

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE  
20<sup>th</sup> JUDICIAL DISTRICT AT NASHVILLE

FILED  
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RICHARD R. ROOKER, CLERK

\_\_\_\_\_ D.C.

BILLY CULLEN, CLAUDETTE CULLEN, )  
TRACY CULLEN, JERRY FROELICH, )  
DANA BARRETT, KAREN SAWYER, and )  
MIKE GREEN, )

Plaintiff, )

v. )

PHILLIP YBARROLAZA and JOHN DOES 1-10, )

Defendants. )

Case No. 04 C 197

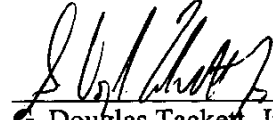
**MOTION TO DISMISS PLAINTIFFS' VERIFIED COMPLAINT**

NOW COMES defendant, Phillip Ybarrolaza ("Defendant Ybarrolaza"), pursuant to Tennessee Rule of Civil Procedure 12.02 and Section 230 of the Communications Decency Act, and respectfully submits this Motion to Dismiss Plaintiffs' Amended Complaint. In support of his Motion to Dismiss, Defendant Ybarrolaza relies on the Amended complaint, as well as the Memorandum of Law submitted contemporaneously with this motion.

**THIS MOTION WILL BE HEARD ON FRIDAY, JANUARY 28, 2005, AT 9:00 A.M.**

**IF NO RESPONSE IS TIMELY FILED AND SERVED, THE MOTION SHALL BE GRANTED AND COUNSEL OR PRO SE LITIGANT NEED NOT APPEAR IN COURT AT THE TIME AND DATE SCHEDULED FOR THE HEARING.**

Respectfully submitted,



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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been furnished, via United States Mail, first-class postage prepaid, on this the 8<sup>th</sup> day of December, 2004, to:

James G. Stranch III, Esq.  
Branstetter, Kilgore, Stranch & Jennings  
227 Second Avenue North  
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