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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL ZWEBNER,)	
)	
Plaintiff,)	Civil No. 00-1322-KI
)	
v.)	OPINION AND ORDER
)	
JOHN DOES ANONYMOUS)	
FOUNDATION, INC., a corporation and)	
LES L. FRENCH,)	
)	
Defendants.)	

Michael Zwebner
407 Lincoln Road, Suite 6K
Miami Beach, FL 33139

Pro Se

Bruce L. Melkonian
8401 N.E. Halsey Street, Suite 204
Portland, Oregon 97220

Attorney for Defendant John Does Anonymous Foundation, Inc.

Les L. French
9790 S.W. Pembroke Street
Portland, Oregon 97224

Pro Se

KING, Judge:

Plaintiff Michael Zwebner brought this action against John Does Anonymous Foundation, Inc. (“JDAF”) and “Does 1 through 100.” Zwebner alleged that defendants

1 posted false and defamatory information about him on the Internet, including on message
2 boards operated by JDAF. The complaint made specific allegations about a “Doe”
3 defendant who used the alias “Internetzorro.” Shortly after the complaint was filed, Les
4 French voluntarily came forward claiming that he was “Internetzorro,” and this court
5 allowed French to appear in this action as a defendant. After entering this lawsuit,
6 defendant French asserted several counterclaims against plaintiff. Zwebner and French
7 have settled their claims against each other and have entered into a stipulated injunction
8 against both of them, signed by this court on May 20, 2003 (#160).

9 Defendant JDAF never properly appear in this action. Plaintiff successfully
10 obtained an order of default against JDAF. Plaintiff then moved for a default judgment. In
11 an order dated April 13, 2001 (#58), this court deferred ruling on that motion until such
12 time as the damages phase of the case against French, the only answering defendant. As
13 discussed above, French and Zwebner have settled the claims between them, and the issue
14 now before the court is the judgment against JDAF.

15 Plaintiff was given the opportunity to prove his damages at a hearing before the
16 court on March 31, 2003, where defendant JDAF was allowed limited representation by
17 counsel. Plaintiff, appearing *pro se*, argued that he is entitled to economic and non-
18 economic damages in the amount of more than \$18 million. Having listened to plaintiff's
19 testimony and reviewed the evidence submitted by plaintiff, the court finds as follows:
20 Plaintiff has proven by a preponderance of evidence that he has suffered emotional distress
21 damages in the amount of \$50,000. Plaintiff has failed to prove he is entitled to an award
22 of economic damages. Accordingly, judgment in the amount of \$50,000 shall be entered
23 against JDAF.

24 Since the March 31, 2003 damages hearing, plaintiff has also filed a Motion To
25 Strike Certain Portions of the Record and Motion for Sanctions (#150) and a Motion to
26 Enforce Judgment and For Sanctions (#151). Plaintiff asks the court to strike portions of
27 the transcript from the damages hearing and sanction French for having allegedly breached
28 the parties' then draft stipulated injunction. Zwebner argues that counsel for JDAF's

1 statements during the hearing indicate French breached the agreement by discussing certain
2 issues with counsel for JDAF. I deny plaintiff's motions (#150, #151), but I will seal the
3 transcript of the March 31, 2003 damages hearing, as well as the transcript of the parties'
4 settlement agreement.

5 IT IS SO ORDERED.

6 DATED this 2nd day of June, 2003.

7
8 /s/ Garr M. King
9 GARR M. KING
United States District Judge