

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-004734

08/08/2017

HON. DANIEL G. MARTIN

CLERK OF THE COURT
J. Eaton
Deputy

MEGAN WELTER

RAEESABBAS MOHAMED

v.

JOHN DOE, et al.

MARIA CRIMI SPETH

MINUTE ENTRY

Pending before the Court is putative defendant Avvo, Inc.'s June 22, 2017 Motion to Vacate Preliminary Injunction, Plaintiff Megan Welter's July 12, 2017 Motion to Strike Avvo, Inc.'s Motion to Vacate Preliminary Injunction, Avvo, Inc.'s Reply (in support of its motion to vacate) and Response (to Plaintiff's motion to strike), and Plaintiff's August 1, 2017 Reply (in support of her motion to strike).

Avvo, Inc.'s motion begins as follows:

Defendant Avvo, Inc., moves the Court to vacate the Stipulated Order for Permanent Injunction entered in this case on June 29, 2016 (the "Stipulated Injunction"), insofar as it runs against parties other than Ryan McMahon, because it is offensive to the First Amendment, violates 47 U.S.C. § 230, and is contrary to many other established principles of law. Avvo, Inc. has standing to make this motion because it is one of the defendants designated as XYZ Corporation by Plaintiff and because it is the operator of one of the websites adversely affected by the Stipulated Injunction.

Motion, at 1-2.

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Review of the case file and the parties' briefs yields the following findings and conclusions that are dispositive of Avvo, Inc.'s motion:

1. On June 29, 2016, this Court entered a Stipulated Order for Permanent Injunction (the "Permanent Injunction").
2. There are only two capacities in which Avvo, Inc. could be found subject to the terms of the Permanent Injunction: (a) as a defendant; and/or (b) as an agent of defendant Ryan McMahon.
3. Avvo, Inc. is not a defendant in this case. Accordingly, Avvo, Inc. is not subject to the Permanent Injunction in that capacity.
4. Avvo, Inc. is not an "agent" of defendant Ryan McMahon, as that term is defined in the Permanent Injunction. Accordingly, Avvo, Inc. is not subject to the Permanent Injunction in that capacity.
5. Because Avvo, Inc. is not subject to the Permanent Injunction, Avvo, Inc. lacks standing to bring its motion to vacate.

IT IS ORDERED dismissing Avvo, Inc.'s motion.

IT IS FURTHER ORDERED denying Plaintiff's request for attorney's fees and costs.