

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09 CV 00309 MSK-KMT

SUZANNE SHELL

Plaintiff

v.

AMERICAN FAMILY RIGHTS ASSOCIATION, et al.

**REPLY TO PLAINTIFF SHELL'S AFFIDAVIT IN SUPPORT OF PLAINTIFF'S
RESPONSE [117] TO DEFENDANT CONTRERAS'S MOTION TO DISMISS/QUASH
[#58] FILED ON APRIL 21, 2009**

COMES NOW, defendant Dee Contreras and Replies to Plaintiff Shell's Affidavit in Support of Plaintiff's Response [117] to defendant Contreras's Motion to Dismiss/Quash [# 58] filed on April 21, 2009, as follows:

1. Ms. Shell has given no indication why she believes Ms. Contreras is an "agent" of AFRA. Agency has a clear definition in business law, which definition most certainly does not fit Ms. Contreras, and Ms. Shell is very much aware of this. Ms. Shell is fully aware that each GROUP in the AFRA network is independently owned and operated and that it is the GROUPS that are "members" of AFRA. Ms. Shell has so stated this in her Complaint, identifying the GROUPS that are members of AFRA. Joining one of those groups makes one a group member, and does not give one access to all groups within the AFRA network. Being a "member" of AFRA does not allow any group to make decisions for AFRA. Members of groups do not make decisions for the group, nor for AFRA, and are simply called AFRA "members". No amount of twisting of words will change

that factual truth, and no amount of twisting of words will change the fact that there is no agency relationship that can be “assigned” to any “member” that is not lawfully applied.

2. Ms. Contreras was a member of two groups for a period of two months, and has been a member of one group for several years, off and on.

3. Rosemary Van Gorder has been through Ms. Shell’s training, and there are photos on the internet which show Ms. Shell, Ms. Korn and Ms. Van Gorder together, indicating that they are associates. Ms. Van Gorder believed herself to be a certified advocate until recently, and has a certificate which she believed to be official. See e-mail attached as Exhibit A.

4. Dee Contreras “worked” with Rosemary Van Gorder to further her person goal of making changes to the child welfare system in Colorado, after the near murder of her grandson. Ms. Shell is twisting words to attempt to make things fit her agenda no matter how far from the truth she knows them to be. Ms. Shell is aware that Ms. Contreras has worked as a paralegal and that she now works as a legal secretary and understands that this is Ms. Contreras “legitimate business”. Ms. Contreras is “working” on losing weight, and “works” with her children to teach them to become independent, and “works” on her personal relationships. That does not make any of those things her “business” any more than “working” with Ms. Shell’s associates has made that Ms. Contreras’ business.

5. Ms. Contreras does not “engage in business” regarding child welfare reform. Ms. Contreras has a personal interest in making the child protection system safer for foster children so that other families do not have to endure the heartache her own family has endured.

6. Ms. Contreras has not provided services to families involved in welfare cases, particularly not verbiage for legal pleadings.

7. Ms. Shell makes ludicrous assertions with no basis in fact to support even a prima facie showing.

8. Ms. Korn sent Ms. Contreras Ms. Shell's intellectual property— in fact, the entire speech for her seminar at the Douglas County Library, with the hope of convincing Ms. Contreras that Ms. Shell's expertise was such that it merited being promoted, in an attempt to solicit pro bono services from an attorney friend of Ms. Contreras', even though Ms. Contreras assured her it would be of no interest to the attorney. Attached as Exhibit B is an e-mail between Ms. Contreras and Ms. Korn. The attorney has a copy of the 501(c)(3) application signed by Ms. Korn, which Ms. Korn wanted reviewed so that she would be able to solicit donations to pay Ms. Shell speak at the seminar in Douglas County and elsewhere in the future.

