UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEGE ODION, Plaintiff, v. GOOGLE INC., et al., Defendants.	CIVIL ACTION No. 1:13-cv-03906-SCJ

ORDER

This matter is before the Court on Defendants Branch Banking and Trust Company's, BB&T Investment Services, Inc.'s, Atlas GA II SPE, LLC's, Sharon Silvermintz's, and Nancy H. Baughan's (collectively, the "BB&T Defendants") Motion to Dismiss [Doc. No. 33], Defendants T. Matthew Mashburn's and Stites & Harbison, PLLC's Motion to Dismiss [Doc. No. 45], Defendants James P. Blum, Jr.'s and Beloin, Brown, Blum, LLC's Motion to Dismiss [Doc. No. 46], Defendant Judge Cynthia D. Wright's Motion to Dismiss [Doc. No. 47], Defendants Tej K. Kaul's and Consulting Enterprises Corporation's (collectively, the "Consulting Defendants") Motion to Dismiss [Doc. No. 49], Defendant Google Inc.'s Motion to Dismiss [Doc. No. 53], Defendants Clay Weibel's and Weibel & Associates, Inc.'s (collectively, the "Weibel Defendants") Motion to Dismiss [Doc. No. 56], Defendants Cathy Lyon's and Amy Abrames' Motion to Dismiss [Doc. No. 58], Defendants Gil Chaim Varon's,

the Law Office of Gil Chaim Varon, LLC's and Highshore Medical Center, LLC's Motion to Dismiss [Doc. No. 65], Defendants Darryl Moss' and Weissman, Nowack, Curry & Wilco, P.C.'s Motion to Dismiss [Doc. No. 67], the Weibel Defendants' Motion for Sanctions [Doc. No. 99], Plaintiff Gege Odion's ("Plaintiff") Request for Notice of Motion for Sanction [Doc. No. 92], Plaintiffs' Motion for Sanctions [Doc. No. 111], Plaintiffs' Motion for Extension of Time to File Response to Defendants' Motion to Dismiss [Doc. No. 60], Defendants Google Inc.'s, the BB&T Defendants', the Consulting Defendants', the Weibel Defendants', T. Matthew Mashburn's, Stites & Harbison, PLLC's, James P. Blum, Jr.'s, Beloin, Brown, Blum, LLC's, Cathy Lyon's, and Amy Abrames' Joint Motion for Status Conference [Doc. No. 91], Defendant Google Inc.'s Motion for Leave to File Sur-Reply [Doc. No. 109], the Consulting Defendants' Motion to Stay [Doc. No. 115], the Weibel Defendants' Motion to Strike Plaintiffs' Sur-Reply [Doc. No. 116], Defendant Google Inc.'s Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 119], Defendant Judge Cynthia D. Wright's Motion for Extension of Time to Respond to Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 120], the Consulting Defendants' Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 130], Defendants Cathy Lyon's and Amy Abrames' Motion for a Stay of the Deadline to

Respond to Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 131], the Consulting Defendants' Motion Pursuant to Federal Rule of Civil Procedure 56(d) [Doc. No. 134], and Plaintiff's Motion for Leave to File Excess Pages [Doc. No. 142]. For the reasons explained in this order, the aforementioned motions to dismiss are **GRANTED**, the aforementioned motions for sanctions are **DENIED**, and the remaining motions are **DISMISSED AS MOOT**.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff, proceeding *pro se*, initiated this action on November 25, 2013, naming 30 different defendants in his complaint [Doc. No. 1, 1].[1] In general, Plaintiff alleges in his complaint that Defendants collectively engaged in the fraudulent acquisition and conveyance of properties located at "2851 Candler; 2855 Candler, 2849 Candler and 2956 S. Rainbow Drive" [Doc. No. 1, 11]. Plaintiff further alleges that Defendants hacked into his and his businesses' computer systems and stole emails and data that contained "related evidence of [Defendants'] illegal schemes" [*id.* at 14]. Plaintiff's complaint further alleges that Defendants have engaged in

[1] Plaintiff also attempts to bring his claims on behalf of Siris Property Management, LLC and Optiworld Vision Center. However, both business companies are considered to be artificial entities and, therefore, cannot appear in federal court *pro se*. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (stating that business entities "cannot appear *pro se*, and must be represented by counsel."). As a result, the undersigned construes Plaintiff's complaint to assert claims only on his own behalf.

