

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
AT CAMDEN

DEBORAH BLISSICK	)	
BRIAN F. MCBRIDE	)	<b>PLAINTIFFS' REPLY TO</b>
(HUSBAND & WIFE)	)	<b>DEFENDANT NJ PEN MEDIA GROUP</b>
Plaintiffs.	)	<b>OPPOSITION TO PLAINTIFFS'</b>
V.	)	<b>CROSS MOTION FOR MORE</b>
NJ PEN MEDIA GROUP, LLC	)	<b>DEFINITE STATEMENT</b>
GOOGLE, LLC	)	Docket 1:23-cv-02044

SUMMARY:

Plaintiffs reply herein to ECF31, Defendant's Opposition to Plaintiffs' request for a more definite statement. Defendant's Opposition is evasive and as such the Defendant comes before the Court with unclean hands. In fact, Defendant's opposition actually supports Plaintiffs' view that the pleading attached to Defendant's moving papers is vague and ambiguous. The court is asked two questions here:

1. "Why does the Defendant restrict access to all of its stories except those about the Plaintiffs?"
2. "Why did the Defendant not explain that in its certification from Matthew Skoufalos?"

RELEVANT FACTS

1. Defendant filed a motion to dismiss pursuant to R 12(b) (6) in lieu of an answer.
2. Defendant also filed an opposition to Plaintiffs' Motion for a Preliminary Injunction.
3. In support of the same, Defendant submitted a certification from Matthew Skoufalos.
4. Defendant's certification, even though attached to a motion, is a pleading that raised certain defenses of Defendant NJ Pen.
5. Plaintiffs allege that certification is a pleading and lacks clarity. Plaintiffs made motion (ECF 30) to compel a more definite answer.
6. Defendant NJ Pen maintains a website njpen.com

7. Defendant's business model is to restrict access to articles.
8. Access is restricted to paying subscribers.
9. The articles written by Defendant concerning the Plaintiffs are the only ones on NJpen.com that do not require a subscription.
10. The Defendant did not explain in its opposition to the preliminary injunction or certification why Defendant treats Plaintiffs differently.
11. Plaintiffs believe this disparate treatment goes to the malicious elements of libel and tortious interference claims.
- 12.

#### LEGAL ARGUMENT

1. Under Rule 12 (e), Plaintiffs may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e).
  - a. Plaintiffs are entitled to *reply* to Defendant's opposition to the Plaintiffs opposition for a preliminary injunction and the certification of Matthew Skoufalos submitted therein.
  - b. Plaintiffs are also entitled to leave to amend their complaint.
  - c. However, Defendant's certification is vague and ambiguous.
2. Plaintiffs' motion is directed to the insufficiency Defendant's certification and not the Defendant's motion or opposition to Plaintiffs' motion. See *Rannels v. S. E. Nichols, Inc.*, 591 F.2d 242, 247 (3d Cir. 1979)

#### REQUEST FOR RELIEF:

1. Plaintiffs' restate their request for leave to amend their complaint to add claims of Tortious Interference.
2. Plaintiffs' request that Defendant's Motion to Dismiss the claim for copyright infringement be denied.
3. Plaintiffs' request an order compelling a more definite certification from Skoufalos vagaries contained therein.

Respectfully submitted,

/s/ Brian F. McBride  
Plaintiff Pro se  
(on behalf of Plaintiffs McBride and Blissick)