

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 09-68539 CA25

JOHN GIORDANO, individually, and G&G
ADDICTION TREATMENT, INC., a Florida
corporation,

Plaintiffs,

vs.

DONNA L. ROMEO, and XCENTRIC
VENTURES, LLC, an Arizona Limited
Liability Corporation,

Defendants.

**ORDER GRANTING DEFENDANT XCENTRIC VENTURES, LLC'S MOTION TO
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT WITH PREJUDICE**

THIS CAUSE having come before the Court on February 7, 2011 on the Motion to Dismiss the Plaintiff's Amended Complaint (the "Motion to Dismiss") filed by Defendant XCENTRIC VENTURES, LLC ("Xcentric"). The Court, having considered the Motion to Dismiss filed by Xcentric, having heard argument from the parties, and being otherwise fully advised in the premises;

The Court finds that the cause of action of the Plaintiffs, JOHN GIORDANO and G&G ADDICTION TREATMENT, INC. (collectively, "Plaintiffs") against Xcentric for injunctive relief is barred by the Communications Decency Act, 47 U.S.C. § 230; the Court bases this decision on 47 U.S.C. § 230 as well as the case law, including, *Doe v. America Online, Inc.*, 783 So. 2d 1010 (2001); *Almedia v. Amazon.com, Inc.*, 456 F.3d 1316, 1321 (11th Cir. 2006); *Noah v. AOL Time Warner, Inc.*, 261 F.Supp.2d 523 (E.D.Va. 2003); *Zeran v. America Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997); *Whitney Information Network, Inc. v. Xcentric Ventures, LLC*, 2008 WL 450095 (M.D.Fla. 2008); *Global Royalties, Ltd. v. Xcentric Ventures, LLC*, 544

F.Supp.2d 929 (D.Ariz. 2008); *GW Equity, LLC v. Xcentric Ventures, LLC*, 2009 WL 62173 (N.D.Tex. 2009); *Intellect Act Multimedia v. Milewski*, 2009 WL 2915273 (N.Y.Sup. 2009); and *Ben Ezra, Weinstein, & Co. v. America Online, Inc.*, 206 F.3d 980, 983–86 (10th Cir. 2000).

ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED that Xcentric's Motion to Dismiss is GRANTED with prejudice. This action against Xcentric is hereby dismissed with prejudice. Plaintiffs shall take nothing by this action against Xcentric and Xcentric shall go hence without day. The Court hereby retains jurisdiction to determine fees, if allowable, and costs in favor of Xcentric and against Plaintiffs.

IT IS FURTHER ORDERED AND ADJUDGED that this Court's Order dated December 28, 2010 enjoining Xcentric from maintaining the statements about Plaintiffs posted on www.ripoffreport.com is dissolved.

DONE AND ORDERED in Chambers, in Miami-Dade, Miami-Dade County, Florida, this _____ day of February, 2011.

CONFORMED COPY

Beatrice Butchko
Circuit Court Judge
FEB 18 2011
BEATRICE BUTCHKO
CIRCUIT COURT JUDGE

Copies furnished to:

Sammy Epelbaum, Esq.
Mendy Halberstam, Esq.
Lawrence A. Wanshel, Esq.

Name and Last Known Address of Defendant Xcentric Ventures, LLC:

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P.O. Box 310
Tempe, Arizona 85280

Name and Last Known Address of Defendant Donna L. Romeo:

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Name and Last Known Address of Plaintiff John Giordano:

John Giordano
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North Miami Beach Fl 33162

Name and Last Known Address of Plaintiff G&G Addiction Treatment, Inc.:

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