

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
Twenty Fifth DIVISION

DIONYSIUS HIPPI, INDIVIDUALLY
on behalf of himself and All Others
Similarly Situated

PLAINTIFF

2009-CV-4321

V. NO. _____

MECHANICAL PUBLISHERS, INC.
and BANANABERRY ENTERPRISES,
INC.

DEFENDANTS

COMPLAINT

Comes ye olde Plaintiff, Dionysius Hipp, and for his Complaint against the Defendant,
Mechanical Publishers, Inc., and against the Defendant Bananaberry Enterprises, states:

1. Plaintiff is an individual resident of Little Rock, Pulaski County, Arkansas, and no stranger to these courts.
2. Defendant Mechanical Publishing, Inc. is an Arkansas Corporation, registered with the Secretary of State, whose agent for service is O. Julius Bananaberry, phlogiston magnate, mood ring baron, and convicted moperer (conviction currently on appeal).
3. Defendant Bananaberry Enterprises is a multinational conglomerate with its headquarters in Luxembourg, authorized to do business in the State of Arkansas, registered with the Arkansas Secretary of State, whose agent for service is O. Julius

Bananaberry, phlogiston magnate, mood ring baron, and convicted moperer (conviction currently on appeal).

4. Defendant is in the business of publishing books, *inter alia* a series of books which it designates "Lurid Tales of Depravity."
5. The series "Lurid Tales of Depravity" is advertised as high quality pornography, promoted as appealing to prurient interests, and marketed in a manner that the marketing materials are allegedly kept out of the hands of minors.
6. The "Lurid Tales of Depravity" are, in fact, merely reprints of classics on which copyright--if indeed it ever applied, has long since expired. The classics have been retitled by the publisher, and the names of the authors disguised in order to perpetuate a fraud on the purchaser.
7. The reprints are interrupted every page or two by a reproduction, generally of poor quality, of a painting, drawing, or photograph of sculpture. Again, these items are generally of a vintage to be far beyond any protection of the copyright laws. The verso of each such page is blank, save the materially false representation, "This page intentionally left blank."
8. Said verso is not in fact "blank" but is marred with the inscription set forth in paragraph 6. Further, the inscription was intentionally placed on the verso by the defendant

publisher, rendering the affirmation on the page an intentional misrepresentation of material fact.

9. Furthermore, the paper on which the series of books is printed is of a substandard nature, not fit for wrapping fish or for sanitation purposes in the restroom.
10. Upon information and belief, Plaintiff is not the only person to have purchased books from this series.
11. Plaintiff brings this action on behalf of themselves, and all others similarly situated, pursuant to Rule 23 of the Arkansas Rules of Civil Procedure as representatives of the following class:
12. All persons in Arkansas (1) purchased any volume from the series "Lurid Tales of Depravity" expecting some genuine pornography but were instead supplied with this crapola as hereinbefore described and who further (2) received books which contained illustrations where the reverse side of the page was wasted with the materially false representation "This page intentionally left blank."
13. Excluded from the class are employees of Defendant Bananaberry Enterprises, its officers, its directors, its subsidiaries or its affiliates, particularly that tool-fondling son-of-a-bitch O. Julius Bananaberry.

14. In addition, the following persons are excluded from the class: (1) Mickey Duck, who bought one of these books but laughed at me when I proposed that he join with me in this lawsuit and (2) anyone living in Garland County. You know why.
15. The class is so numerous that joinder of all members is impracticable. Plaintiff does not know the exact size of the class, since such information is in the exclusive control of Defendant Mechanical Publishers, Inc., a Bananaberry Enterprises wholly owned Subsidiary. However, the exact number may be determined by appropriate discovery.
16. There are questions of fact and law common to the class, which common questions predominate over any questions affecting only individual members. Those common questions include:
 - a. whether Defendant falsely advertises its product to create the impression that it is genuine high quality pornography when in fact it is not;
 - b. whether it is massive and inexcusable fraud to print "This page intentionally left blank" on a page which is obviously not blank because it has "This page intentionally left blank" printed right there on it;
 - c. whether "This page intentionally left blank" was printed on the page intentionally or whether there was some kind of "accident" or "mistake" that caused it to show up there thousands of times;

