCA notices sent in, our site was delisted for a longer than allowed period of time, after their receiving of a legally binding counter notice. As a direct result, contracts, that we made with the largest adult company in the world, were not renewed at fair market value, and traffic still has not recovered to our recorded levels pre-delist. Amount is undetermined at this

time.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Google received multiple and valid counter DMCA notices to restore content. Google responded they will not be taking action at this time, for all of the notices. This caused delisting to last longer than the normal and in turn destroyed any business contracts we had up for renewal with companies for advertising or other purchases.

2. Doe 1 & 2 - Submitting knowingly false DMCA takedowns.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. For a declaratory judgement that Google has violated DMCA provisions regarding counterclaim notification process, both facially and as applied;

2. For an injunction requiring Google to (i) cease and desist processing DMCA notices targeting specific urls in the future, now and forever, and (ii) from censoring or restricting or filtering content of the Plaintiff's web properties, from their search engine, or any other medium, without a valid court order within the jurisdiction of the

United States of America, and only to apply required filtering at the State level of which the order was granted;

3. For compensatory, punitive, special and statutory damages in an amount to be shown at trial;
4. For restitution of financial losses or harm caused by Google's conduct and in an amount to be shown in trial;
5. For attorney's fees and cost of suit;
6. For prejudgement and post-judgement interest; and
7. For any and all further relief that the Court deems just and proper.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/03/2021

Signature of Plaintiff



Printed Name of Plaintiff

Benjamin Hopson II

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address