9. Ms. Contreras has had nothing but e-mail conversation with Ms. Shell... and vice versa.

10. I have never been a client of Ms. Shell's.

11. Ms. Shell has observed Ms. Contreras participate in a public discussion, at a time when Ms. Contreras had not been a member of any groups at all for a period of at least five months, and submits the proof of that as Exhibit 2 to her Response [# 117], stating that Ms. Contreras made adverse comments. If the court will review those comments, it will find that 90% of the things Ms. Contreras said were positive and the other 10% were based on her belief (because the U.S. District Court judge so stated) that Ms. Shell had committed UPL. Ms. Shell denies committing UPL even with court Orders stating she did.

12. Ms. Contreras has not libeled or advertised Ms. Shell's products, qualifications, competence, ethics, outcomes, or commercial activities. Ms. Contreras does have a right to her opinion, and was not a member of any groups or websites, nor was she working with any advocates

at the time this message board was open, and, therefore, was acting in no capacity other than as a private citizen— a consumer— trying to learn more about the world of advocacy.

13. Ms. Shell makes a claim that because Dee Contreras participated in a public discussion in which defendant Wiseman was a participant, that Dee Contreras “exploited” defendant Wiseman to libel her products. This is ludicrous.

RESPECTFULLY SUBMITTED

B. Dee Contreras
B. Dee Contreras

Certificate of Service

I hereby certify that on the 18th day of May, 2009, I served a true and correct copy of this **REPLY TO PLAINTIFF SHELL’S AFFIDAVIT IN SUPPORT OF [117] PLAINTIFF’S RESPONSE TO DEFENDANT CONTRERAS MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) and 12(b)(1) filed on April 21, 2009** as follows:

AFRA - via e-mail to William O. Tower	William O. Tower - via e-mail
Leonard Henderson - via e-mail	Susan Adams Jackson - via e-mail
Cletus Kiefer - PO Box 52, St. Charles, MO 63301	Families at Risk Defense Alliance - c/o Curtis Kiefer
Francine Renee Cygan - 329 Cornell Ave., Apt. D, Villa Park, IL 60181	Mark Cygan - 329 Cornell Ave., Apt. D, Villa Park, IL 60181
Illinois Family Advocacy Coalition - c/o Renee Cygan	Dorothy Kernaghan-Baez - via e-mail
Georgia Family Rights, Inc. - via e-mail	Dennis Hinger - via e-mail
National Association of Family Advocates via e-mail	Aimee Dutkiewicz - 40 Landry St., # 2, Bristol, CT 06010
Thomas Dutkiewicz - via e-mail	Connecticut DCF Watch - c/o Thomas Dutkiewicz
William Wiseman - via e-mail	Wiseman Studios - via e-mail
Ann Durand - via e-mail	Brenda Swallow - 4847 Steel Dust Ln., Lutz, FL 33559
Kathy Tilley - 800 Gibson Dr., # 322, Roseville, CA 95676	Randall Blair - via e-mail
Lloyd Phillips - 14220 SW 29 Court, Ft. Lauderdale, FL 33330	Ringo Kamens - via e-mail

Cheryl Barnes - c/o Daniel Slater	CPS Watch, Inc. c/o Daniel Slater
Desere' Clabo aka Howard - c/o Daniel Slater	Sarah Thompson - c/o Daniel Slater

and upon the Plaintiff, Suzanne Shell, by e-mail to:

Suzanne Shell
14053 Eastonville Rd.
Elbert, CO 80106

Dated: May 18, 2009


B. Dee Contreras

From: Rosemary Van Gorder <rosevango@frii.com>

To: dee7020@aol.com

Subject: RE: C.R.S. for Family Advocates (re mental health and juveniles)

Date: Wed, 13 May 2009 12:20 pm

Wow. I didn't know any of that.

Suddenly she's all high and mighty. She wasn't available to advise or assist, with cases, that's for sure.

Christine Korn, who I worked under for COFRAI, vanished from sight due to financial problems, and I've been winging this on my own.

Your stuff goes back much further than these 2 "felonies" – sounds like I've been in prison. She should know better. SHE, of all people should know how they go after people and destroy them.

