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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AKIKO KIJIMOTO,  
Plaintiff,  
v.  
YOUTUBE LLC, et al.,  
Defendants.

Case No.18-cv-00754-HSG

**ORDER GRANTING DEFENDANTS’  
MOTION TO DISMISS**

Re: Dkt. No. 38

Pending before the Court is a motion to dismiss by Defendants YouTube, LLC (“YouTube”) and Google, LLC (“Google”). Dkt. No. 38. For the reasons set forth below, the Court **GRANTS** Defendants’ motion with **LEAVE TO AMEND**.<sup>1</sup>

**I. BACKGROUND**

**A. Factual Allegations**

In its current form, Plaintiff Akiko Kijimoto’s Complaint is disorganized and difficult to follow.<sup>2</sup> Plaintiff seems to allege that an unnamed third party uploaded content on YouTube that has caused “defamation and harassment.” Dkt. No. 1-1 (Complaint, or “Compl.”) at 11. She describes the video as a recording of her and a high school boyfriend performing karaoke. *Id.* at 11. Plaintiff mentions “Cyberbullying” and “Cybercrime,” as well as more than 10 years of “net stalking.” *Id.* She appears to allege that the content posted by the third party is copyrighted material.<sup>3</sup> *Id.* at 10. She also confusingly claims that the third party’s content “causes defamation

<sup>1</sup> The Court finds this matter appropriate for disposition without oral argument and the matter is deemed submitted. *See* Civil L.R. 7-1(b).

<sup>2</sup> Excerpts from the Complaint are reproduced verbatim.

<sup>3</sup> For this reason, Defendants removed this action on the basis of federal question jurisdiction. *See*

1 and harassment to official artists and music record Company.” *Id.* at 10. Plaintiff further appears  
 2 to state “life insurance,” “copyright,” and “life liability insurance” as additional causes of action.  
 3 *Id.* at 9.

4 As to relief sought, Plaintiff apparently seeks \$2 billion in damages and requests the  
 5 disclosure of the third party’s IP address information and the deletion of the third party’s video.  
 6 *Id.* at 9-10. Plaintiff also requests that YouTube more closely monitor what content is publicly  
 7 published. *Id.* at 10.

### 8 **B. Procedural Posture**

9 Plaintiff filed the Complaint on November, 9, 2017.<sup>4</sup> Defendants filed this motion to  
 10 dismiss on February 21, 2018. Dkt. No. 38. Plaintiff did not file an opposition.<sup>5</sup> Defendant filed  
 11 a reply on March 14, 2018. Dkt. No. 41.

## 12 **II. LEGAL STANDARD**

13 The complaint must include a “short and plain statement,” Fed. R. Civ. P. 8(a)(2), and  
 14 “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”  
 15 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotation omitted). Plaintiff must provide the  
 16 grounds that entitle her to relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

17 “[A] *pro se* complaint, however inartfully pleaded, must be held to less stringent standards  
 18 than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (internal  
 19 quotation marks and citations omitted). However, even a “liberal interpretation of a . . . complaint  
 20 may not supply essential elements of the claim that were not initially pled.” *See Ivey v. Bd. of*  
 21 *Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). “[P]ro se litigants are bound by the  
 22 rules of procedure,” *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995), which require “a short and  
 23 plain statement of the claim showing that the pleader is entitled to relief,” Fed. R. Civ. P. 8(a).

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 25 \_\_\_\_\_  
 26 <sup>4</sup> On June 6, 2017, Plaintiff filed a nearly identical complaint in the Central District of California  
 27 against another company, and that complaint was dismissed on jurisdictional grounds. *Akiko*  
 28 *Kijimoto v. Dwango Co., Ltd.*, No. 2:17-cv-06448-PSG-MRW; Dkt. No. 38-2 (Declaration of  
 29 Samuel J. Dipppo), Ex. 1.

<sup>5</sup> Plaintiff did, however, file a letter with the Court on February 20, 2018, in which she states that  
 30 she “would like to delete youtube contents in anyway” even if her “case is going to dismiss in

1 “[A] plaintiff’s obligation to provide the grounds of [her] entitlement to relief requires more than  
 2 labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.”  
 3 *Twombly*, 550 U.S. at 555 (internal quotations omitted).

