

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GENEVIEVE MAHONEY,)	
a/k/a @genmahoney19,)	
an individual,)	
)	
Plaintiff,)	NO. 3:21-cv-00607
v.)	
)	Judge Campbell
)	Magistrate Judge Frensley
FACEBOOK, INC.,)	
a Delaware corporation,)	JURY DEMAND
)	
Defendant.)	

**PLAINTIFF’S JOINT RESPONSE IN OPPOSITION TO MOTIONS TO
CHANGE VENUE AND FOR LEAVE TO FILE UNDER SEAL**

Plaintiff, Genevieve Mahoney (“Genevieve”), hereby responds in opposition to two motions of the defendant, Facebook, Inc. (“Facebook”), filed on August 30, 2021: (1) motion to change venue [Doc. 13]; and (2) motion for leave to file under seal [Doc. 17].

Genevieve opposes both motions as set forth below, and fully incorporates into this opposition response, both her motion to remand to state court and supporting memorandum of law pursuant to forum clause [Doc. 24] and [Doc. 28], and her response in opposition to Facebook’s motion to dismiss complaint filed today, September 27, 2021 [Doc. 31], and she states as follows:

1. With respect to Facebook’s motion to change venue [Doc. 13], Genevieve’s motion to remand to state court pursuant to forum-clause argues that Facebook waived its right in its own forum-clause to remove this case to the Middle District of Tennessee. *See* Doc. 24 and memorandum of law, Doc. 28.

2. Also, with respect to Facebook’s motion to change venue [Doc. 13], today Genevieve filed a response in opposition to Facebook’s motion to dismiss complaint and called into question the constitutionality of 47 U.S.C. § 230 (c)(2)(A), Communications Decency Act (“CDA”), and intends to promptly notify the U.S. Attorney General of the United States, of this constitutional challenge in accordance with Fed. R. Civ. P. 5.1.

3. Therefore, with respect to Facebook’s motion to change venue [Doc. 13], Genevieve’s position is that this case: (1) should be remanded to state court pursuant to the plain meaning of the forum-clause as set forth in her motion to remand and supporting memorandum of law; or (2) this Court should hear the constitutional challenge to Section 230 (c)(2)(A) in accordance with applicable law, as set forth in her opposition response to Facebook’s motion to dismiss that was filed today, September 27, 2021.

4. With respect to Facebook’s motion for leave to file under seal (Doc. 17), Genevieve does not intend to make a showing that the proffered documents should be filed under seal in accordance with applicable law.

WHEREFORE, for these reasons, the Plaintiff respectfully prays for such relief as set forth herein.

Respectfully submitted this 27th day of September 2021.

**DUNCAN, HATCHER,
HOLLAND & FLEENOR, P. C.**

/s/ M. E. Buck Dougherty III
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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, a copy of the foregoing *Response* was filed electronically via the court's CM/ECF filing system. Notice of this filing will be sent by operation of the court to all parties indicated on the electronic filing receipt, including counsel of record below.

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