She never told me I wasn't "certified" until I got into trouble. I have a certificate. So what's with that? She is full of herself.

I would like to see what she said. Thanks for your honesty.

): rvg

From: dee7020@aol.com [mailto:dee7020@aol.com]

Sent: Wednesday, May 13, 2009 10:15 AM

To: rosevango@frii.com

Subject: Re: C.R.S. for Family Advocates (re mental health and juveniles)

I heard it from Suzanne. She put it in her Response to my Motion to Dismiss for the lawsuit. Do you want me to send that to you? It has been filed with the U.S. District Court 1:09-cv-309 (if you have PACER). She had accused me in her Complaint of shunning her and all her associates. In my Motion to Dismiss, I challenged that and said that I had continued to work with you and felt we had a good relationship. She responded saying that you had been convicted of two felonies, that you are not certified through her and that you never will be because of these felonies. It sounded like she had thrown you out like a dirty rag, and that kind of made me angry.

-----Original Message-----

From: Rosemary Van Gorder <rosevango@frii.com>

To: dee7020@aol.com

Sent: Tue, 12 May 2009 8:49 pm

Subject: RE: C.R.S. for Family Advocates (re mental health and juveniles)

Who did you hear that from, Dee?

From: dee7020@aol.com [mailto:dee7020@aol.com]

Sent: Tuesday, May 12, 2009 4:51 PM

To: rosevango@frii.com

Subject: Re: C.R.S. for Family Advocates (re mental health and juveniles)

I was sorry to hear that Suzanne now considers you to be on your own, a felon not worthy of her certification as an advocate. That's pretty harsh. She knows how it is to be "targeted" by CPS. I'm surprised at how quick she is to form a judgment.

-----Original Message-----

From: Rosemary Van Gorder <rosevango@frii.com>

To: dee7020@aol.com

Response to Plaintiff Shell's Affidavit in Support of [117] Plaintiff's Response to Defendant Contreras' Motion to Dismiss/Quash [# 58] filed on April 21, 2009

<http://webmail.aol.com/42949/aol/en-us/mail/PrintMessage.aspx>

Exhibit A-1

1:09-cv-309
msk-KMT

5/13/2009

From: CMKorn <CMKorn@bresnan.net>
To: Dee7020@aol.com; badadvocates@gmail.com; dsshell@wildblue.net
Subject: RE: I'm lying?
Date: Fri, 6 Apr 2007 8:47 am

For what this is worth, I know Dee very well. I have NEVER seen her "take sides" or do anything that she realized would compromise or "dis" the work we in Colorado are trying to accomplish. I should note here that she has never MET Suzanne, but she knows Rosemary and I very well, and she knows OUR respect for Suzanne, and she has seen the RESULTS of Suzanne's tutelage, in US. She is also working in the legal field, for attorneys, and knows how the local climate is for lawyers and judges. She is probably more able to appreciate the considerable accomplishments Suzanne has to her credit than most any other of the parents I have worked with. She KNOWS that the UPL issue was a set up, and that Suzanne was NOT guilty. At least, she knows MY testimony, and I have reason to believe she knows me to be honest, to a fault.

She has taken an observer position many times when I WANTED her to take a more strenuous position in our defense. I respect that she, as well as she knows me, and as much as we have discussed these issues, refused to accept even MY assessment of an issue, saying that she had to be able to come to her own conclusions. That tells me a lot about her character. I do not believe that she has actively spoken out against Suzanne or anyone else, for that matter, unless she had personal interaction with them that gave her a reason, and at THAT, I can't imagine it would have been public if she had a problem with someone, it's just not her style. Of course, in a situation where the actors ONLY present themselves anonymously, I can imagine she might engage them on a message board. The bottom line is that I do not frequent these "boards" and I haven't looked at the "bad advocates" page in MONTHS because I don't CARE what the rest of the world is doing to or about one another. MY focus is to bring some public awareness and change to MY back yard, which is Colorado. Dee has been a VERY Strong supporter of my local efforts, continues to be helpful on a regular basis, and one of my constant goals, one that she totally supports and assists with, is the EDUCATION of attorneys.. done by promoting and presenting THE SUZANNE SHELL ISSUES AND STRATEGIES seminar. As ANY sane person would, who has encountered the Colorado Brigade of criminals, Dee strongly supports this effort. I can't imagine what would constitute a belief that she is the enemy, and to be perfectly honest, I tire of the petty bickering and finger pointing. There are more important things to expend energy and time on, and I have entirely too much on my plate to play word games with the likes of Billy Monster and company. When this BULLSHIT distracts people who are VITAL to my work here, I get REALLY angry. I am there NOW. This is high school crap, and I wish that the concept of **shut up** would reach whoever keeps perpetuating this witch hunt mentality. You keep kicking the dog, he WILL keep snapping. A five year old could figure this out. Why middle aged adults can't get it is beyond me. CMK