"racketeering and conspiracy," "fraudulent mortgage activities," and "fraudulent financial transactions" [*id.* at 14, 16].

In lieu of filing an answer, every Defendant who has entered this case has filed a motion to dismiss Plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Additionally, the Weibel Defendants have filed a motion for sanctions against Plaintiff pursuant to Federal Rule of Civil Procedure 11(b)-(c) [Doc. No. 99, 2]. Plaintiff has also filed two motions for sanctions against the Consulting Defendants and their attorney W. Hensell Harris, Jr. ("Mr. Harris") regarding the content of the Consulting Defendant's motion to dismiss. Further, as a result of Plaintiffs' voluminous filings as well as the number of Defendants in this action, several other motions are currently pending before the Court. However, many of these motions are contingent on the Court's ruling on the pending motions to dismiss.

Below, the Court addresses the aforementioned motions currently pending in this action.

II. DEFENDANTS' MOTIONS TO DISMISS

A. Legal Standard

A complaint may be dismissed under a Rule 12(b)(6) motion to dismiss if the facts as pled do not state a claim for relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (explaining "only a complaint that states a plausible claim for relief survives a motion to dismiss."); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 561–62, 570 (2007) (retiring the prior *Conley v. Gibson*, 355 U.S. 41, 45–46 (1957), standard which provided that in reviewing the sufficiency of a complaint, the complaint should not be dismissed "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."). In *Iqbal*, the Supreme Court reiterated that although Rule 8 of the Federal Rules of Civil Procedure does not require detailed factual allegations, it does demand "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678.

In *Twombly*, the Supreme Court emphasized a complaint "requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." 550 U.S. at 555. Factual allegations in a complaint need not be detailed but "must be enough to raise a right to relief above the speculative level on the

assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.* at 555 (internal citations and emphasis omitted).

B. Discussion

Again, all of the Defendants who have entered this case have filed motions to dismiss pursuant to Rule 12(b)(6). While including several individualized defenses, all of these motions argue that Plaintiff's complaint fails to state a claim upon which relief can be granted. Therefore, in regards to whether or not Plaintiffs' complaint satisfies the plausibility pleading standard established under *Iqbal* and *Twombly*, the Court considers the Defendants' pending motions to dismiss collectively.[2]

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[2] At the outset, the Court notes that there are obvious deficiencies in Plaintiff's individualized claims. For example, Plaintiff asserts several claims under Title 18. However, as a general matter, "Title 18 is a federal criminal statute which does not create civil liability or a private right of action." *Morrell v. Lunceford*, Civil Action No. 09-00753-KD-C, 2011 WL 4025725, at *6 (S.D. Ala. Aug. 18, 2011) (citation and internal quotation marks omitted). Therefore, several of Plaintiff's Title 18 claims are invalid in this civil action as a matter of law. As another example, Plaintiff asserts a claim of negligence under Georgia state law against all Defendants. Under Georgia law, "[t]he essential elements of a negligence claim are the existence of a legal duty; breach of that duty; a causal connection between the defendant's conduct and the plaintiff's injury; and damages." *Ceasar v. Wells Fargo Bank, N.A.*, 322 Ga. App. 529, 533, 744 S.E.2d 369, 373 (2013). In his complaint, Plaintiff only recites the elements of a negligence claim, stating, for example, that "defendants owed legal duties of care to Plaintiff[]" [Doc. No. 1, 34]. However, Plaintiff does not establish what legal duty each Defendant had to him, or how that duty was breached. Therefore, Plaintiff only pleads the elements of a negligence claim and, therefore, fails to plead said claim sufficiently. Similar deficiencies exist regarding the rest of Plaintiff's individual claims. However, for the sake of brevity, the Court will not discuss the deficiencies regarding each of Plaintiff's 21 claims as they relate to each of the 22 Defendants who have filed a motion to dismiss. Instead, the Court addresses whether or not the allegations on