### 4 **III. DISCUSSION**

#### 5 **A. Plaintiff Fails to Allege Sufficient Facts to Plausibly State a Claim.**

6 A complaint that is “highly repetitious” or “confused,” or that “consist[s] of  
 7 incomprehensible rambling” violates Rule 8(a). *Cafasso, U.S. ex rel v. Gen. Dynamics C4 Sys,*  
 8 *Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011). Both the content and structure of the Complaint, which  
 9 consists primarily of sentence fragments, are unclear.<sup>6</sup> *See, e.g.*, Compl. at 11 (“I thought why but  
 10 i got the same damage and understood the meaning.”). It is comprised mostly of irrelevant facts.  
 11 Plaintiff includes information about credit card fraud and her divorce without articulating how  
 12 those facts relate to her causes of action or the relief sought. Plaintiff’s Complaint similarly does  
 13 not clearly identify any causes of action. It presents no unifying theme or clear factual pattern  
 14 from which a claim could be identified, instead jumping from accusations that YouTube is  
 15 engaged in “trafficking in persons and act of killing people because the human voice is included in  
 16 the copyrighted work” to asserting that all the third-party content is “stolen.” Compl. at 9-10. As  
 17 such, the Complaint violates Rule 8’s directive that each allegation be “simple, concise, and  
 18 direct.” *See Fed. R. Civ. P. 8(d)(1).*

19 Because of its disjointed nature, the Complaint fails to “put the defendant[s] on notice as to  
 20 the nature of the claim against [them] and the relief sought.” *See Twombly*, 550 U.S. at 574.  
 21 Without notice of the claims asserted against them, Defendants cannot adequately prepare an  
 22 answer or prepare a defense. Even liberally construed, Plaintiff’s assertions are unclear, and  
 23 insufficient to state a claim upon which relief can be granted. “Although a pro se litigant . . . may  
 24 be entitled to great leeway when the court construes [her] pleadings, those pleadings nonetheless  
 25 must meet some minimum threshold in providing a defendant notice of what it is that it allegedly  
 26 did wrong.” *Brazil v. U.S. Dep’t of Navy*, 66 F.3d 193, 199 (9th Cir. 1995). That threshold is not

27 \_\_\_\_\_  
 28 <sup>6</sup> Defendants suggest that this may be due to a language barrier, but the Court cannot draw this

1 close to being met here. Accordingly, the Court finds that the Plaintiff fails to satisfy the  
2 requirements of Rule 8.

3 **B. Plaintiff Will Be Granted Leave to Amend Her Complaint.**

4 Pro se litigants are “entitled to notice of the complaint’s deficiencies and an opportunity to  
5 amend prior to dismissal of the action.” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995).  
6 The Court will grant leave to amend “unless it determines that the pleading could not possibly be  
7 cured by the allegation of other facts.” *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)  
8 (citation omitted). The serious deficiencies in the Complaint notwithstanding, the Court cannot  
9 say at this stage that amendment would be futile as a matter of law.

10 Accordingly, the Court finds that leave to amend is proper. Should she choose to file a  
11 First Amended Complaint, Plaintiff should clearly identify: (1) each legal claim; (2) the facts  
12 supporting each claim; and (3) the defendant against whom the claim is alleged. Failure to file a  
13 First Amended Complaint by the deadline may result in dismissal of the action in its entirety  
14 without further leave to amend. Additionally, Plaintiff’s First Amended Complaint will be  
15 dismissed if she does not correct the deficiencies the Court has identified in this order.

16 **IV. CONCLUSION**

17 For the foregoing reasons, Defendants’ motion to dismiss is **GRANTED**. Plaintiff’s  
18 claims are **DISMISSED WITH LEAVE TO AMEND**. Should Plaintiff wish to file a First  
19 Amended Complaint, she is directed to do so in accordance with the discussion above no later than  
20 28 days from the date of this Order.

21 **IT IS SO ORDERED.**

22 Dated: May 29, 2018

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25 HAYWOOD S. GILLIAM, JR.  
26 United States District Judge  
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