

326 Comments

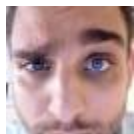
1. [Clark](#) • May 9, 2013 [@10:47 am](#)



re "Because gay marriage": a wise man once said:

[Context doesn't sell; silly bits ripped from context sell. Inspid sensationalism is an old story.](#)

2. [MEP](#) • May 9, 2013 [@10:48 am](#)



Does anybody else think of that scene in Idiocracy where they stage a trial? The lawyers are idiots and not a single one of their arguments makes any legal sense. One of the lawyers even argues that the defendant is guilty because his reasonable arguments about his own innocence sound, "faggy". That scene springs to mind a lot when I read about Prenda.

3. [Regular Guy](#) • May 9, 2013 [@10:50 am](#)



I really don't understand his strategy. (Aside from the lack of authority.) The last two filings were not at all the works of a person who recognizes and employs good strategy. Nazaire could have gone away quietly, and would likely have been respected for doing so. He was a tool, and I would have understood if he did not know all of the issues involving his superiors.

What's odd is that – now that he KNOWS – he is hitching his wagon even more firmly to the Prendanistas. His strategy is essentially to tie the knot tighter to a large sinking ship. Does he really have a client? If not, why would he insist on being sucked into this mess? A good general knows when to retreat. This guy is far from a good general.

4. [Blaise Pascal](#) • May 9, 2013 [@10:50 am](#)



As I understand it, Judge Wright ordered that his Order be distributed to all courts where Prenda et al are plaintiffs. So one way or another the Georgia court was going to receive a copy anyway, right?

5. [Ken White](#) • May 9, 2013 [@10:52 am](#)



Clark:

re "Because gay marriage": a wise man once said:

Context doesn't sell; silly bits ripped from context sell. Inspid sensationalism is an old story.

Do you really think that it's just a coincidence that Nazaire, in attempting to discredit Judge Wright and California and California law, led with a comment about gay marriage to a Georgia court?

I don't. I think the choice was deliberate — just like the following examples about immigration or gun rights.

6. [doeknob](#) • May 9, 2013 [@10:54 am](#)



To all the lawyerly types:

Is it normal for attorneys to brag about their history with cases in court filings?

I remember in the last response Nazaire was bragging about his settlement "wins" and experience in military type law. In this filing he was bragging about his stellar record with consumer litigation.

It seems so.....classless

7. [Merissa](#) • May 9, 2013 [@10:56 am](#)



"No, because gay marriage" sounds like a great rallying cry for something.

8. [jimmythefly](#) • May 9, 2013 [@10:59 am](#)



LOL @ Clark, exactly what I was thinking.

9. *Jason G. Summers* • May 9, 2013 [@11:02 am](#)



"I think the choice was deliberate — just like the following examples about immigration or gun rights."

Because that immigration thing worked out so well for Georgia:

<http://blogs.ajc.com/jay-bookman-blog/2011/06/17/gas-farm-labor-crisis-playing-out-as-planned/>

10. *jimmythefly* • May 9, 2013 [@11:03 am](#)



@ Ken,

C'mon. Your headline is:

"Hilarious New Team Prenda Argument: Judge Wright's Order Is Irrelevant Because of Gay Marriage"

That's not their argument, it's a very clear-cut example of how the laws of California and Georgia differ. Your headline is misleading and slightly sensationalist.

And he didn't lead with it, it's point #11, and again, used as an example, not the central reason.

11. *z!* • May 9, 2013 [@11:05 am](#)



Is there some automaton out there that grabs pieces of news headlines and stuffs them into legal briefs? Perhaps Nazaire subscribes to that service. I also wonder if he even read Wright's order, with the part about distribution to other courts.

12. *z!* • May 9, 2013 [@11:07 am](#)



jimmythefly- what does it matter, anyway? They're federal courts with federal laws. How does the difference in state law come in to play?

13. *Canonical* • May 9, 2013 [@11:09 am](#)



This could be handy, actually. My husband comes home: "Honey, why didn't you grab the mail?"

Me: Because gay marriage.

Me: Hey, did you cover the laptop cord? The rabbit's on the couch.

Husband: No.

Me: Why not?

Husband: Because gay marriage.

It may take the place of our current non sequitur, "The cat's on fire." (we don't own a cat and the rabbit is fully versed in home fire safety.) Ah, Prenda! You truly are the gift that keeps on giving.

14. *Jim Tyre* • May 9, 2013 [@11:10 am](#)



Paragraph 17 is fun, Nazaire doesn't really understand the concept of proof. Cooper testified that it wasn't his signature, that testimony is proof, particularly in the absence of any evidence to the contrary.

I enjoyed meeting Cooper when he came out for the March 11 hearing. But sadly, EFF does not really hang with him.

15. *anne mouse* • May 9, 2013 [@11:22 am](#)



Personally I'm most stunned by Nazaire's paragraph 15 (over a page long). You know your argument sucks when you have to construe a judge's two mentions of "boilerplate" (as one reason Prenda's

complaints looked suspicious) as an attempt to impose a mandate on "Allstate, Progressive, Geico and other insurance companies" among others.

Z! and others, the state law argument does have some relevance: the question in Nazaire's case is whether filing the case was frivolous and sanctionable, and state law may have some things to say about that. (It's a complicated topic. Federal rules are important too.)