In his complaint, Plaintiff asserts 21 individual claims. In support of these claims, Plaintiffs make generalized allegations that "Defendants" have engaged in "fraudulent acquisition and conveyance of properties" [*id.* at 11], stole certain data and information by hacking into Plaintiff's computer system, engaged in "racketeering and conspiracy" [*id.* at 14], and "engaged in fraudulent financial transactions and swindles" [*id.* at 16]. However, Plaintiff does not actually provide facts that support these allegations. Further, Plaintiff does not allege how and when "Defendants" committed these improper acts, let alone the role that each Defendant played in said acts. Without such facts, Plaintiffs' allegations simply amount to nothing more than improper legal conclusions. More to the point, Plaintiffs' baseless allegations are a prime example of the type of meritless accusations the *Twombly* and *Iqbal* decisions seek to prevent. *See Iqbal*, 556 U.S. at 678 (stating "the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions."). In summary, Plaintiff does not present a set of

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which Plaintiff's claims are based are sufficiently plausible under the established pleading standard. Obviously, if Plaintiff's underlying allegations are not sufficiently plausible then all of his claims would fail to survive Defendants' respective motions to dismiss. As a result, the Court addresses Plaintiff's claims regarding each of the Defendants who have filed a motion to dismiss collectively.

factual allegations that even suggests, let alone establishes, his claims are facially plausible.

The undersigned also notes that "determining whether a complaint states a plausible claim is context-specific, requiring the reviewing court to draw on its experience and common sense." *Iqbal*, 556 U.S. at 663-64. Based on this standard, the undersigned deems that Plaintiff's complaint is nonsensical and ripe for dismissal pursuant to Rule 12(b)(6). In no way can the undersigned assume, based on nothing more than a conclusory allegation, that the 30 entities named as Defendants, several of which appear to have no relationship whatsoever, conspired together to hack into Plaintiff's computer system and steal certain undefined information. Again, such a far-fetched accusation that is not supported by a shred of factual detail is precisely the type of allegation that the *Iqbal* to *Twombly* decisions seek to prevent. The undersigned will not waste this Court's time and resources indulging such a facially deficient complaint.[3]

Further, Plaintiffs' complaint appears to focus on the generalized allegation that Defendants have perpetrated fraud in order to acquire and convey property

[3] This rationale is also applicable to Plaintiff's allegations of racketeering and conspiracy. Again, Plaintiff makes no effort to articulate how Defendants are connected to one another, let alone how they acted in concert regarding their alleged misconduct of "racketeering" and "conspiracy."

located at "2851 Candler; 2855 Candler, 2849 Candler and 2956 S. Rainbow Drive" [Doc. No. 1, 11]. Therefore, with respect to this fraud allegation, Plaintiffs' complaint must not only include sufficient factual allegations to satisfy the plausibility standard of Rule 12(b)(6), it must also satisfy the heightened pleading requirements established under Rule 9(b). To properly allege fraud under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud or mistake." Fed. R. Civ. P. 9(b). To satisfy this particularity requirement of Rule 9(b), a plaintiff's complaint "must include facts as to time, place, and substance of the defendant's alleged fraud." *United States ex rel. Clausen v. Lab. Corp. of Am., Inc.*, 290 F.3d 1301, 1308 (11th Cir. 2002) (citation omitted); *see also United States ex rel. Matheny v. Medco Health Solutions, Inc.*, 671 F.3d 1217, 1222 (11th Cir. 2012) ("The particularity requirement of Rule 9(b) is satisfied if the complaint alleges facts as to time, place, and substance of the defendant's alleged fraud, specifically the details of the defendants' allegedly fraudulent acts, when they occurred, and who engaged in them.") (internal quotations and citation omitted).

