

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22-CVS-14854

KENNETH L. BRYANT,)
)
Plaintiff,)
)
v.)
)
BRYAN DONALD FIELDS and)
CARSTEN JASON GALLINI,)
)
Defendants.)

**RENEWED
MOTION TO DISMISS ON
BEHALF OF DEFENDANT
BRYAN DONALD FIELDS**

Pursuant to the Notice of Special and Limited Appearance filed 19 January 2023, the undersigned counsel hereby respectfully move the court, on behalf of defendant Bryan Donald Fields (“Fields”), to dismiss the plaintiff’s claims against him with prejudice pursuant to Rule 12(b)(2) of the North Carolina Rules of Civil Procedure.

As more specifically set out below, the grounds for this motion is that this court lacks personal jurisdiction over Mr. Fields. This motion is supported by the Affidavit of Bryan Fields dated 17 January 2023 (the “Fields Aff.”) and the second Affidavit of Bryan Fields dated 23 May 2023 (the “Second Fields Aff.”). In further support of these motions the undersigned respectfully show unto the court that:

1. As Plaintiff acknowledges, Mr. Fields is a citizen and resident of Florida. Complaint at 2, para. 9. Fields Aff. ¶ 1.
2. Mr. Fields has never resided in North Carolina. Fields Aff. ¶ 2.
3. Mr. Fields does not vacation in North Carolina. Fields Aff. ¶ 4.
4. To his knowledge, Mr. Fields does not have friends or family who live

in North Carolina and if they do, he does not visit them. Fields Aff. ¶ 3.

5. Mr. Fields has not conducted business in, or engaged in commerce in North Carolina in more than 15 years. Fields Aff. ¶ 7.

6. Mr. Fields has not physically been present in the state of North Carolina, outside of an airport for connection purposes, since 2008. Fields Aff. ¶ 8. Mr. Fields has never been to Wake or Haywood counties in North Carolina. Second Fields Aff. ¶ 3.

7. Despite the allegations contained in ¶ 63 of the Amended Complaint to the contrary, Mr. Fields nor his counsel have ever been contacted by the plaintiffs or their counsel attempting to resolve this matter prior to filing of the complaint or amended complaint or since. Second Fields Aff. ¶ 4.

8. The only statements that Mr. Fields has ever published or disseminated about the plaintiff were posted online via Facebook™ or on a publicly editable wiki website. Wiki.w9cr.net runs the same wiki software, Mediawiki, used by Wikipedia allowing anyone to add, delete or modify content. This website is hosted on servers in Tampa, Florida and connected to the internet at that location. Fields Aff. ¶ 10.

9. Mr. Fields wrote and posted each of these statements from his home in Florida. All such statements were intended for general distribution via the internet and were not targeted to a North Carolina audience or to anyone in particular. Fields Aff. ¶ 9.

10. Despite allegations in ¶ 45-51 of the Amended Complaint to the

contrary, other than wiki.w9cr.net, Mr. Fields does not own the domains listed nor does he operate or own the server(s) hosting the domains. Second Fields Aff. ¶ 5.

11. Mr. Fields did not create the meme about which plaintiffs complain in ¶¶ 35A and 38A of the Amended Complaint. Second Fields Aff. ¶ 6.

12. Mr. Fields does not solicit, has not solicited, nor has he accepted payment for wiki.w9cr.net via cryptocurrency or other forms of payment as plaintiffs complain in ¶ 200 of the Amended Complaint. Second Fields Aff. ¶ 7.

13. Accordingly, Mr. Field lacks contacts with the State of North Carolina sufficient to allow this court to exercise personal jurisdiction over him.

Respectfully submitted, this the 26th day of May 2023.

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CERTIFICATE OF SERVICE

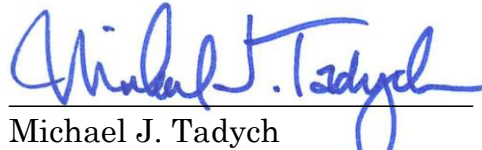
The undersigned hereby certifies that the foregoing Motion to Dismiss was served by depositing a true copy thereof with the United States Postal Service, first class postage prepaid, addressed to:

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This the 26th day of May 2023.

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