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5 Defendant

6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION
9

10 **TELUS Corporation, a foreign**
11 **corporation,**

12 **Plaintiff,**

14 **DENNIS WATSON, an individual,**

15 **Defendant.**

Case No.: C07-3434 (VRW)

DEFENDANT'S MOTION TO DISMISS
AND MOTION TO STRIKE

16
17 Pursuant to Rule 12 (b), (f), 11 and FRCP 41 (b), defendant Dennis Watson submits this
18 Motion to Dismiss and Motion to Strike.

19 **1. MOTION TO DISMISS THE COMPLAINT** for a lack of subject matter jurisdiction.

20 The Plaintiff has completely overstepped the kind of lawsuit it has requested. This is not an
21 International court. I am not a resident or citizen of the United States and neither is the Plaintiff.

22 **2. MOTION TO DISMISS THE COMPLAINT** for a lack of personal jurisdiction over the
23 Defendant.

24 The Defendant has no connection with the District the application was filed in whatsoever.
25 This court has no legal authority to hear the Plaintiff's case against the Defendant.

26 **3. MOTION TO DISMISS THE COMPLAINT** for improper venue.

27 This lawsuit was filed in the wrong place. It should have been filed in Canada.
28

1 **4. MOTION TO DISMISS THE COMPLAINT** for insufficiency of service of process.

2 I was not served the initial summons to this action until after I requested a copy from Youtube
3 and filed my response objecting to an ex parte application proceeding in my absence.

4 I was not served a copy of Judge Walker’s Order calling for a Case Management Conference
5 on October 11 2007 until after the second date for a Case Management Conference that was set for
6 December 13 2007. I filed a request for a telephone appearance for an ADR Conference because
7 that is what I was told it was.

8 Paragraph 1. of Judge Walkers Order calling for the Case Management conference states that
9 the Plaintiff is directed to serve copies of that order on all parties to that action and shall file an
10 appropriate certificate of service with the court. Paragraph 2. of that order states "Failure to serve
11 the summons, complaint and this order pursuant to FRCP 4 and 5 shall be presumptive evidence of
12 lack of prosecution and subject the complaint to dismissal under FRCP 41 (b)."

13 I hereby request under FRCP 41 (b) that this application be dismissed.

14 **5. MOTION TO STRIKE**

15 Failing a complete dismissal of the Plaintiff’s application, in accordance with rule 12(b),
16 (f) and FRCP 41 (b), I hereby file a motion to strike from the complaint anything and everything
17 that does not apply to posting videos on Youtube since that server is the only element of this
18 dispute that operates within the jurisdiction of this court.

19 **6. CRIMINAL CHARGES**

20 Failing a complete dismissal of the Plaintiff’s application I hereby request that the Plaintiff
21 be criminally charged under Section 506 (c) of the U.S. Copyright Act for Fraudulent Copyright
22 Notice having removed 14 video clips from Youtube that they have no possible copyright claim on
23 and charged for Perjury having lied about the name and content of TELUS IDOL in their initial
24 application dated June 29 2007.

25 Failing criminal charges, I request that the Plaintiff be disciplined for a defiant
26 violation of Rule 11 wherein the parties are not to file any motions that are based on facts
27 that they know to be false, or which they did not fairly investigate. Their initial application
28 falsely claimed TELUS Idol was about Voice Over Internet Protocol. Mr. Lopez either lied
or did not fairly investigate that fact by failing to watch TELUS Idol.



26 Dated: Jan 16, 2008

26 By _____
Dennis Watson - Defendant