In support of his fraudulent acquisition and conveyance of property allegation, Plaintiff only alleges that Defendants "devised a scheme to defraud Plaintiff of money and property by means of fraudulent representations" [Doc. No.

1, 18]. In addressing how this fraud was perpetrated, Plaintiff only asserts that "Defendants used the U.S. Postal Service and/or private or commercial interstate carriers" [*id.*]. Obviously, such an assertion does not properly allege the time, place, and substance of the fraudulent acts that Defendants allegedly committed. More importantly, Plaintiff does not allege with specificity the role each particular Defendant played in each individualized act of fraud. In short, Plaintiff does not sufficiently distinguish the Defendants in regards to who actually committed the alleged acts of fraud. As a general rule, when a plaintiff claims fraud by several defendants, "the complaint should contain specific allegations with respect to each defendant; generalized allegations 'lumping' multiple defendants together are insufficient." *W. Coast Roofing & Waterproofing, Inc. v. Johns Manville, Inc.*, 287 F. App'x 81, 86 (11th Cir. 2008); *see also Brooks v. Blue Cross & Blue Shield of Fla., Inc.*, 116 F.3d 1364, 1381 (11th Cir. 1997) ("Because fair notice is perhaps the most basic consideration underlying Rule 9(b) . . . the plaintiff who pleads fraud must reasonably notify the defendants of their purported role in the scheme.") (alterations, internal quotations, and citation omitted). By failing to articulate when each fraudulent act occurred, and each Defendant's role in committing each

fraudulent act, Plaintiffs' complaint does not satisfy the heightened particularity pleading standard of Rule 9(b).

In summary, Plaintiffs' complaint does not allege facts that suggest his claims against Defendants are plausible. Further, to the extent certain claims asserted by Plaintiffs rest on the allegation of fraud, such claims additionally fail to satisfy the particularity standard of Rule 9(b). Based on these deficiencies, Plaintiffs' complaint cannot survive a Rule 12(b)(6) motion to dismiss. Accordingly, to the extent they request a dismissal of Plaintiffs' complaint,[4] the BB&T Defendants' Motion to Dismiss [Doc. No. 33], T. Matthew Mashburn's and Stites & Harbison, PLLC's Motion to Dismiss [Doc. No. 45], James P. Blum, Jr.'s and Beloin, Brown, Blum, LLC's Motion to Dismiss [Doc. No. 46], Judge Cynthia D. Wright's Motion to Dismiss [Doc. No. 47], the Consulting Defendants' Motion to Dismiss [Doc. No. 49], Google Inc.'s Motion to Dismiss [Doc. No. 53], the Weibel Defendants' Motion to Dismiss [Doc. No. 56], Cathy Lyon's and Amy Abrames' Motion to Dismiss [Doc.

[4] The undersigned acknowledges that several Defendants request in their respective motions to dismiss that this Court impose a restriction on Plaintiff regarding any future filings. While acknowledging Plaintiff's obviously litigious nature, the undersigned does not believe such a formal restriction is necessary at this time, as this action appears to be Plaintiff's first filing in federal court. However, pursuant to the aforementioned Defendants' motions to dismiss under Rule 12(b)(6), this action has been dismissed on the merits. Therefore, Plaintiff is put on notice that any further litigation involving these same parties, allegations, and claims in this Court will potentially subject him to sanctions.

No. 58], Gil Chaim Varon's, the Law Office of Gil Chaim Varon, LLC's and Highshore Medical Center, LLC's Motion to Dismiss [Doc. No. 65], and Darryl Moss' and Weissman, Nowack, Curry & Wilco, P.C.'s Motion to Dismiss [Doc. No. 67] are hereby **GRANTED**.[5]

