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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN FRANCISCO**

9
10 WIKIMEDIA FOUNDATION, INC.)

CASE NO. CGC-12-523971

11 Plaintiff,)

12 v.)

**DEFENDANT'S ANSWER TO
PLAINTIFF'S FIRST AMENDED
UNVERIFIED COMPLAINT**

13 INTERNET BRANDS, INC.,)

14 Defendant.)

Trial Date: None

First Amended Complaint filed: 9/13/12

1 Defendant INTERNET BRANDS, INC. ("Defendant") hereby responds to WIKIMEDIA
2 FOUNDATION, INC.'s ("Plaintiff") unverified First Amended Complaint for Declaratory
3 Judgment ("Complaint") as follows:

4 **GENERAL DENIAL**

5 Pursuant to *California Code of Civil Procedure* Section 431.30, Defendant generally and
6 specifically denies each and every material allegation of the Complaint, and further denies that
7 Plaintiff is entitled to the recovery sought in the Complaint, or to recovery in any amount, or to
8 any recovery at all.

9 **AFFIRMATIVE DEFENSES**

10 As and for its separate and affirmative defenses to the Complaint, Defendant alleges as
11 follows:

12 **FIRST AFFIRMATIVE DEFENSE**

13 **(Failure To State Sufficient Facts)**

14 Defendant alleges that the Complaint fails to state sufficient facts to constitute a cause of
15 action against the answering Defendant.

16 **SECOND AFFIRMATIVE DEFENSE**

17 **(Failure To State a Cause of Action)**

18 Defendant alleges that the Complaint fails to state a cause of action upon which relief may
19 be granted.

20 **THIRD AFFIRMATIVE DEFENSE**

21 **(Superseding Acts And Omissions)**

22 Defendant alleges that Plaintiff's alleged damages, if any, were proximately caused by the
23 negligent, reckless or intentional acts or omissions of third parties which Defendant did not have
24 the legal right, duty or opportunity to control, and which acted without Defendant's knowledge,
25 participation, approval or ratification.

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FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

Due to Plaintiff's affirmative acts and conduct, upon which Defendant reasonably relied, Plaintiff is estopped from asserting the claim as alleged in the Complaint against Defendant.

FIFTH AFFIRMATIVE DEFENSE

(Consent)

The Complaint, and the cause of action alleged therein, fails on the ground that Plaintiff consented to the allegedly complained about behavior.

SIXTH AFFIRMATIVE DEFENSE

(Waiver)

By its actions and omissions, Plaintiff has waived, and is estopped from asserting, any claim, right or cause of action resulting from the alleged actions and/or omissions of Defendant.

SEVENTH AFFIRMATIVE DEFENSE

(Complaint Lacks Sufficient Particularity)

Plaintiff's Complaint does not describe the claim made against Defendant with sufficient particularity to enable it to determine what additional defenses it may have in response to the purported claim. Defendant therefore reserves the right to assert all defenses which may be pertinent to such alleged claims once their precise nature is ascertained through discovery.

EIGHTH AFFIRMATIVE DEFENSE

(Mootness)

By its actions and omissions, Plaintiff's claim has been rendered legally moot.

NINTH AFFIRMATIVE DEFENSE

(Ripeness)

The Complaint, and its cause of action, is barred because the action premature, is not ripe for adjudication and no actual controversy exists.

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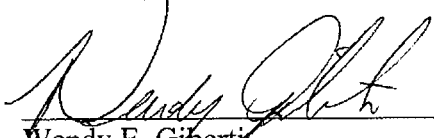
WHEREFORE, Defendant respectfully prays for and requests relief on the Complaint as

follows:

- (a) That Plaintiff takes nothing by way of the Complaint;
- (b) For reasonable attorneys' fees incurred herein;
- (c) For costs incurred in this action; and
- (d) For such other and further relief as the Court deems just and proper.

DATED: December 21, 2012

iGeneral Counsel, P.C.

By: 
Wendy E. Giberti
Attorneys for Defendant
Internet Brands, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, 9th Floor, Beverly Hills, CA 90212.

On December 21, 2012, I served true copies of the following document(s) described as **DEFENDANT'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

Michael G. Rhodes, Esq.
Patrick P. Gunn, Esq.
Dylan R. Hale, Esq.
Ray A. Sardo, Esq.
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 9411-5800

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Ervin Cohen & Jessup LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

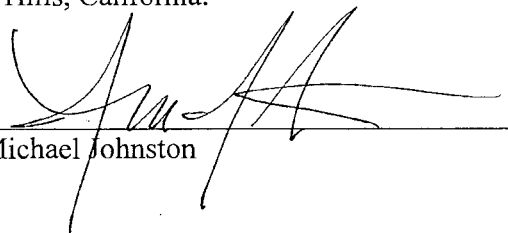
BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. I sent this transmission at _____ a.m./p.m. The telephone number of the sending facsimile machine was (310) 859-2325. No error was reported by the fax machine that I used.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address _____ to the persons at the e-mail addresses listed in the Service List. I sent this transmission at _____ a.m./p.m.. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 21, 2012, at Beverly Hills, California.



J Michael Johnston