

Kleros Court - Marketing Services Subcourt - Case No. 328

Reply Brief in Response to Opposition Based on Publication Date

Introduction

The date is Jan 10 in the submitter's local time. Someone sees Jan 11 and gets attacking Claimant and intimidating jurors; that's basically the 'no' position, without caring about the whole context. Initially, Claimant did not even know there was apparently some behavior / different date rendering on the page by Medium's code depending on location, so it was not discussed earlier. Despite this opposition, the Jan 10 publication date can be established (in addition to the timely submission timestamp), and the Program Terms and jurisprudence warrant relief to Claimant.

The Publication Date is Jan 10 in Submitter's Local Time

Contrary to the Jan 11th screenshots, Claimant's accessing of the publications **correctly reflect the Jan 10 dates on which they were published in Claimant's time zone.** (See [date screenshot 1](#) and [date screenshot 2](#).)

The validity of the screenshots (because there's really an accusation of tampering, without investigation beforehand?) can be proven by accessing each publication from a proxy server with the correct time characteristics. For example, accessing with [CroxyProxy](#) rendered the publication date to Jan 10.

Importantly, it was timely submitted in the first timeframe and well raised with the Kleros Coop at the right time before having to do a case.

The Program Terms Did Not Exclude Such Time

The opposing side argues "this is an internet court, only UTC can be a consensus timezone." But there is no such court policy. It's just an assumption without support for the position. **A whale juror showing up and making it up without court policy governance or specification in the terms in question would be starting to accept having any policy dictated.**

There was no such policy or term. So why not any time zone in which an eligible participant is found? Why would it necessarily be UTC time? Want more speculation... Paris time where the Kleros Coop is formed? Lisbon time where the Kleros Coop has an office for administration? Or just Anywhere on Earth (AoE) time? Yes, [AoE is a thing too, and is even an IEEE 802.16 convention](#) for wireless broadband!

Per the *contra proferentem* doctrine widely used in contract interpretation, to the extent there is ambiguity in the terms, the preferred meaning should be the one that works against the interests of the party who provided the wording. The lack of a time zone should be interpreted against the Kleros Coop which drafted the Program Terms.

The actual interpretation that favors consensus is one to include Claimant's local time.

Because Any (Acceptable) Reporting Source Worked in Case 302, Any Time Zone Should Work

In case 302, the Kleros Court at its highest level accepted StatNews as a reporting source for an oracle question on reported deaths. The 'no' side argued to limit the scope of sources for the "reported deaths" which were not specified.

Here, if the Kleros Coop wanted to limit the time zones or specific deadline time, it could have done so. **In the absence of a limitation, the Court should not create it on its own.** Any acceptable time zone and local time (i.e., of eligible participants, internationally) should work.

Predictability and Neutrality Must Be Upheld

PNK holders and jurors must be able to cast a vote with sufficient predictability and confidence. Otherwise, the Kleros Court would become a small claims casino. Jurors would risk losing their staked coins capriciously, and parties would not want to litigate there, reducing the case load and utility of PNK.

This is the rational argument unlike the emotional and personally biased question, "do you want to give PNK to that kind of person?" The counterquestion is: "do you want that kind of person dictating policies and intimidating jurors, putting at risk of loss the ability to vote for the most reasoned decision per one's independent review of the evidence?"

Money-grab? And Other Comments

Lastly, although the opposition makes comments that are not well taken, Respondent is not interested in needlessly arguing them. Suffice to say, the only money-grab in this case would be by the opposition, if let not caring about providing a fair dispute resolution system and intimidating the jurors into the predecision it has dictated. It is regrettable and uncomfortable to have to write this section, and waste the jurors' time with a heated argument not on the merits.

A look at the publications shows Claimant cares deeply about Kleros and decentralized justice, and is prepared to spend personal time to advance inclusion and research.

Without having to "spam" the case to create a complete record to respond to such trolling, the current record shows that, on March 10, 2020, Stuart of Kleros noted Respondent was a "long time supporter and friend of Kleros." (See [email](#) at p. 1.)

Claimant should not be blamed if the Kleros Coop administration was not willing or able to process Claimant's notification of issues and request for a response as a support matter, requiring arbitration after the fact.

After finding out the first payout was made without resolving the issue, Claimant wrote, showing good faith and care for the use of funds: "Another resolution to consider to better justify the expense might be: paying out that amount but as part of a CryptoUnlocked campaign of mine (the existing one or another idea) keeping in mind further Kleros storytelling and distribution." (See *ibid.* at p. 2.)

Claimant did not make up a bogus claim, but carefully pointed out a real problem and tried to work out a solution for the benefit of Kleros in February, which was left pending. The PNK figure may seem high, but it represents the type of reward that other participants received, at a time when the PNK price was much lower. For example, Marc was rewarded 107142.86 PNK with three tweets (lines 20 through 22 of the [spreadsheet](#)).

On the other hand, what's on the radar of the opposition is intimidating jurors into a predecision (without care for due process or other principles of justice), grabbing PNK no matter what out of jurors potentially voting "yes," and maybe reducing competition in future storytelling. If Claimant's argument is strong enough and there is still confidence a majority of jurors can stand up, jurors should not allow that kind of tactics to influence their independence.

Conclusion

The publication date and submission timestamp data fit for the first timeframe, so you should vote "YES."

Otherwise, because a juror not yet drawn is bringing up a notice of appeal, know that Claimant will also make sure several appeals are funded.