III. THE WEIBEL DEFENDANTS' MOTION FOR SANCTIONS

A. Legal Standard

Rule 11(b) of the Federal Rules of Civil Procedure prohibits parties from filing or pursuing frivolous claims. Fed. R. Civ. P. 11(b). Sanctions under Rule 11 are proper "(1) when a party files a pleading that has no reasonable factual basis; (2) when the party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; or (3) when the party files a pleading in bad faith for an improper purpose." *Worldwide Primates, Inc. v. McGreal*, 87 F.3d 1252, 1254 (11th Cir. 1996) (quoting *Jones v. Int'l Riding Helmets, Ltd.*, 49 F.3d 692, 694 (11th Cir. 1995)). If a court determines Rule 11(b) has been violated, Rule 11(c) allows the court to "impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is

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[5] As it determines Plaintiff's complaint fails to properly plead a claim for relief under Rule 12(b)(6) and Rule 9(b), the Court does not need to address the other arguments for dismissal maintained in Defendants' respective motions to dismiss.

responsible for the violation." Fed. R. Civ. P. 11(c)(1). As part of the appropriate sanction allowed under Rule 11(c), a court may order a party to pay "part or all of the reasonable attorney's fees and other expenses directly resulting from the violation." Fed. R. Civ. P. 11(c)(4).

In analyzing Rule 11, the objective standard for testing alleged misconduct is "reasonableness under the circumstances" and "what was reasonable [for the attorney] to believe at the time" he submitted his pleading. *Baker v. Alderman*, 158 F.3d 516, 524 (11th Cir. 1998) (citation omitted). Therefore, the Eleventh Circuit requires the following two-step inquiry in addressing a motion for sanctions under Rule 11: "(1) whether the party's claims are objectively frivolous; and (2) whether the person who signed the pleadings should have been aware that they were frivolous." *Id.* "Although sanctions are warranted when the claimant exhibits a deliberate indifference to obvious facts, they are not warranted when the claimant's evidence is merely weak but appears sufficient, after a reasonable inquiry, to support a claim under existing law." *Id.* (internal quotations and citation omitted).

B. Discussion

In their motion, the Weibel Defendants argue that Plaintiffs should be sanctioned under Rule 11 because he "knew [his] claims were barred by res judicata

at the time [he] filed them" [Doc. No. 99, 2]. Specifically, the Weibel Defendants argue that Plaintiff's claims are barred due to a case involving themselves and Plaintiff that was dismissed by the Superior Court of DeKalb County, Georgia (the "DeKalb action"). Therefore, the Court must determine if Plaintiffs' complaint, as it relates to the Weibel Defendants, is barred by the doctrine of res judicata.

"In considering whether to give preclusive effect to state-court judgments under res judicata or collateral estoppel, the federal court must apply the rendering state's law of preclusion." *Cmty. State Bank v. Strong*, 651 F.3d 1241, 1263 (11th Cir. 2011). Under Georgia law, both res judicata and collateral estoppel only apply when the claims or issues have been previously adjudicated on the merits. *Karan, Inc. v. Auto-Owners Ins. Co.*, 280 Ga. 545, 546-47, 629 S.E.2d 260, 262-63 (2006). In the DeKalb action, Plaintiff attempted to add the Weibel Defendants as parties through an amended complaint [Doc. No. 99-2, 4-5]. However, the Superior Court determined that, because Plaintiff did not seek leave of court to add a new party as required by O.C.G.A. § 9-11-21 before filing his amended complaint, the Weibel Defendants were not properly joined to the DeKalb action [*id.* at 5]. Therefore, as they were not actually parties, the Superior Court determined that Plaintiff's claims against the Weibel Defendants in the DeKalb action were effectively moot.

As they were not actually defendants, the claims against Weibel Defendants in the DeKalb action were not dismissed on the merits. The undersigned acknowledges that the court in the DeKalb action provided an alternative analysis, stating that even if the Weibel Defendants were properly added the claims against them would be dismissed pursuant to O.C.G.A. § 9-11-12(b)(6) [*id.*]. However, as they were not actually defendants in the DeKalb action, the undersigned must construe this alternative analysis as dicta. As it was not dismissed on the merits in regards to the Weibel Defendants, the DeKalb action does not provide a basis to apply the res judicata doctrine to Plaintiff's claims against the Weibel Defendants in this action. Accordingly, the Weibel Defendants' Motion for Sanctions [Doc. No. 99] is hereby **DENIED**.