- d. whether O. Julius Bananaberry is as much of a greedy avaricious bastard as he seems to be;
- e. whether the lousy paper used to print this material is fit to be used as toilet paper
17. Plaintiff can and will fairly and adequately represent and protect the interests of the class and has no interests that conflict with or are antagonistic to the interests of the class. Plaintiff has proceeded *pro se* because he's gone through all the attorneys in the first twenty-five (25) pages in the Yellow Pages and none of them would take it. In fact, only two or three would even talk to me.
18. All of the questions of law and fact regarding the liability of Defendant are common to the class and predominate over any individual issues that may exist, such that by prevailing on their own claims, Plaintiffs necessarily will establish Defendant's liability to all class members;
19. Without the Plaintiff going forward with this, virtually no class member would receive legal redress or representation for his/her damages; and
20. Plaintiffs has the necessary financial resources to adequately and vigorously litigate this class action, due to the success of Plaintiff's book, *Anarchy in Action*, published by a *real* publisher by the way, not some fly by night low-life publisher like Mechanical Publishing, and available at better bookstores everywhere and through Amazon.com and Barnes & Noble and now available in most ebook formats. Plaintiff is aware of his

fiduciary responsibilities to the class members having read about them on the Internet and is determined to diligently discharge those duties by vigorously seeking the maximum possible recovery for the class mostly because he's really hacked off about all this.

21. The class action is an appropriate method for the fair and efficient adjudication of the controversy given the following:

- a. Common questions of law and/or fact predominate over any individual questions that may arise, such that there would be enormous economies to the courts and the parties in litigating the common issues on a classwide instead of a repetitive individual basis. Not that anyone else would actually sue, or anything.
- b. Class members' individual damage claims are too small to make individual litigation an economically viable alternative;
- c. Class treatment is required for optimal deterrence and compensation and for limiting the court-awarded reasonable legal expenses incurred by class members;
- d. Despite the relatively small size of individual class members' claims, their aggregate volume, coupled with the economies of scale inherent in litigating similar claims on a common basis, will enable this case to be litigated as a class action on a cost-effective basis, especially when compared with repetitive individual litigation; and

- e. No unusual difficulties are likely to be encountered in the management of this class action in that all questions of law or fact to be litigated at the liability stage are common to the class.
22. Class certification is fair and efficient as well because prosecution of separate actions would create a risk of adjudications with respect to individual members of the class, which as a practical matter, may be dispositive of the interests of other members not parties to the adjudication or substantially impair or impede their ability to protect their interests.
23. Class certification is appropriate under Arkansas law because Defendant Mechanical Publishing has acted on grounds generally applicable to the class.

Count 1 -- Fraud

24. Defendant fraudulently promoted its materials as high quality pornography when in fact it was even remotely pornographic.
25. Defendant took steps to pretend to keep its advertising materials out of the hands of persons under the age of seventeen, even though there was absolutely nothing in the materials that would justify such action.
26. Defendant caused the materially false and misleading statement "This page intentionally left blank." to be printed in numerous places throughout its books on pages which, due to the slogan, were not actually blank.

Count 2 -- Intentional Infliction of Emotional Distress

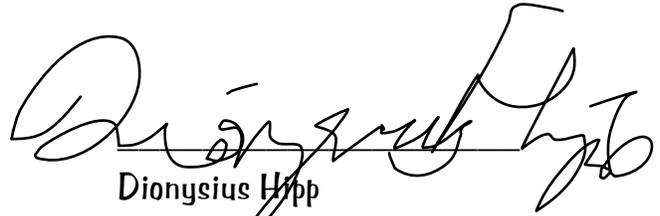
27. Defendant knew that its actions were extreme and outrageous, such that they are not tolerable in a civilized society, and that they would most likely cause extreme emotional distress to such an extent that a reasonable person should not be expected to bear it, yet Defendant continued with its course of action in reckless disregard of the circumstances.

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, seeks the following:

1. An order confirming that this conditionally certified class action is properly maintainable as a class action, and appointing Plaintiff to represent the class;
2. An award of compensatory damages and all monetary relief authorized by law or referenced in the Complaint, including punitive, exemplary, or special damages;
3. An Order enjoining Mechanical Publishers or any other subsidiary of Bananaberry Enterprises from continuing the massive public fraud as described herein;
4. An award of prejudgment and post judgment interest;
5. An award providing for payment of costs of suit, including payment of experts' fees and expenses;
6. An award of reasonable lay person's fees in lieu of attorney's fees since all attorneys were too chicken to take on Bananaberry and his massive wealth and influence; and
7. Such other and further relief as Plaintiff may think of later;

8. Such other and further relief as this Court may deem proper and just.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dionysius Hipp", written over a horizontal line.

Dionysius Hipp

Pro se

Compulsive Serial Litigant No. 15153

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