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9 *Cort Christie*

10 **JUSTICE COURT, LAS VEGAS TOWNSHIP**

11 **CLARK COUNTY, NEVADA**

12 NEVADA CORPORATE HEADQUARTERS, )  
13 CORT CHRISTIE, ) Case No.: 13A003332  
14 )  
15 Plaintiffs, ) **JC Department 7**  
16 )  
17 vs. )  
18 )  
19 PISSED CONSUMER, MEDIA RELATIONS, )  
20 )  
21 Defendants. )

22 **OPPOSITION DEFENDANT OPINION CORP. D/B/A PISSED CONSUMER'S**  
23 **MEMORANDUM IN SUPPORT OF SPECIAL MOTION TO DISMISS**

24 COMES NOW, Plaintiffs, NEVADA CORPORATE HEADQUARTERS and CORT  
25 CHRISTIE, (hereinafter, NCH) by and through their attorney/Corporate Representative, KURT K.  
26 HARRIS, ESQ., and hereby opposes Defendant's Special Motion to Dismiss ("Motion") as  
27 follows:

28 This Opposition is made and based upon the memorandum of points and authorities  
attached hereto, all papers and pleadings on file in this matter, and any arguments presented at the  
time of hearing of this matter.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendant operates a website which is published in all states, particularly, Nevada. The  
4 intention of Defendant's website is to get angry and often misguided persons to write claims,  
5 which may or may not be true and correct. Defendant's very purpose is to solicit complaints and  
6 not to serve as an aid to legitimate persons seeking to obtain information about a company or  
7 service.  
8

9 The very name, "PISSSED CONSUMER" denotes that the website seeks malcontents or  
10 angry persons. If the name of the website were "Consumer Reports" or Consumer Ratings or  
11 something of the like, it would not, by its very name, solicit a negative connotation. Clearly, the  
12 very purpose of Defendant's website is to attract angry persons, be their mythical or legitimate, if  
13 either? There is no way to verify one way or the other.  
14

15 Due to the name and the nature of the solicitation, PISSED CONSUMER does not enjoy  
16 the protections of the first amendment or 47 U.S.C Section 230. They have formed a business out  
17 of soliciting angry consumers or mythical angry consumers. There is no way for them to prove  
18 the same due to the fact that the postings on PISSED CONSUMER are all anonymous. PISSED  
19 CONSUMER cannot hide behind the constitution since they are a business in the business of  
20 providing angry posts and not legitimate consumer information.  
21

22 **II. FACTS**

23 Plaintiff's claims are not barred by the Constitution nor are they barred by 47 U.S.C.  
24 Section 230. Defendant formed their website with the very purpose of soliciting complaints, not  
25 legitimate reports. They are not seeking positive reports, hence the name, "PISSSED  
26 CONSUMER". They are soliciting the very negative and angry.  
27

28 Defendant encourages complaints and since their site is anonymous, there is no way to

1 verify the truth or the falsity of any of the statements contained on the website. PISSED  
2 CONSUMER could be making it all up. PISSED CONSUMER entices complaints so that they  
3 may extract funds from businesses who want to mediate the problem in their homespun arbitration  
4 program. If a company is willing to pay, they can have the negative post removed or rebutted.  
5 Since this is the business model of PISSED CONSUMER, they do not enjoy the protections of the  
6 First Amendment.  
7

8 Contrary to Defendant's statement of the facts, pissedconsumer.com is not an online forum  
9 designed for consumers to discuss their experiences. It is an online complaint forum. Due to the  
10 name, they are not seeking discussion of experiences as is incorrectly set forth in their Motion.  
11 Their very name belies the truth of their formation.

### 12 III. ARGUMENT

13 PISSED CONSUMER does not solicit free speech, they solicit negative speech. They  
14 solicit complaints. They are not seeking unbiased referrals or information. They want only what  
15 is bad. Moreover, there is no way to verify if any of the speech is even legitimate. PISSED  
16 CONSUMER cannot hide behind the furtherance of free speech because they are not doing the  
17 speaking. They have formed a website as a means from profiteering. If there are no complaints,  
18 they would cease to exist, one would think. Therefore, there is a strong incentive for them to  
19 either seek out complainers or potentially make up complaints, which cannot be validated.  
20

21 Moreover, due to the nature and name of the site, PISSED CONSUMER has not, "in good  
22 faith" furthered free speech. The service is provided for profit, not in good faith as is required by  
23 Nevada Law, NRS 41.650. Since negative speech is their business, they cannot set forth that they  
24 have immunity based upon the furtherance of free speech. This is not the case and the motion  
25 should be denied.  
26

27 Due to the anonymity contained in the website, there is no way to verify whether any of  
28

1 the statements are true or false. The posts contained on the website with regard to NCH cannot be  
2 verified internally and appear to be fabricated. Free speech cannot be fabricated. Defendant  
3 should know this. Moreover, their site seeks to solicit biased speech at best and offers only one,  
4 highly charged viewpoint, "PISSSED". This is their business. It does not serve a public service,  
5 only themselves as they attempt to make money off of the posts.  
6

7 Likewise, Defendant's allegations that somehow NCH's business practices are a matter of  
8 public concern for the purposes of public reporting are misguided. There are not any allegations  
9 which speak to business practice. They do not appear to be directed toward the public and  
10 certainly have not been verified to any degree by Defendant. In reality, Defendant does not appear  
11 to care whether the post is truthful or not.  
12


13 V.

14 **CONCLUSION**

15 Based upon the foregoing, Defendant cannot hide behind the shield of the First  
16 Amendment. Therefore, Plaintiffs respectfully requests this Honorable Court deny the Motion to  
17 Dismiss.

18 DATED this 31<sup>st</sup> day of December, 2013.

19 HARRIS LAW OFFICE

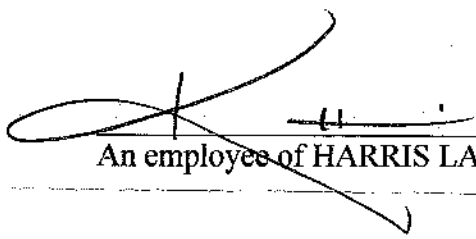
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**CERTIFICATE OF SERVICE**

Pursuant to NRC P 5(b) I hereby certify that I am an employee of HARRIS LAW OFFICE, and that on the 21<sup>ST</sup> day of December, 2013, I served a true and correct copy of the **OPPOSITION TO DEFENADNT'S MOTION TO DISMISS** by depositing for mailing, in a sealed envelope, U.S. postage prepaid, in Clark County, Nevada.

Laura Tucker, ESQ.  
RANDAZZA Legal Group  
3625 S. Town Center Drive  
Las Vegas, Nevada 89135

  
An employee of HARRIS LAW OFFICE