IV. PLAINTIFF'S MOTIONS FOR SANCTIONS

Plaintiff has filed two motions for sanctions against the Consulting Defendants and Mr. Harris.[6] In support of these motions, Plaintiff asserts that the Consulting Defendants and Mr. Harris provided the Court with false information in the Consulting Defendants' motion to dismiss.

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[6] One of these filings is styled as a "**REQUEST FOR NOTICE OF MOTION FOR SANCTION**"[Doc. No. 92. 1]. The Court construes this filing as the first of two motions for sanctions filed against the Consulting Defendants and Mr. Harris.

The Consulting Defendants state in their motion to dismiss that they "were hired in 2005 by Defendant Varon to complete engineering design plans for an Extension to the Medical Design Building located at 2885 Candler Road, Decatur, Georgia 30034" [Doc. No. 49-1, 3]. In his response to several motions to dismiss, Plaintiff attaches as an exhibit an appraisal of the 2855 Candler Road property performed by Weibel & Associates, Inc. that is dated September 7, 2004 (the "appraisal plan") [Doc. No. 71-1, 6]. Included within the appraisal plan is a "Building Plan" provided by Consulting Enterprises Corporation [*id.* at 9]. Based on the fact that the appraisal plan is dated September 7, 2004, Plaintiff appears to assert that the Consulting Defendants and Mr. Harris, by stating the Consulting Defendants were hired to complete engineering plans on the 2855 Candler Road property in 2005, perpetrated a type of fraud on the Court.

The undersigned clarifies that the appraisal plan does not contradict the Consulting Defendants' motion to dismiss. As best as the undersigned can determine, Plaintiff argues that the Consulting Defendants improperly assert in their motion to dismiss that their first work regarding the 2855 Candler property was performed in 2005. However, the Consulting Defendants make no such assertion in their motion to dismiss. Again, the Consulting Defendants state in their motion to

dismiss that they were hired to complete *engineering design plans* on the 2855 Candler Road property in 2005. This statement is in no way contradicted by the fact that the Consulting Defendants also previously did *appraisal work* on the 2855 Candler property in 2004. In short, Plaintiff's contradiction argument is without merit.

It further appears that Plaintiff argues the Consulting Defendants perpetrated fraud by not revealing the fact that it had done appraisal work on the 2855 Candler property in 2004. This argument also fails, as the Consulting Defendants had no such obligation. In filing its motion to dismiss, the Consulting Defendants were only obligated to assert facts and arguments relevant to Plaintiff's complaint and their arguments for dismissal. Plaintiff does not provide a valid argument that any portion of the Consulting Defendants' motion to dismiss is contradicted or invalidated by the fact that the Consulting Defendants performed appraisal work on the 2855 Candler property prior to 2005.

In summary, through his motions for sanctions, Plaintiff attempts to create a controversy where none exists. The Consulting Defendants' motion to dismiss is not contradicted by the fact that they did appraisal work on the 2855 Candler property prior to 2005. Further, Plaintiff does not present a valid argument that this factual detail is relevant to his claims or in any way negates an argument maintained in the

Consulting Defendants' motion to dismiss. In short, the Consulting Defendants had no obligation to disclose this fact in their motion to dismiss. Accordingly, Plaintiff's Request for Notice of Motion for Sanction [Doc. No. 92] and Plaintiffs' Motion for Sanctions [Doc. No. 111] are hereby **DENIED**.