-----Original Message-----

From: Dee7020@aol.com [mailto:Dee7020@aol.com]
Sent: Thursday, April 05, 2007 11:35 PM
To: badadvocates@gmail.com; CMKorn@bresnan.net; dsshell@wildblue.net
Subject: I'm lying?

Okay, you guys are so big on "if you send proof, we'll take it off", so here's your proof. This comes from Colorado Confidential, which can be reached by a link that's public and easily accessible. You say I'm lying, I say I'm not. I have proof, where's yours?

Colorado Confidential :: Activist Fined For Playing Lawyer

Excerpt from long post--easily found by looking for the date (December 26) and the heading "Billy":

Billy

I know most of you don't want to hear this, and I know this includes you, Billy, but Christine has been a total blessing to me. She put me in touch with another family whose children were abused in the same foster home where my grandson nearly died. I was able to meet with the family and learn first hand what they had been through, and it has been a healing process for us. Through that we have gotten information that has made a difference, although I can't go into any detail about that. Through Christine I have met people who have put me in touch with authorities. Because of those contacts, both of the

From: CMKorn <CMKorn@bresnan.net>
To: Dee7020@aol.com
Subject: RE: (no subject)
Date: Thu, 5 Apr 2007 11:46 pm

PS

I appreciate your keeping the source of that seminar stuff under cover. As you can no doubt see now, if it were not I would be in deep shit. The stuff in it is valid and very useful. I don't want to be sued for giving it to you. Thanks for covering my butt... please don't share that with nut cases in the AFRA pile of shit.

CK

-----Original Message-----

From: Dee7020@aol.com [<mailto:Dee7020@aol.com>]
Sent: Thursday, April 05, 2007 10:25 PM
To: CMKorn@bresnan.net
Subject: (no subject)

Ya know, Chris, I really do love ya. I have kept my word to you, and I've never spoken a bad word about you. You sent me Suzanne's seminar stuff and asked me never to tell her you did that, and I see now more clearly than ever why you made me promise you that. I am a woman of my word, and you know that deep down. You trusted me, and I have not betrayed your trust.

Suzanne has screamed and whined that nobody had the guts to stand up for her against AFRA, and I did that publicly in the midst of AFRA. She taunted me on the BAL for giving her credit, acknowledging her CLE accreditation, and standing up for the good she did. She said doing that somehow hurt her. Fine, I won't do that any more. I had no intention of hurting her. I'll go play with people who appreciate those who back them. Now she's taunting me on the BAL for not giving her credit. Either she wants people to defend her and give her credit for the good she has done, or she doesn't. I'm not going to ask her to write a script for me to read to whomever SHE dictates I read it to because I don't do dictatorship. If she thinks ridiculing me, taunting me and trying to shame me is going to somehow make me jump to do her bidding, then she doesn't know me. That's how abusive people control their puppets, and I'm not going to feed into that.

I know that you and I can't work together, and that I can't work with Rosemary because it would end up hurting you. We both know "she" has the ammunition to do that. I don't keep my word to you because I have something to gain by it, but because I don't want to see you hurt.

See what's free at AOL.com.