

✓ FILED
FEDERAL DISTRICT COURT
LAS VEGAS, NEVADA

2012 SEP -5 P 3:42 1/4

1 LITTLE BIZZY, LLC
2 c/o Registered Agent
3 Mail Link LLC
4 848 N. Rainbow Blvd #4064
5 Las Vegas, Nevada 89107

6 United States District Court
7 for the District of Nevada

9 NEUMONT UNIVERSITY, LLC, a) Case No.: 2:12-cv-01395-GMN -PAL
10 Delaware limited liability)
11 corporation)

12 Plaintiff,)

13 vs.)

14 LITTLE BIZZY, LLC, a Nevada) MOTION TO DISMISS
15 limited liability company;)

16 JESSE NICKLES, an individual)
17 Defendant)

21 Pursuant to Rule 12 of the Federal Rules of Civil
22 Procedure, the Defendant hereby moves the Court to dismiss
23 Plaintiff's Complaint with prejudice. The bases for this Motion
24 are set forth in the accompanying Memorandum.

25 September 4, 2012

26 Jesse Nickles
27 LITTLE BIZZY, LLC
28 848 N. Rainbow Blvd #4064
Las Vegas, Nevada 89107

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c/o Registered Agent
Mail Link LLC
848 N. Rainbow Blvd #4064
Las Vegas, Nevada 89107

2/4

United States District Court
for the District of Nevada

NEUMONT UNIVERSITY, LLC, a
Delaware limited liability
corporation

) Case No.: 2:12-cv-01395-GMN -PAL
)

Plaintiff,

)

vs.

)

LITTLE BIZZY, LLC, a Nevada
limited liability company;

)

MEMORANDUM IN SUPPORT
OF MOTION TO DISMISS

JESSE NICKLES, an individual

)

Defendant

)

FACTS

Defendant Little Bizzy LLC is an internet website management (website hosting) company for clients around the world. As part of these services, the Defendant is sometimes obligated to register internet domain names on behalf of clients who lack the technical expertise required to do so, and/or deal with various outside inquiries regarding website purchase offers, while passing relevant information on to clients and/or website/domain owners who lack the technical expertise required to evaluate website purchase offers.

ARGUMENT

I. Plaintiff's Complaint Fails To State a Claim Upon which Relief May Be Granted

Plaintiff's claim must be dismissed because the Plaintiff's legal claims are without merit. The financial damages and/or business disparagement alleged by the Plaintiff are a result of Plaintiff's own customers (college students) posting their grievances and complaints on the collegetimes.us website of their own free will. The Defendant, acting solely as a website hosting service provider, did not have any "deliberate", "intentional", or otherwise direct involvement with the content displayed on the pages of the collegetimes.us website. Additionally, the Defendant no longer provides active website hosting services to the collegetimes.us website at this time, including domain registration services.

Furthermore, as put forward under Section 230 of Title 47 of the United States Code (47 USC § 230):

(1) Treatment of publisher or speaker

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

(2) Civil liability

No provider or user of an interactive computer service shall be held liable on account of-

(A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected;

or

(B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1)

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CONCLUSION

For the reason stated above, the Defendant's Motion to Dismiss should be granted.

Delivered September 4, 2012 by Federal Express to:

UNITED STATES DISTRICT COURT CLERK'S OFFICE
333 Las Vegas Blvd
Room 1334
Las Vegas, Nevada 89101

Respectfully,

Jesse Nickles
LITTLE BIZZY, LLC
848 N. Rainbow Blvd #4064
Las Vegas, Nevada 89107