V. ADDITIONAL MOTIONS

As explained *supra*, the motions to dismiss filed in this action are hereby granted. Therefore, every Defendant who filed one of these motions is dismissed from this action. As a result of their dismissal, the remaining motions in this action regarding these Defendants are rendered moot. Accordingly, for the sake of clarity in the record, Plaintiffs' Motion for Extension of Time to File Response to Defendants' Motion to Dismiss [Doc. No. 60], Google Inc.'s, the BB&T Defendants', the Consulting Defendants', the Weibel Defendants', T. Matthew Mashburn's, Stites & Harbison, PLLC's, James P. Blum, Jr.'s, Beloin, Brown, Blum, LLC's, Cathy Lyon's, and Amy Abrames' Joint Motion for Status Conference [Doc. No. 91], Google Inc.'s Motion for Leave to File Sur-Reply [Doc. No. 109], the Consulting Defendants' Motion to Stay [Doc. No. 115], the Weibel Defendants' Motion to Strike Plaintiffs' Sur-Reply [Doc. No. 116], Google Inc.'s Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 119], Judge Cynthia D. Wright's Motion for Extension

of Time to Respond to Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 120], the Consulting Defendants' Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 130], Cathy Lyon's and Amy Abrames' Motion for a Stay of the Deadline to Respond to Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 131], the Consulting Defendants' Motion Pursuant to Federal Rule of Civil Procedure 56(d) [Doc. No. 134], and Plaintiff's Motion for Leave to File Excess Pages [Doc. No. 142] are hereby **DISMISSED AS MOOT**.

VI. CONCLUSION

For the above stated reasons, the BB&T Defendants' Motion to Dismiss [Doc. No. 33], T. Matthew Mashburn's and Stites & Harbison, PLLC's Motion to Dismiss [Doc. No. 45], James P. Blum, Jr.'s and Beloin, Brown, Blum, LLC's Motion to Dismiss [Doc. No. 46], Judge Cynthia D. Wright's Motion to Dismiss [Doc. No. 47], the Consulting Defendants' Motion to Dismiss [Doc. No. 49], Google Inc.'s Motion to Dismiss [Doc. No. 53], the Weibel Defendants' Motion to Dismiss [Doc. No. 56], Cathy Lyon's and Amy Abrames' Motion to Dismiss [Doc. No. 58], Gil Chaim Varon's, the Law Office of Gil Chaim Varon, LLC's and Highshore Medical Center, LLC's Motion to Dismiss [Doc. No. 65], and Darryl Moss' and Weissman, Nowack,

Curry & Wilco, P.C.'s Motion to Dismiss [Doc. No. 67], to the extent they seek dismissal of Plaintiff's complaint, are hereby **GRANTED**.

The Weibel Defendants' Motion for Sanctions [Doc. No. 99], Plaintiff's Request for Notice of Motion for Sanction [Doc. No. 92], and Plaintiffs' Motion for Sanctions [Doc. No. 111] are hereby **DENIED**.

Plaintiffs' Motion for Extension of Time to File Response to Defendants' Motion to Dismiss [Doc. No. 60], Google Inc.'s, the BB&T Defendants', the Consulting Defendants', the Weibel Defendants', T. Matthew Mashburn's, Stites & Harbison, PLLC's, James P. Blum, Jr.'s, Beloin, Brown, Blum, LLC's, Cathy Lyon's, and Amy Abrames' Joint Motion for Status Conference [Doc. No. 91], Google Inc.'s Motion for Leave to File Sur-Reply [Doc. No. 109], the Consulting Defendants' Motion to Stay [Doc. No. 115], the Weibel Defendants' Motion to Strike Plaintiffs' Sur-Reply [Doc. No. 116], Google Inc.'s Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 119], Judge Cynthia D. Wright's Motion for Extension of Time to Respond to Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 120], the Consulting Defendants' Motion to Strike Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 130], Cathy Lyon's and Amy Abrames' Motion for Stay of the Deadline to Respond to Plaintiffs' Motion for Partial Summary Judgment

[Doc. No. 131], the Consulting Defendants' Motion Pursuant to Federal Rule of Civil Procedure 56(d) [Doc. No. 134], and Plaintiff's Motion for Leave to File Excess Pages [Doc. No. 142] are hereby **DISMISSED AS MOOT**.

IT IS SO ORDERED, this 8th day May, 2014.

Steve C. Jones

HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE