

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

**SUZANNE SHELL  
KMT**

**Docket No: 09-CV-00309 MSK-**

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**JUN - 1 2009**

**GREGORY C. LANGHAM**  
**CLERK**

**v.**

**AMERICAN FAMILY  
RIGHTS ASSOCIATION, et al.**

**May 26, 2009**

**MOTION TO DISMISS AND QUASH SERVICE OF SUMMONS FOR  
LACK OF PERSONAL JURISDICTION**

Comes now, Defendant Brenda Swallow and submits this motion to dismiss and quash service of summons for lack of personal jurisdiction in the above named cause of action for the following reasons:

1. Defendant Swallow has no connection whatsoever with Colorado.
2. Swallow does not reside in Colorado and does not have any regular work in Colorado.
3. Swallow has never solicited business in Colorado or maintained a place of business in Colorado or received or exchanged money in the state of Colorado.
4. Swallow has never had a telephone listing in Colorado.
5. Swallow has never maintained a bank account in Colorado.

6. Swallow has never visited Colorado for any reason either business or personal.
7. The only contact Swallow has ever had with the plaintiff is through the plaintiff's own business enterprises in the state of Florida and has had no personal contact at all with the plaintiff since August 2005.

#### AFFIRMATIVE DEFENSES

1. The Plaintiff's claims are barred by the Doctrine of Unclean Hands;
2. The Plaintiff's claims are barred by the Doctrine of Laches;
3. The Plaintiff has failed to state a claim upon which relief can be made, with regard to Brenda Swallow;
4. Plaintiff's claims are barred by the Statute of Limitations;
5. The Plaintiff's claims as to Brenda Swallow are frivolous and intended to harass Defendant, deprive her of her Constitutionally protected right to Freedom of Speech, and are intended to falsely imprison Defendant to prevent her from doing so;
6. The Plaintiff's claims are barred by the Statute of Frauds, wherein it is stated that one party cannot act as guarantor for another party's debt or other obligation; or that one person cannot be held financially responsible for that actions of another person and/or entity without a written, signed contract;
7. The plaintiff's claims are barred by Res Adjudica as that Plaintiff has already sued Defendant Swallow in Florida for actions listed under count 9 of the Plaintiff's complaint.

#### RELIEF

WHEREFORE, Defendant, Brenda Swallow requests the following relief:

1. that Ms. Shell's Complaint be found to be frivolous as to Brenda Swallow;
2. that this action be dismissed with prejudice as to Brenda Swallow;
3. that this court enter an order enjoining Ms. Shell and/or those for whom she acts as an agent to use any electronic media, including Badadvocates.com, Family rights advocacy improvement project.com and/or profanejustic.com, to further defame the character of Brenda Swallow, malign her, or otherwise act adversely against her;
4. that this Court issue an order that all references to Brenda Swallow contained in Badadvocates.com, Familyrightsadvocacyimprovementproject.com and/or profanejustic.com be removed;
5. that Ms. Shell be enjoined from entering into further contracts intended to deceive the general public or other businesses;
6. that Ms. Shell be enjoined from interfering with Brenda Swallow's Constitutional right to exercise Free Speech;
7. that this court award damages to Brenda Swallow for emotional distress;
8. that this court award appropriate compensation to Brenda Swallow for her time in defending this frivolous lawsuit against her, including lost wages; and for costs expended in defending this frivolous lawsuit, including but not limited to filing fees, service of process fees, copy fees, costs of mailing, attorneys' fees, etc.;
9. that the court determine what percentage of Ms. Shell's alleged losses were caused by her own wrongful, unprofessional or otherwise deterrent behavior;
10. that the court enjoin Ms. Shell from further engaging in Unfair or Deceptive Trade Practices;
11. that the court award punitive damages against Ms. Shell on behalf of Brenda

Swallow;

12. that the court provide Brenda Swallow with the opportunity to correct deficiencies or errors associated with her pro se pleadings in the interest of justice; and or such other and further relief as the Court deems appropriate.

**DEFENDANT**

A handwritten signature in cursive script that reads "Brenda Swallow". The signature is written in black ink and is positioned above a solid horizontal line.

Brenda Swallow  
815 Hilltop Road  
Mary Esther, Florida 32569  
(850) 428-4524

**CERTIFICATE OF SERVICE**

This is to certify that the Defendant has caused a copy of the above-named document was mailed by first class mail to the following interested persons on May 27, 2009. Defendant will have no contact with Plaintiff via e-mail.

Suzanne Shell  
14053 Eastonville Road  
Elbert, CO 80106  
Dee Contreras  
10571 Colorado Boulevard  
Apartment B-101  
Thornton, CO 80233

/s Brandy Slater  
For Law Office of Dan Slater

Dorothy Kernaghan-Baez  
811 Aumond Place East  
Augusta, GA 30909

Leonard Henderson  
4773 Salmon River Highway  
Otis, OR 97368

Ringo Kamens  
Alex Bryan (sued as Ringo Kamens)  
Box 60084  
Olympia, WA 98505

Susan Adams Jackson  
40 Orlando Avenue  
Winthrop, MA 02152-2248

William Wiseman  
P.O. Box 693  
Klamath Falls, OR 97601  
/s Brandy Slater

Judge Marcia S. Krieger  
Alfred A. Arraj US Courthouse A941  
Courtroom A901  
901 19th Street  
Denver, Colorado 80294-3589

**DEFENDANT**



Brenda Swallow  
815 Hilltop Road  
Mary Esther, Florida 32569  
(850)428-4524

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UNITED STATE DISTRICT COURT DISTRICT OF COLORADO FACSIMILE COVER SHEET  
Pursuant to D.C. CO LO .LCivR 5.1, this cover sheet must be submitted with any facsimile filing.  
A pleading or paper not requiring a filing fee and no longer than ten pages, including all  
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Clerk's Office facsimile telephone number: 303-335-2714

1. Date of transmission: May 28<sup>th</sup> 2009  
2. Name of Attorney or pro-se party making the transmission:

Brenda Swallow (pro-se) Facsimile number N/A  
Telephone number 850-428-4524

3. Case Number, caption, and title of pleading or  
paper 09-CV-00309 MSK, Motion To Dismiss AND QUASH Service OF Summons

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